

OAKLAND CITY COUNCIL
RESOLUTION No. **77740** - C. M. S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

03 MAR 10 11 3-18

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$240,000, FOR CONSTRUCTION OF MEDIANS ON MACARTHUR BOULEVARD, BETWEEN 90TH AVENUE AND 94TH AVENUE, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$240,000, WITHOUT RETURN TO COUNCIL

WHEREAS, the MacArthur Boulevard Streetscape Project is an approved and funded project in the City of Oakland's 2001-2006 Capital Improvement Program; and

WHEREAS, Council approved a design-build contract with MacArthur Park Development Associates, LLC, for construction of the portion of the Streetscape Project adjacent to the Palm Villas residential development on November 1, 2001, by Resolution No. 76803; and

WHEREAS, construction of said streetscape improvements is limited to frontage improvements on MacArthur Boulevard between 90th Avenue and 94th Avenue, and construction of medians in the street are not included; and

WHEREAS, the City will advertise and solicit competitive bids for this project provided that the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Manager to award a contract without return to Council; and

WHEREAS, there are sufficient funds available in Fund: 5500, Organization: 92242; Construction Account: 57411; Project No.: C167620, for the contract work; 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; and

WHEREAS, the City Council finds 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 services; now, therefore, be it

RESOLVED: That the City Manager, is authorized to award a contract for the Construction of Medians on MacArthur Boulevard, between 90th Avenue and 94th Avenue to the lowest responsible bidder, in accordance with the terms of its bid therefore, for an amount not to exceed Two Hundred and Forty Thousand Dollars (\$240,000), without return to Council; and be it

FURTHER RESOLVED: That in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$240,000, without return to Council; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the Contract shall be reviewed and approved by the City Attorney 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.

APR 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, ~~SPENCER~~, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE -7

NOES- 0

~~Excused~~
ABSENT- Chang - 1

ABSTENTION- 0

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California