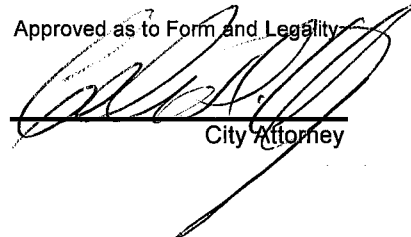


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City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 86358 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO THE AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) IN THE OPEN MARKET FOR THE DIMOND LIBRARY RENOVATION PROJECT (NO. P457710) IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS**

**WHEREAS**, the Dimond Library, constructed in 1980, is located at 3565 Fruitvale Avenue; and

**WHEREAS**, the Oakland Public Library Master Facilities Plan (June 2006) outlines the long-range facility needs of OPL branches and the Main Library, of which the Dimond Library is part of the plan and Oakland Public Library has sufficient funds from the Dimond Library Branch Improvement Fund for the project; and

**WHEREAS**, on June 9, 2016, the Office of the City Clerk of the City of Oakland received two bids for the Dimond Library Renovation (Project No. P457710); and

**WHEREAS**, both bids are determined to be non-responsive; and

**WHEREAS**, to better serve the public, the Dimond Library Renovation Project construction needs to start as soon as possible during the facility's low usage months (fall and winter months); and

**WHEREAS**, the Dimond library will be closed during construction (approximately four months); and

**WHEREAS**, the City Council finds and determines that the construction contract approved hereunder is temporary in nature; and

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

**WHEREAS**, Oakland Municipal Code (“OMC”) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

**WHEREAS**, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

**WHEREAS**, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.J allows the City Administrator to proceed to hire or have the services performed or purchase the supplies in the open market; now, therefore be it

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

**FURTHER RESOLVED:** That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding as prescribed in OMC Section 2.04.050.I.5 in order to complete the construction before next summer starts to minimize library service impact to the public; and be it

**FURTHER RESOLVED:** That there are sufficient funds to initiate the construction project as follows:

- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457710);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457720);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (P457730);
- Oakland Public Library Trust (7540); Capital Projects Organization (92270); Buildings: Additions and Improvements Account (57212); Project (C325110); and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, per OMC Section 2.04.050.J is hereby authorized to negotiate, award and execute a construction contract up to the amount of Four Hundred Thousand Dollars (\$400,000.00) in the open market for the Dimond Library Renovation Project (No. P457710) in accordance with the project plans and specifications; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the project plans and specifications prepared under the direction of the Assistant Director of the Oakland Public Works Department, including any subsequent changes during negotiations and construction; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications without return to Council; and be it

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

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

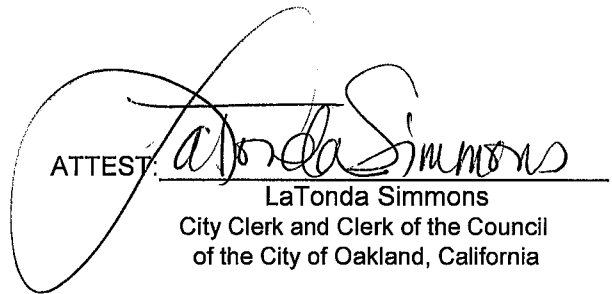
IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

Excused - Reid - 1

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