

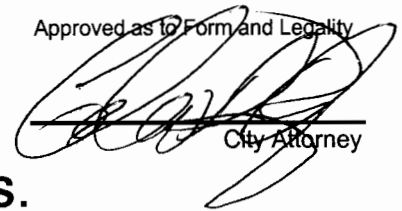
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUL 20 PM 1:57

OAKLAND CITY COUNCIL

RESOLUTION No. 82862 C.M.S.

Approved as to Form and Legality



City Attorney

RESOLUTION WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO:

- 1. AWARD A DESIGN-BUILD AGREEMENT TO LINC LIGHTING AND ELECTRICAL FOR MUNICIPAL LIGHTING ENERGY EFFICIENCY RETROFITS PHASE 8 FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTY-SIX THOUSAND DOLLARS (\$766,000.00) INCLUDING BUT NOT LIMITED TO FEDERAL GOVERNMENT'S STIMULUS PACKAGE FUNDS; AND**
- 2. ACCEPT AND APPROPRIATE ENERGY-RELATED REBATES IN PROJECT NUMBERS C388710 (COMMUNITY BALLFIELD LIGHTING CONTROLS), C389110 (CITY BUILDING RETROFITS) AND C389210 (HALL OF JUSTICE LIGHTING RETROFITS) FOR MUNICIPAL LIGHTING ENERGY EFFICIENCY RETROFITS PHASE 8**

WHEREAS, the City Council authorized application for ARRA grant funds for this project in Resolution 82092 C.M.S; and

WHEREAS, the Department of Energy awarded the City a grant for energy efficiency improvements to its municipal assets, including municipal buildings, under the American Recovery and Reinvestment ACT of 2009 (ARRA), Energy Efficiency and Conservation Block Grant (EECBG) Formula Program; and

WHEREAS, the shared goals of the City and the ARRA include creating jobs quickly, improving energy efficiency and reducing greenhouse gas emissions; and

WHEREAS, the City has appropriated funds totaling \$766,000 to implement this project with \$691,000 in Department of Energy-EECBG Program (ARRA) Fund (2609), Environmental Services Energy Group Organization (30689), distributed among the Community Ballfield Lighting Controls Project (C388710), City Buildings Lighting Retrofits Project (C389110), and Hall of Justice Lighting Retrofits Project (C389210), and \$75,000 in the City Facilities Energy Conservation Projects Fund (4450), Environmental Services Energy Group Organization (30689), City Building Energy Efficiency Upgrades Project (C256518); and

WHEREAS, the energy efficiency lighting improvements at selected municipal facilities are estimated to save \$139,000 per year in energy costs; and

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

WHEREAS, the City Administrator has determined that the services under this agreement are of a technical and temporary nature, and that the performance of this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, Section 2.04.180 of the Oakland Municipal Code (OMC) allows the City to use the alternative fast-track project delivery method commonly referred to as “Design-Build” with or without formal bidding when the circumstances surrounding the project substantiate that it is in the “best interests of the city” to waive formal bidding pursuant to OMC Section 2.04.050; and

WHEREAS, it is in the City’s best interests to waive the price-based bidding process for this project because the ARRA requires starting projects quickly to create jobs, and acquiring design-build proposals in a single solicitation process is faster, and because design-build solicitations can foster a balance between construction and operating cost; and

WHEREAS, the City, in compliance with OMC Section 2.04.051 conducted a formal Request For Proposals solicitation for providing energy efficiency design and construction services that did not require sealed bids, to which Linc Lighting & Electrical responded in a manner that complies with the City’s engineering, construction and program requirements; now, therefore, be it

RESOLVED: That the City Administrator, or designee, is authorized to execute a Design-Build agreement in an amount not to exceed seven hundred thousand sixty-six dollars (\$766,000) with Linc Lighting & Electrical for energy efficiency lighting improvement to selected municipal facilities; and be it

FURTHER RESOLVED: That pursuant to OMC Section 2.04.180 and Section 2.04.050 I, 5 and the reasons stated in the report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to use the alternative fast-track project delivery method commonly referred to as “Design-Build” and to waive price-based bidding and award for this contract and so waives said requirements; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to apply for, accept, and appropriate energy related rebates or incentive payments from programs offered by the State, PG&E or other rebate programs and place funds into the Department of Energy-EECBG Program (ARRA) Fund (2609), Organization 30689, Projects C388710, C389110, C389210; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to transfer allocations between projects in Fund 2609 as necessary to achieve the optimal use and full expenditure of ARRA grant funds; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to extend, amend (except to increase compensation), and take whatever action is necessary with respect to this agreement consistent with this resolution and its basic purpose; and be it

FURTHER RESOLVED: That all contracts shall be reviewed and approved for form and legality by the Office of the City Attorney and a final copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 6 2010, 20

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNNER, DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 6

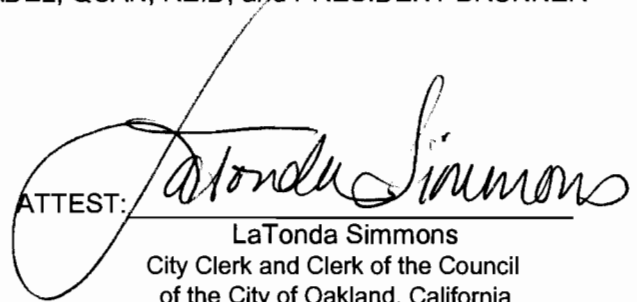
NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

Excused - De La Fuente

ATTEST:


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