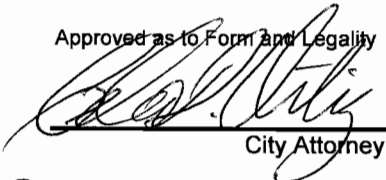


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2013 MAY 16 PM 4:02 RESOLUTION NO. 84427 C.M.S.

Introduced by Councilmember _____

Resolution Authorizing The City Administrator Or Her Designee To Reject All Bids Received For The Construction Of The Fire Station One Parking Lot Biotreatment Retrofit, To Waive Further Competitive Bidding, And To Negotiate With The Bidders To Award A Contract For The Construction Of The Fire Station One Parking Lot Biotreatment Retrofit (Project No. C329126) In An Amount Up To One Hundred Ninety-Six Thousand Dollars (\$196,000.00)

WHEREAS, in 2010 the City of Oakland was issued an Administrative Civil Liability violation by the Regional Water Quality Control Board for sanitary sewer overflow discharges; and

WHEREAS, as a result the City was required to pay a fine to the State Water Board Cleanup and Abatement Account and to complete a Supplementary Environmental Project (SEP); and

WHEREAS, the City proposed as an SEP the Oakland Fire Station One Biotreatment Retrofit Project (Parking Lot Retrofit) with the goals of improving water quality and implementing new biotreatment retrofit technology; and

WHEREAS, the Water Board accepted this project as appropriate for meeting the guidelines of the SEP; and

WHEREAS, on April 4, 2013, three bids were received by the Office of the City Clerk of the City of Oakland for the Parking Lot Retrofit, Project No. C329126; and

WHEREAS, bid proposals were received from Bay Construction, Beliveau Engineering, and Ray's Electric; and

WHEREAS, all three bid proposals were deemed non-responsive for exceeding the engineer's estimate of \$178,800.50 by more than ten percent and additionally for failing to list all required suppliers and subcontractors; and

WHEREAS, waiving further advertising and bidding and authorizing the City Administrator or Her Designee to negotiate with the bidders to award a contract will allow the project to stay cost-effective and to meet the SEP deadline; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050.I (2) and (5) allows waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding; and

WHEREAS, the contractor will be required to meet the requirements of the City's L/SLBE, the Local Trucking, Local Employment and Apprenticeship Programs; and

WHEREAS, there are sufficient funds in the project budget for the work in the following project account:

- Fund (3100); Watershed Organization (92245); Storm Drainage Construction Account (57414); Project No. C329126: \$196,000.00 and these funds were specifically allocated for this project; 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 best public interest because of economy or better performance and that this contract is of a professional, scientific, or technical nature; and

WHEREAS, completion of this project will also help the City meet its National Pollution Discharge Elimination System (NPDES) Permit that requires cities to develop strategies to infiltrate, detain, and treat stormwater runoff; and

WHEREAS, the City Administrator has determined 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 pursuant to Oakland Municipal Code Section 2.04.050.I.5 and based on the reasons stated herein and in the City Administrator's report accompanying this resolution, the City Council hereby finds and determines that it is in the City's best interests to waive further advertising and bidding for the construction contract for the Parking Lot Retrofit (Project No. C329126) and so waives the requirements; and be it

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

FURTHER RESOLVED: That the City Administrator or Her Designee is hereby authorized to negotiate with the bidders and award a construction contract for the Parking Lot Retrofit (Project No. C329126) in an amount up to one hundred ninety-six thousand dollars (\$196,000.00) without returning to Council; and be it

FURTHER RESOLVED: That the contractor selected will be required to meet the City's local business and employment program and other contracting requirements; and be it

FURTHER RESOLVED: That the City Administrator, or Her designee, is authorized, on behalf of the City of Oakland, to negotiate, apply for, accept, submit, and execute all documents, including, but not limited to, applications, contracts, amendments, payment requests, and related actions for the completion of these projects; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Parking Lot Retrofit; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance, equal to the amount of the contract, and the amount for a bond to guarantee payment of all claims for labor and material furnished, and for the amount due under the Unemployment Insurance Act, equal to the amount of the contract with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council finds that 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 that this contract is of a professional, scientific, or technical nature; and be it

FURTHER RESOLVED: That the contract 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 4 2013

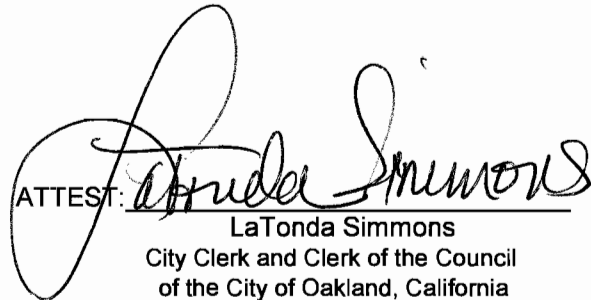
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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