

79776

OAKLAND CITY COUNCIL

RESOLUTION No. 79776 C.M.S.

Requires the two-thirds vote of the City Council

OFFICE OF THE CITY CLERK
OAKLAND
2006 FEB 16 PM 4:08

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS AND NEGOTIATE A CONTRACT FOR A NOT TO EXCEED AMOUNT OF FIVE HUNDRED SIXTY EIGHT THOUSAND FOUR HUNDRED SEVENTY SEVEN DOLLARS (\$568,477.00) TO A QUALIFIED ROOFING CONTRACTOR FOR ROOFING, WATERPROOFING INSTALLATION AND REPAIRS AT VARIOUS CITY-OWNED FACILITIES AND RETURN DIRECTLY TO COUNCIL FOR APPROVAL TO AWARD THE CONTRACT

WHEREAS, on February 28, 2005, four bids were received by the Office of the City Clerk of Oakland for roofing and waterproofing installation and repair at various City-owned facilities; and

WHEREAS, Lovett & Lovett Roofing Company Inc. was the lowest bidder in an amount of \$568,477.00; and

WHEREAS, on August 30, 2005, the Oakland City Council authorized the City Administrator to award a contract to Lovett & Lovett Roofing Company for the said amount; and

WHEREAS, Lovett & Lovett Roofing Company Inc. has failed to submit the performance bond as required by the contract; and

WHEREAS, on December 7, 2005, Lovett & Lovett submitted a statement to the City, that they are unable to obtain the bond required by the contract documents; and

WHEREAS, it is important that a contract for the work be awarded as soon as possible because of the poor condition of City facilities' roofs, 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 and determines that the performance of the services to this contract will 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 Administrator is authorized to reject all bids submitted on February 28, 2005 for the said work; and be it

FURTHER RESOLVED: That the City hereby finds and determines that pursuant to Chapter 2.04, Article 1, Section 2.04.050.I (2) of the Oakland Municipal Code that calling for bids on a competitive basis for a second time is impractical, unavailing or impossible; and be it

FURTHER RESOLVED: That the City Administrator is authorized to revise specifications if needed and negotiate a contract to a qualified, responsive, responsible bidder and return directly to the City Council for approval of a not to exceed amount of \$568,477, the bid amount of the lowest bid during the formal bid process; 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 in accordance with the specifications, the City Administrator is hereby authorized to extend the said contract for an additional year under the same terms and conditions and amount not to exceed \$568,477 dollars for the additional year; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of this contract and the amount for a bond to guarantee payment of all claims for labor and material furnished under this contract will be 100% of the contract amount, and the amount due under the Unemployment Insurance Act with respect to such work is also hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, MAR - 7 2006, 2006

**AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, AND
PRESIDENT DE LA FUENTE** - *[Signature]*

NOES - *[Signature]*
ABSENT - *[Signature]*
ABSENTION - *[Signature]*

*Excused - Reid
DeLaFuente - 2*

ATTEST: *[Signature: La Tonda Simmons]*
LA TONDA SIMMONS
City Clerk and Clerk of Council
of the City of Oakland, California