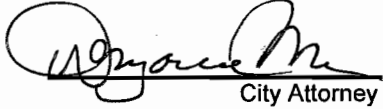


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 SEP -4 PM 2:04

Approved as to Form and Legality

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. 81548 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO (1) WAIVE ADVERTISING AND AUTHORIZE DIRECT SOLICITATION OF COMPETITIVE BIDS FOR THE SHEPHERD CANYON PARK PARKING LOT PROJECT (B246741); AND (2) AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER FOR THE SHEPHERD CANYON PARK PARKING LOT PROJECT (B246741) IN AN AMOUNT NOT-TO-EXCEED \$110,000.00 WITHOUT RETURNING TO COUNCIL

WHEREAS, the City of Oakland is committed to the health and public safety of its residents; and

WHEREAS, use of Shepherd Canyon Park as a soccer and lacrosse field encourages Oakland's children and teens to develop life-long habits of exercise and sportsmanship; and

WHEREAS, during the fall soccer season, between August and November, the Shepherd Canyon Park field is used for practice daily between 4 and 6 pm, and for games on Saturday and Sunday from 8 am until 3 pm; and

WHEREAS, the organized soccer practices and games generate a need for increased parking due to their intensive use during the year, especially during the fall soccer season where up to 70 or more cars at a time converge on narrow Shepherd Canyon Road to bring children and families to practices and games; and

WHEREAS, the expansion of parking was a top priority established by a community planning process for Shepherd Canyon Park in 2003 and the City wishes to construct improvements to the Shepherd Canyon Parking Lot ("Project"); and

WHEREAS, approval to forego the advertising requirement will shorten the contracting process by 15 to 30 days, thereby maximizing the City's ability to complete all Project grading prior to the "wet (rainy) season" moratorium (O.M.C. 15.04.66), which restricts grading work between October 15 to April 15; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary repairs and the contract to be authorized hereunder is in the public interest because of economy or better performance, and the services to be provided under the contract are of a technical nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the engineer's estimate for the work is \$110,000.00 and the full cost of the Project, including construction, administration of the contract and contingencies, is \$146,000.00; and

WHEREAS, Councilmembers Jean Quan and Henry Chang have contributed Pay-Go funds to the project totaling \$104,268.00; and

WHEREAS, donations have been pledged to the Project from Monclair Soccer Club - \$30,000.00, Friends of Oakland Park & Recreation - \$6,732.00, and from Montclair Safety & Improvement

Council - \$5,000.00, totaling \$41,732.00 and a separate resolution accepting and appropriating these donations to the project will be presented to the Council; and

WHEREAS, funding for award of a construction contract has been allocated using District 4 Pay-Go funds from Measure B - ACTIA; with sufficient funds available for construction work in the following project account:

- Measure B - ACTIA (2211); Engineer Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project B246741; Engineering Planning & Design (IN05); \$110,000.00; now, therefore, be it

RESOLVED: That pursuant to the Oakland Municipal Code Section 2.04.050.I.5, the City Council finds that it is in the best interests of the City to waive advertising to complete all project grading work prior to October 15, the onset of the rainy season, and so waives the requirement; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to directly solicit competitive bids from contractors and award a construction contract for the Shepherd Canyon Park Parking Lot Project (B246741) to the lowest responsive, responsible bidder in accord with said plans and specifications and contractor's bid for the work in an amount not-to-exceed one hundred ten thousand dollars (\$110,000.00) without returning to Council; and be it

FURTHER RESOLVED: That the successful bidder shall be required to meet all City purchasing requirements including but not limited to Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) and local trucking requirements; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the City for this project are hereby approved and the contractor shall provide proper performance and payment bonds for one hundred percent of the contract price; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the contract shall be approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 16 2008, 20

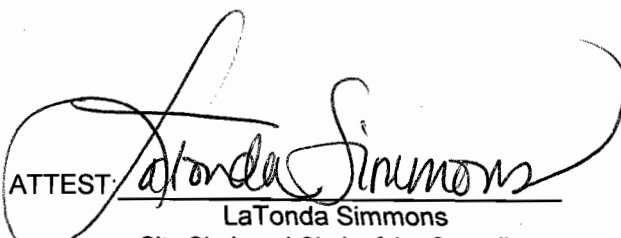
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California