

# OAKLAND CITY COUNCIL

RESOLUTION No. ~~77981~~ - C. M. S.

FILED  
OFFICE OF THE CITY CLERK  
OF THE CITY OF OAKLAND

2003 JUL 10 PM 3:21

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

Requires two-thirds vote of the Council

**RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$104,000, FOR THE RESTORATION AND SLOPE STABILIZATION OF ARROYO VIEJO CREEK, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$104,000, WITHOUT RETURN TO COUNCIL**

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek is a grant-funded project which is consistent with the City Council Budget Priorities of **Clean and Livable Communities and Renewed Infrastructure**; and

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek consists of repair and improvement of the existing sanitary sewer line crossing the creek; the removal of concrete in the creek; grading and landscaping the area around the creek; and

**WHEREAS**, the City will advertise and solicit competitive bids for this project provided that the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Manager to award a contract without return to City Council; and

**WHEREAS**, the Restoration and Slope Stabilization of Arroyo Viejo Creek at Arroyo Viejo Park is grant funded and there are sufficient funds available in Fund No. 2134, Project Number H57917 for the contract 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

**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 services; now, therefore, be it

**RESOLVED:** That the City Manager is authorized to award a contract for the Restoration and Slope Stabilization of Arroyo Viejo Creek to the lowest responsible bidder, in accordance with the terms of its bid, for an amount not to exceed One Hundred Four Thousand Dollars (\$104,000), without return to City Council; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance of one-half the bid amount, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, equal to the bid amount, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$104,000, without return to City Council; and be it

**FURTHER RESOLVED:** That the City Manager is hereby authorized to execute any amendments or modifications to said agreement; 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 City Council.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2003, 2003

**PASSED BY THE FOLLOWING VOTE:**

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California