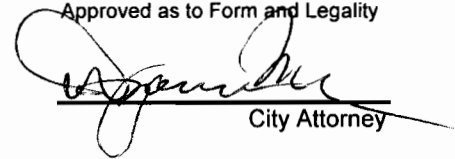


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality



City Attorney

10 MAR 10 AM 10:00 **OAKLAND CITY COUNCIL**

**RESOLUTION No. 82572 C.M.S.**

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT FOR ON-CALL LICENSED CONSTRUCTION WORK TO THE PREQUALIFIED FIRM OF DAN PETERS CONSTRUCTION FOR AN AMOUNT NOT-TO-EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00), AND WAIVING THE OPEN-MARKET ADVERTISING AND BIDDING REQUIREMENTS OF OAKLAND MUNICIPAL CODE CHAPTER 2.04 FOR ANY ON-CALL CONSTRUCTION WORK TO BE LET TO SAID CONTRACTOR**

**WHEREAS**, The City's Fairness in Purchasing and Contracting Disparity Study report of September 29, 2009, included a recommendation to implement a small contracts rotation program or process for small, local construction-licensed contractors to undertake some of the City's routine maintenance and repair work, that is more streamlined, expeditious and cost efficient; and

**WHEREAS**, the City would benefit from maintaining a list of prequalified contractors to perform construction work on an on-call basis to undertake projects with limited scope, budget, or of an urgent nature so that it can promptly respond to and provide construction services in an efficient and timely manner; and

**WHEREAS**, the construction services will be funded through the various individual projects and funds will be identified prior to the performance of the construction services; and

**WHEREAS**, the City issued a Request for Qualifications (RFQ) that was limited to certified Small Local Business Enterprise contractors with "A" or "B" licenses and ten firms responded; and

**WHEREAS**, Dan Peters Construction, a small local business that responded to the RFQ, meets the requirements of the RFQ; and

**WHEREAS**, once on-call contracts are executed with the list of prequalified licensed contractors and a project arises, the City will solicit bids for work from groups of prequalified contractors on a rotating basis in light of factors such as type of work, contractor's experience and expertise, contractor's availability and contractor's bonding capacity at the time of solicitation, and will award work orders to the lowest responsive bidder; and

**WHEREAS**, it is in the City's best interests not to advertise or solicit competitive bids on the open market for on-call construction work that can be handled by the list of prequalified contractors in the interest of supporting the recommendation for a small contracts rotation program and because such advertising and bidding delays work, would result in unnecessary administrative cost and burden, does not facilitate the participation of small local licensed contractors in bidding for the work and would be unlikely to render significantly better prices for the work; and

**WHEREAS**, the City Council may waive the advertising and bidding requirements of the Oakland Municipal Code (OMC) under section 2.04.050.I.5 upon a finding that it is in the best interest to do so; and

**WHEREAS**, the City Administrator has determined that the construction contract approved hereunder is temporary in nature and that 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 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 Council awards a construction contract to Dan Peters Construction, prequalified for construction work to be let/assigned thereunder, in an amount not-to-exceed two hundred and fifty thousand dollars (\$250,000.00) for on-call construction work; and be it

**FURTHER RESOLVED:** That for any work orders issued under this resolution requiring the use of any City General Purpose Fund money not already specifically appropriated by City Council to the project, the City Administrator shall return to the City Council for approval of the allocation of the General Purpose Fund money; and be it

**FURTHER RESOLVED:** That the City Council approves the on-call construction specifications as prepared by the Deputy Director of the Department of Engineering and Construction, and authorizes the execution of any amendments or modifications of said contract within the limitations of the specifications for the on-call construction work; and be it

**FURTHER RESOLVED:** That the contract term will be for three (3) years from the date of contract execution; and be it

**FURTHER RESOLVED:** That the City Council hereby finds, pursuant to OMC Section 2.04.050.I.5 and the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the open-market advertising and competitive bid requirements of OMC Chapter 2.04 for any on-call construction work to be awarded to said prequalified contractor, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the contractor shall provide performance and payment bonds for 100% of the value of the work assignment prior to the commencement of any work under its on-call construction services 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, MAR 2 2010

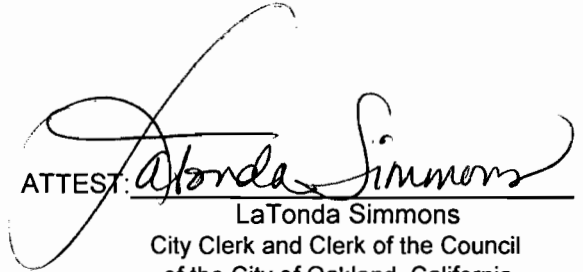
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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