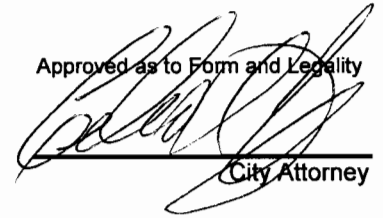


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 AUG 29 PM 2:03

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 83547 - C.M.S.

Introduced by Councilmember _____

RESOLUTION: 1) REJECTING THE ONE BID SUBMITTED ON THE 2011 NOTICE INVITING BIDS FOR THE BROADWAY SIGNAL INTERCONNECT AND INTEGRATION WITH THE TRANSPORTATION MANAGEMENT CENTER (CITY PROJECT NOS. C270210, C313910, C316110); 2) WAIVING FURTHER ADVERTISING AND BIDDING; AND 3) AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND PURCHASE THE NECESSARY CONSTRUCTION SERVICES AND MATERIAL IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS FOR THE PROJECT ON THE OPEN MARKET IN AN AMOUNT NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) FROM REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC.

WHEREAS, on June 30, 2011, one bid was received by the Office of the City Clerk of the City of Oakland for the construction contract for the Broadway Signal Interconnect with Integration with Transportation Management Center (Intelligent Transportation Systems) Project (City Project Nos. C270210, C313910, C316110) from Republic Intelligent Transportation Services, Inc. in the amount of \$889,000.00; and

WHEREAS, funding totaling \$800,000.00 is available for the construction contract from three funding sources, including:

- \$180,000.00: Broadway Signal Interconnect and Integration with Transportation Management Center Project (C270210); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$165,000.00: Citywide Intelligent Transportation System Program (C313910); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011);
- \$455,000.00: Traffic Signal (C316110); Measure B Fund (2211); Capital Improvement Projects, Transportation Services Division, Organization (92246); Signal and Safety Account (57412) and Contract Contingency Account (54011); and

WHEREAS, the one bid was substantially over the project budget; and

WHEREAS, the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of this contract because the first bid process did not render any bid within the available budget and further bidding is likely to yield the same or similar results; 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 public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined that this contract is of a temporary and technical nature and 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 the Council rejects the bid submitted by Republic Intelligent Transportation Services, Inc as it is in excess of the project budget; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and for the reasons stated above and in the agenda report accompanying this Resolution, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements and hereby does so; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to negotiate and the purchase of the necessary construction services and materials in accord with plans and specifications for the construction of the **Broadway Signal Interconnect and Integration with Transportation Management Center (Intelligent Transportation System) Project (City Project Nos. C270210, C313910, C316110)** on the open market in an amount not to exceed eight hundred thousand dollars (\$800,000.00) from **Republic Intelligent Transportation Services, Inc**; and be it

FURTHER RESOLVED: That the negotiated contract will require the contractor to meet the City's local business and employment program requirements; and be it

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

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the **Broadway Signal Interconnect and Integration with the Transportation Management Center (City Project Nos. C270210, C313910, C316110)**; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute any contract, amendments or modifications to 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.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 20 2011, 20

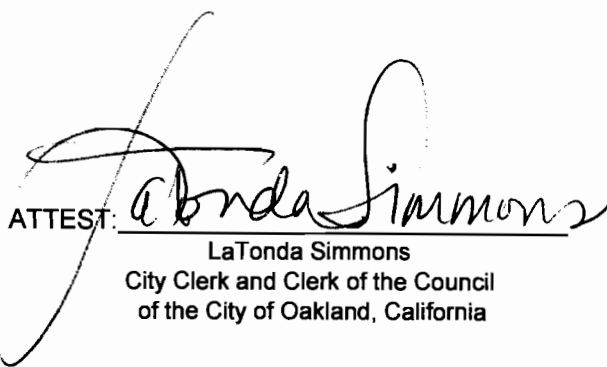
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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