

City Attorney

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

OAKLAND CITY COUNCIL

RESOLUTION NO. 83383 C.M.S.

RESOLUTION: 1) REJECTING ALL BIDS SUBMITTED FOR THE OAKLAND AIRPORT INTELLIGENT TRANSPORTATION SYSTEM (ITS) PROJECT (CITY PROJECT NO. C389510); 2) WAIVING FURTHER ADVERTISING AND BIDDING REQUIREMENTS; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE TO NEGOTIATE AND AWARD A CONTRACT FOR THE PURCHASE OF NECESSARY CONSTRUCTION SERVICES AND MATERIAL IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE PROJECT ON THE OPEN MARKET IN A TOTAL AMOUNT(S) NOT TO EXCEED EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$850,000.00), WITHOUT RETURN TO THE COUNCIL

WHEREAS, the City of Oakland was awarded the Energy Efficiency and Conservation Block Grant (EECBG) through the American Recovery and Reinvestment Act (ARRA) from the United States Department of Energy funding the Oakland Airport Intelligent Transportation System (ITS) Project (City Project No. C389510), and funding for the grant was accepted and appropriated by the City Council on June 16, 2010, per Resolution No. 82092 C.M.S.; and

WHEREAS, on April 14, 2011, four bids were received for the project from Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric with bids ranging from \$784,738.50 to \$1,052,797.50; and

WHEREAS, funding totaling \$850,000.00 is available for the construction contract from the United States Department of Energy - American Recovery and Reinvestment Act (Recovery Act) - Energy Efficiency and Conservation Block Grant Fund (2609); Oakland Airport ITS Project (C389510); Capital Projects – Traffic Engineering Organization (92246); and

WHEREAS, one bid was non-responsive (Republic Intelligent Transportation Services, Inc.: \$784,738.50) and three bids were over budget (Ray's Electric: \$1,040,655.00; W. Bradley Electric: \$1,052,462.00; Steiny and Company, Inc.: \$1,052,797.50); and

WHEREAS, the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of a contract for this project because the first bid process did not render any responsive bid within the available budget and further bidding is likely to yield the same or similar results, and further competitive bidding would delay the project and the City must execute a contract by August 7, 2011 or risk the loss of grants funds; 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 this contract is of a temporary and technical nature and 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 rejects the bids submitted by Steiny and Company, Inc., Republic Intelligent Transportation Services, Inc., W. Bradley Electric, and Ray's Electric as they are non-responsive or in excess of the project budget; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and for the reasons stated above and in the agenda report accompanying this Resolution, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements for the Airport Intelligent Transportation System and hereby does so; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to negotiate and award a contract for the purchase of necessary construction services and materials in accord with plans and specifications for the construction of the Oakland Airport Intelligent Transportation System (ITS) Project (C389510) on the open market in a amount not to exceed eight hundred fifty thousand dollars (\$850,000.00), without return to the City Council; and be it

FURTHER RESOLVED: That the negotiated construction contract will require the contractor to meet all of the City's local business and employment program requirements; and be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Oakland Airport Intelligent Transportation System (ITS) Project (C389510); and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to execute any amendments or modifications to said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the contract authorized hereunder 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, JUN 7 2011, 20__

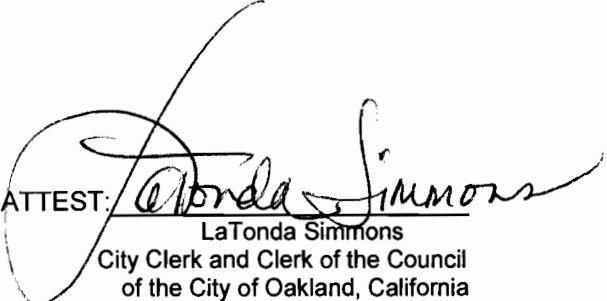
PASSED THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID – 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

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