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Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 80037 C.M.S.

RESOLUTION WAIVING FURTHER BIDDING AS PERMITTED UNDER OAKLAND MUNICIPAL CODE SECTION 2.04.050.I AND AUTHORIZING THE CITY ADMINISTRATOR TO INFORMALLY RE-BID OR NEGOTIATE IF NECESSARY, AND AWARD A CONSTRUCTION CONTRACT IN ACCORD WITH PLANS AND SPECIFICATIONS FOR THE GREENMAN FIELD RENOVATION PROJECT (PROJECT NOS. C197010/20/30) WITHIN BUDGET IN AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00), WITHOUT RETURN TO CITY COUNCIL

WHEREAS, on February 27, 2006, the City Clerk received one bid for the Greenman Field Renovation project (Project Nos. C197010/20/30) from Bay Construction Company; and

WHEREAS, the Bay Construction Company withdrew his bid because of a clerical error; and

WHEREAS, state bidding laws apply to the Greenman Field project because state funds will be used on the project, and California Public Contract Code, Section 5105, prohibits a bidder who claims clerical error and voluntarily withdraws a bid from participating in future bidding on the project; and

WHEREAS, staff and the design consultant re-confirmed the project scope of work and the cost estimate and the project was formally re-bid; and

WHEREAS, on May 8, 2006, the City Clerk received one bid for the project from Bay Construction Company but the bid was returned and not considered because Bay Construction is prohibited from participating in re-bid of the project under state law; and

WHEREAS, staff wishes to informally re-bid the project to firms that have expressed an interest in the project; and

WHEREAS, staff recommends that if the City does not receive an acceptable bid in the next bid round, that the City Administrator be authorized to negotiate a construction contract within budget, starting with the lowest bidder, for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000); and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050.I (2) and (5) permits 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 and other City contracting programs; and

WHEREAS, funding is available for this contract from the following sources: \$500,000 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), Greenman Field Renovation Project (C197010); \$600,000 from Measure K, Series 2000D Fund (5014) Capital Project Management Organization (92270) Greenman Field Renovation Project (C197020; and \$500,000 Proposition 40 Per Capita Grant Funds (2134) Capital Project Management Organization (92270) Greenman Field Renovation Project (C197030); now therefore, be it

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, and that services under this contract will be temporary; 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 pursuant to Oakland Municipal Code Section 2.04.050.I(5), the City Council hereby determines that it is in the best interests of the City to waive the advertising and other bidding requirements of 2.04.050 because two such formal procedures have not rendered any valid bids; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to informally re-bid the project to a limited group of firms that have expressed interested in the project; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is further authorized to negotiate a contract within budget, if necessary, starting with the lowest bidder if no acceptable informal bids are received; and, be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to award a construction contract in accord with plans and specifications for the Greenman Field Renovation project (Project Nos. C197010/20/30) in an amount not-to-exceed One Million Two Hundred Thousand dollars (\$1,200,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications and Council-approved contract amount without return to Council; and, be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Greenman Field Renovation project (Project Nos. C197010/20/30); and, be it

FURTHER RESOLVED: 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 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, JUL 18 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