

OAKLAND CITY CONCIL

RESOLUTION NO: 77947 - C.M.S. 2003 JUN 26 PM 2:31
~~TWO THIRDS VOTES REQUIRED~~

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH ROSS RECREATION EQUIPMENT CO., INC. TO INCREASE THE CONTRACT AMOUNT FOR THE DESIGN, PURCHASE OF EQUIPMENT AND INSTALLATION OF A NEW PLAYGROUND IN JOAQUIN MILLER PARK FROM SEVENTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$74,500) TO AN AMOUNT NOT-TO-EXCEED ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$175,000); AND AUTHORIZING ACCEPTANCE OF A PRIVATE DONATION FOR GRADING SERVICES FROM GALLAGHER & BURKE, INC. IN THE VALUE OF ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$11,500) AND AUTHORIZING THE CITY MANAGER TO WAIVE THE PERFORMANCE BOND AND TO EXECUTE A CONTRACT WITH GALLAGHER & BURKE, INC. FOR AN AMOUNT NOT-TO-EXCEED THREE HUNDRED DOLLARS (\$300) FOR THE COST OF NECESSARY PAYMENT BOND TO PERFORM THE DONATED GRADING SERVICES

WHEREAS, a contract for the JOAQUIN MILLER PLAYGROUND was issued on February 28, 2003, to Ross Recreation Equipment Co., Inc. to provide design and installation of a new playground project at Joaquin Miller Park; and

WHEREAS, the City desires to increase the scope of work to improve ADA accessibility and provide additional ADA accessible play elements; and

WHEREAS, negotiation was held with Ross Recreation Equipment Co., Inc.; and

WHEREAS, the firm of Gallagher & Burke, Inc. offers to donate grading services for the project and the City desires to accept the donation in the best interests of the project; and

WHEREAS, the project is designated in the Capital Improvement Plan for FY2002-2003, and funding exists in Fund 5500 (Municipal Capital Improvement), Organization No. 92110, Project C197220, in Fund 5500 (Council Discretionary Fund, District 4), and in Fund 5500 (ADA Transition Plan funds), Organization No. 94020, Project No. C88860; 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 designates the City Manager, or his designee, is authorized to amend the existing agreement with Ross Recreation Equipment to increase the scope of work for the design and installation of the new Joaquin Miller Park Tot Lot from \$74,500 to an amount not-to-exceed \$175,000 and extend the contract duration accordingly; and, be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Manager, or his designee, to accept a private donation for grading services valued in the amount of \$11,500 from Gallagher & Burke, Inc., to waive the requirement for a performance bond, and to execute a contract not to exceed \$300 with Gallagher & Burke, Inc. for the cost of other necessary payment bond to perform the grading service; 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, bit it

FURTHER RESOLVED: That the City Manager, or his 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, and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved by City Attorney for form and legality prior to execution, and copies will be placed on file with the City Clerk.

JUL 1 5 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003


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