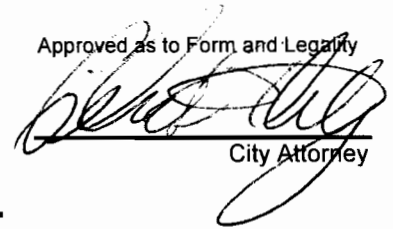


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2010 SEP 16 PM 3: 26 RESOLUTION No. 83002 C.M.S.

Introduced by Councilmember _____

RESOLUTION (1) REJECTING ALL BIDS, (2) WAIVING FURTHER COMPETITIVE BIDDING AND (3) APPROVING THE AWARD OF A NEGOTIATED CONSTRUCTION CONTRACT TO ROOT TAMERS FOR THE SANITARY SEWER ROOT FOAMING PROJECT (PROJECT NO. P188440) IN ACCORD WITH SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S NEGOTIATED BID PROPOSAL IN THE AMOUNT OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00)

WHEREAS, on October 29, 2009, three bids were received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Root Foaming Project (Project No. P188440); and

WHEREAS, the bid prices varied widely and the lowest responsive bidder's price exceeded the Engineer's estimate; and

WHEREAS, on July 20, 2010, the City Council approved the recommendation of the Public Works Committee to reject all bids and authorize the City Administrator to negotiate with the bidders which utilized the Environmental Protection Agency and City of Oakland approved chemical for tree root foaming in order to obtain the best possible price for the City but without compromising public safety; and

WHEREAS, after having engaged in such negotiation, the City Administrator recommends that the City award the contract for this project to Root Tamers ; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. P188440; \$325,000.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined 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 Council waives further competitive bidding pursuant to Section 2.04.050 I. 5 because it is in the best interests of the City to do so based upon the reasons provided herein and in the Staff Report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the construction contract for the Sanitary Sewer Root Foaming Project (Project No. P188440) is hereby awarded to Root Tamers in accordance with the project plans and specifications and the contractor's bid therefore, dated October 29, 2009, in the amount of three hundred twenty-five thousand dollars (\$325,000.00); and be it

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

FURTHER RESOLVED: That the amount of the bond for faithful performance, \$325,000.00, 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, \$325,000.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a construction contract with Root Tamers on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all bids are hereby rejected; and be it

FURTHER RESOLVED: That the construction contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 5 2010, 20

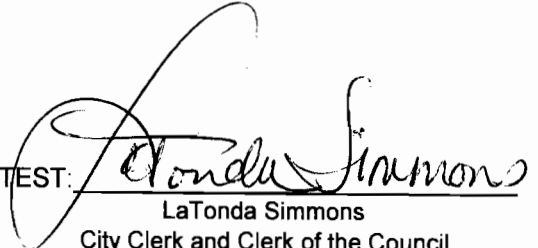
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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