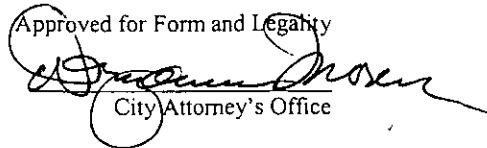


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality


City Attorney's Office

11 APR 21 PM 4:07
OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER IGNACIO DE LA FUENTE

RESOLUTION WAIVING ADVERTISING, BIDDING AND REQUEST FOR PROPOSAL REQUIREMENTS FOR THE PURCHASE OF MATERIALS AND PUBLIC ART FROM THE ROCKRIDGE COMMUNITY PLANNING COUNCIL IN THE AMOUNT OF \$22,021.70 USED TO BUILD AND INSTALL A KIOSK AND BENCHES AND TO FABRICATE AND INSTALL ART BY MARK BREST VAN KEMPEN AT HARDY PARK

WHEREAS, the FROG Park Committee worked with City staff to build and install a kiosk and benches and artist Mark Brest Van Kempen created and installed public art ("Improvements) at Hardy Park, also known as "Frog Park," located at 5500 Claremont Avenue, Oakland, CA; and

WHEREAS, the improvements are valued at \$22,021.70 and the project was completed with donated and at-cost materials and volunteers; and

WHEREAS, Councilmember Ignacio De La Fuente wishes to use his pay-go funds to pay for the costs of the improvements; and

WHEREAS, on July 17, 2007, the City Council adopted a pay-go policy authorizing the use of pay-go funds for City of Oakland infrastructure expenditures (Resolution No. 80777) ; and

WHEREAS, there are sufficient funds in Councilmember Ignacio De La Fuente's pay-go account to pay for this purchase of public art and materials to construct a kiosk and seating areas in Hardy Park; and

WHEREAS, the City Administrator is authorized to purchase materials and art in the amount of the proposed expenditure (\$21,021.70) without council review provided advertising, bidding and request for proposals are conducted for such purchases (Oakland Municipal Code Sections 2.04.020 and 2.04.040.B); and

WHEREAS, the City Council may waive advertising, bidding and request for proposal requirements for the purchase of materials and art upon a finding that it is in the best interests of the City to waive such requirements or upon a finding that calling for bids on a competitive basis is impracticable, unavailing or impossible (Oakland Municipal Code Section 2.04.050, subsections 2.04.050.1.2 and 5); and

WHEREAS, staff recommends that it is in the City's best interests to waive advertising and bidding requirements, or that advertising and bidding would be impractical, unavailing or

impossible for the purchase of the following materials, product and art used for improvements at Hardy Park: 1) the purchase of wood, hardware and other materials needed to create and install a kiosk and benches because these materials were provided at-cost and below market rate, 2) the purchase of specially fabricated products available from only one vendor for the Lily Pad Plaza, and 3) the purchase of unique public art created by Mark Brest Van Kempen; and

WHEREAS, aside from the advertising and bidding waiver requirements, this purchase of public art and materials would otherwise be within the purchasing authority of the City Administrator; now, therefore, be it

RESOLVED: That pursuant to Oakland Municipal Code §2.04.050, subsections 2.04.050.1.2 and 5, and §2.04.051.B and for the reasons stated above, the City Council finds that: 1) calling for bids on a competitive basis is impracticable, unavailing or impossible for the purchase of specially fabricated products for the Lily Pad Plaza, and 2) it is in the City's best interests to waive the advertising, bidding and request for proposal requirements for the purchase of materials and public art for Hardy Park, and so waives the requirements.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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