
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2005 NOV 28 PM 5:07

RESOLUTION No: 79651 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS, TO WAIVE FURTHER COMPETITIVE BIDDING AND TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION COMPANY IN AN AMOUNT NOT- TO- EXCEED THREE HUNDRED AND THIRTY SEVEN THOUSAND DOLLARS (\$337,000.00) FOR THE LIVE OAK POOL DECK REPLACEMENT PROJECT (PROJECT NO. G251110)

WHEREAS, on August 29, 2005, one bid was received by the Office of the City Clerk for the Live Oak Pool Deck Replacement Project (Project No. G251110); and

WHEREAS, the sole bidder received did not achieve the 20% local trucking requirement; and

WHEREAS, staff requests authorization to negotiate and award a construction contract to the sole bidder, Bay Construction Company, in an amount not-to-exceed \$337,000.00 for the Live Oak Pool project because further competitive bidding would be impractical and unavailing and would not be in the best interests of the City because the Alameda County Health Department may close the pool to public access if repairs are not expedited; and

WHEREAS, the negotiated contract will require Bay Construction Company to maintain the 82% local business requirements and to maintain all other compliance with City programs; and

WHEREAS, there are sufficient funds of \$370,700.00 available in the project budget for the construction work and contingency; and

WHEREAS, funding for the contract and the contingency are available under Fund 2134, Project No. G251110, Organization 92270, Account 57212. Proposition 40 Per Capita Grant Funds (Fund 2134, Project Number G251110); and

WHEREAS, the City lacks the equipment and personnel to perform the necessary work and services, and the City Council finds and determines that the performance of work and services is in the public interest because of economy; and

WHEREAS, the City Council finds that the services 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 Council rejects all bids submitted on August 29, 2005 for the Live Oak Pool Deck Replacement project; and, be it

FURTHER RESOLVED: The City Council hereby finds and determines that further competitive bidding is impractical or unavailing and is not in the best interests of the City because the Alameda County Health Department may close the pool to public access if repairs are not expedited and hereby waives competitive bidding under Oakland Municipal Code, Title 2, Chapter 2.04.050 I () and (5); and, be it

FURTHER RESOLVED: That the City Council rejects the sole bid for the project and authorizes the City Administrator, or her designee, to negotiate and award a construction contract based on plans and specifications for the Live Oak Pool Deck Replacement project (Project No. G251110) in an amount not-to-exceed three hundred thirty seven thousand dollars (\$337,000.00) to Bay Construction Company, and to execute any amendments or modifications of said contract within the limitations of the project scope; and, be it

FURTHER RESOLVED: That the contractor shall provide faithful performance and payment bonds for one hundred percent (100%) of the contract amount prior to execution of the contract; and, be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the Office of the City Attorney and placed on file with 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, DEC 20 2005, 2005

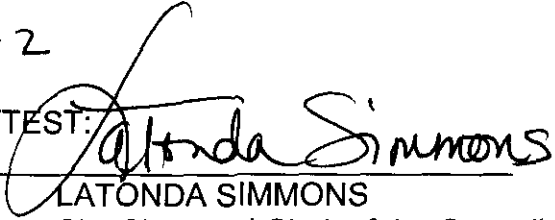
PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, ~~NADL~~, QUAN, ~~BROOKS~~, REID, CHANG, AND PRESIDENT DE LA FUENTE - 6

NOES - 0

ABSENT - 0

ABSTENTION - Brooks and Nadel - 2

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California