

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

OAKLAND CITY COUNCIL

**REVISED**



2004 MAY 13 PM 4:19

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

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**Requires the two-thirds vote of the Council**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS FOR THE MAIN LIBRARY CHILDREN'S ROOM RENOVATION PROJECT, TO NEGOTIATE A CONTRACT, AND TO AWARD A CONSTRUCTION CONTRACT WITHIN BUDGET IN AN AMOUNT NOT TO EXCEED \$270,000, WITHOUT RETURN TO COUNCIL**

**WHEREAS**, on March 8, 2004, bids were received by the Office of the City Clerk for the Main Library Children's Room Renovation (Project No. P02000) from Hung Construction, CMI Construction, Bunker Hill Construction, Bay Construction and BBI Construction; and

**WHEREAS**, all five bids should be rejected because they substantially exceed the construction budget, and non-compliance with the City's Local/Small Local Business Enterprise (L/SBLE) requirements by two of the bidders; and

**WHEREAS**, project funding is in jeopardy of expiring if construction does not commence in Summer 2004; and

**WHEREAS**, in an effort to accelerate the project schedule to meet funding grant deadlines, staff proposes rejecting all five bids and negotiating a construction contract within budget starting with the lowest bidder within three weeks of approval of this resolution; and

**WHEREAS**, the City's Municipal Code, Title 2, Section 2.04.050 I(5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

**WHEREAS**, the formal bid process takes three to four months and is impractical in this situation due to the funding requirement that construction commence in Summer 2004; and

**WHEREAS**, the negotiated contract will require the contractor to meet the requirements of the City's L/SLBE and Local Employment Programs; and

**WHEREAS**, there are sufficient funds of \$270,000 in the project budget for the work; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that services under this contract will be temporary; and

*5-10-13 CC*

**ORACOUNCIL**  
**MAY 18 2004**

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That pursuant to O.M.C., Title 2, Section 2.04.050 I (5), the City Council finds and determines that it is in the best interest of the City to waive formal bid requirements; and be it

**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized to reject all bids, to negotiate a contract, and to award a construction contract within budget in an amount not to exceed \$270,000 for the Main Library Children's Room Renovation Project, without return to council; and be it

**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

*S-10.13CC*

**ORACOUNCIL**

**MAY 18 2004**

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council