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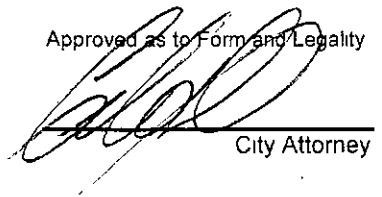
2014 APR 16 AM 11:12

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

Approved as to Form and Legality



City Attorney

**RESOLUTION WAIVING ADVERTISING AND BIDDING REQUIREMENTS FOR THE PURCHASE OF PLAYGROUND EQUIPMENT FROM KABOOM!, INC. TO BE USED FOR THE TOT LOT IMPROVEMENTS AT BURKHALTER AND CONCORDIA PARKS IN OAKLAND, AND ACCEPTING IN-KIND SERVICES FROM KABOOM!, INC. TO CONSTRUCT THESE IMPROVEMENTS VALUED UP TO EIGHTY-FIVE THOUSAND DOLLARS (\$85,000) AND TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), RESPECTIVELY**

**WHEREAS**, pursuant to Oakland Municipal Code § 2.04.050.I, the Council may waive advertising and bidding requirements upon a finding that it is in the city's best interests to do so; and

**WHEREAS**, Kaboom!, Inc., a national non-profit organization, whose mission is to create playspaces through participation of communities, solicits donations of funds, equipment and other materials from corporate sponsors to purchase and install play equipment in parks wishes to partner with the City of Oakland to improve the Burkhalter and Concordia Parks in June and August 2014, respectively; and

**WHEREAS**, in light of the City's budgetary constraints and the growing need for quality recreational opportunities, it is the Council's desire to leverage public and private resources whenever feasible to improve city parks and neighborhoods; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive advertising and bidding requirements for the materials Kaboom!, Inc. wishes to provide because Kaboom!, Inc. will provide them at a significantly reduced cost; and

**WHEREAS**, successful participation in a Kaboom project may require the City to hire a contractor to prepare and grade the play equipment area and finish the site with rubberized safety surfacing; and

**WHEREAS**, Kaboom's application process gives recipients only a few weeks lead time to prepare for the project, making participation by the City difficult if it adheres to the construction project advertising requirements in the Oakland Municipal Code (OMC); and

**WHEREAS**, the value for the in-kind services for Burkhalter Park is up to eighty-five thousand dollars (\$85,000) and for Concordia Park is up to not-to-exceed two hundred fifty thousand dollars (\$250,000); now, therefore be it

**RESOLVED**, That pursuant to Oakland Municipal Code § 2.04.050.I and based on the determinations of the City Administrator and staff in the accompanying agenda report and above, the Council finds that it is in the city's best interests to waive advertising and bidding requirements for the proposed purchase of materials from Kaboom!, Inc. and so waives the requirements; and be it

**FURTHER RESOLVED**, That the proposed improvements submitted by Kaboom!, Inc., shall be reviewed, adopted, and approved by the Assistant Director of Public Works Department, or his/her designee, and shall meet City of Oakland standards; and be it

**FURTHER RESOLVED**, That the City Administrator is authorized to enter into construction contracts as required for the safety surface installation or any associated scope for the tot lot improvements; and be it

**FURTHER RESOLVED:** That the contractors will be required to comply with all City contracting policies, such as Local/Small Local Business Enterprise, Equal Benefits, Prevailing Wage, etc.; and be it

**FURTHER RESOLVED:** That the contractors shall provide performance and payment bonds in the amounts required by law, and the contracts shall be approved for form and legality by the office of the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Council accept and express appreciation to Kaboom!, Inc. for the donation of playground equipment and other materials and services for the Burkhalter Park and Concordia Park projects in Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST. \_\_\_\_\_

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