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Approved as to Form and Legality
W. J. ...
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 79936 C.M.S.



Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS FOR THE CLINTON PARK PLAYGROUND RENOVATIONS PROJECT (NO. G250910) AND AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND TO AWARD A CONSTRUCTION CONTRACT FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED AND EIGHTY THOUSAND DOLLARS (\$280,000.00) WITHOUT RETURN TO COUNCIL

WHEREAS, on December 19, 2005, three bids were received by the Office of the City Clerk for the Clinton Park Playground Renovations (Project No. G250910) from McGuire and Hester, Bay Construction and G & G Builders, Inc.; and

WHEREAS, all three bids should be rejected because they substantially exceed the construction budget, and two bids do not comply with the City's Local/Small Local Business Enterprise (L/SBLE) and trucking requirements; and

WHEREAS, staff proposes rejecting all three bids, negotiating, starting with the lowest bidder, and awarding a construction contract for an amount not to exceed two hundred and eighty thousand dollars (\$280,000.00), without return to council; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050 I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

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

WHEREAS, funding is available for this contract from the following sources: \$140,000.00 from the Roberti-Z'berg-Harris Block Grant Program Funds from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 Fund (2134), Capital Project Management Organization (92270), Clinton Park Tot Lot Renovation Project (G250910); \$25,000.00 from the State of California Department of Housing and Community Development's Workforce Housing Incentive Grant Program Fund (2144), Clinton Park Tot Lot (Project No. to be determined), appropriated pursuant to Resolution No. 79110 C.M.S.; \$20,669.00 from the Capital Improvement Fund (5500), Capital Project Management Organization (30233 and 92270), District 2 Pay-Go Project (B00600); \$27,489.00 from the Capital Improvement Fund (5500), Capital Project Management Organization (92270), District 2 Pay-Go Project (B00610); and \$66,842.00 from the Capital Improvement Fund (5500), Capital Improvement Project - Council (94001), District 2 Pay-Go Project (B00600); 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, that services under this contract will be temporary and 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 service; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all bids for the Clinton Park Playground Renovations Project (Project No. G250910), to negotiate, starting with the lowest bidder and to award a construction contract for an amount not to exceed two hundred and eighty thousand dollars (\$280,000.00), without return to Council; and, be it

FURTHER RESOLVED: That pursuant to O.M.C., Title 2, Section 2.04.050 I (5), the City Council finds and determines that it is in the best interest of the City to waive further competitive bidding and hereby authorizes the City Administrator to do so; and, be it.

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

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 30 2006, 2006

PASSED BY THE FOLLOWING VOTE:

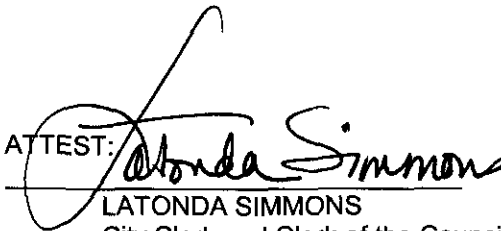
AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California