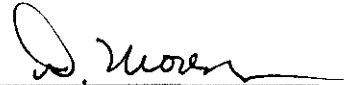


2004 MAY 26 AM 10:05

OAKLAND CITY COUNCIL

RESOLUTION NO: 78611 C.M.S.



A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A PRIVATE GIFT IN-PLACE DONATION FROM THE SMITH FAMILY FOR REPAIR SERVICES TO THE F. M. SMITH PARK MULE DISPLAY PROJECT AT AN ESTIMATED VALUE OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000), AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT WITH BUNKER HILL CONSTRUCTION FOR AN AMOUNT NOT-TO-EXCEED ONE DOLLAR (\$1) TO PERFORM THE REPAIR SERVICES AND AUTHORIZE THE WORK ON CITY PROPERTY, AND AUTHORIZING WAIVER OF THE ASSOCIATED PERFORMANCE BOND

WHEREAS, the F. M. Smith Park's Mule Display, donated by the Smith family to the City of Oakland, is in need of repair; and

WHEREAS, the Smith family has donated funding to Friends of Oakland Parks and Recreation to repair the project; and

WHEREAS, the firm of Bunker Hill Construction offers to perform the repair services for the project and the City desires to accept the repair as a gift-in place in the best interests of the project; 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 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 hereby accepts a private gift in-place of repair services with an estimated value of \$25,000 from Steven Becks, through the Friends of the Oakland Parks & Recreation, to complete the repair services to the F.M. Smith Park Mule Display; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to execute a contract not to exceed \$1 with Bunker Hill Construction to perform the repair service in an estimated value of \$25,000; and, be it

FURTHER RESOLVED: That the City Council hereby finds and determines, based on the determination of the Risk Manager, that it is in the best interests of the City and the project to waive the performance bond because benefits of the donated work outweigh the risks associated

with performance or workmanship that would normally be covered under such bond, and the City Administrator is hereby authorized to waive said performance bond; and, be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreements, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 15 2004, 2004

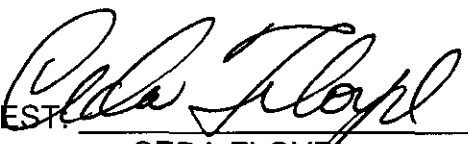
PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, 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