

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. 79179 C. M. S. 2005 APR 14 PM 5: 31

INTRODUCED BY COUNCILMEMBER _____

Two-Thirds Council Votes Required

Dorcas Moore

RESOLUTION TO REJECT ALL BIDS AS NON-RESPONSIVE, WAIVE FURTHER COMPETITIVE BIDDING AND AUTHORIZE THE CITY ADMINISTRATOR TO INFORMALLY BID OR NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT, BASED ON REVISED PLANS AND SPECIFICATIONS, WITHOUT RETURN TO COUNCIL FOR THE ASBESTOS AND LEAD-PAINT ABATEMENT PHASE OF THE STUDIO ONE ART CENTER REHABILITATION PROJECT (NO. C244710) IN AN AMOUNT NOT-TO-EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00)

WHEREAS, on March 7, 2005, two bids were received by the Office of the City Clerk for the Studio One Art Center Rehabilitation – Asbestos and Lead-base Materials Abatement phase; and

WHEREAS, the two bids received were non-responsive and did not meet the City's L/SLBE and local trucking program requirements; and

WHEREAS, the original project scope consisted of only interior asbestos and lead-based materials abatement scope and now, based on new information, the scope will be expanded to include exterior asbestos materials abatement; and

WHEREAS, there are sufficient funds of \$200,000 available in the project budget for the original and expanded work; and

WHEREAS, funding for the contract and contingency are available from the Measure DD Bond (Fund 5320, Project No. C244710, Organization No. 92110, Account No. 57212); and

WHEREAS, it is recommended that the City Council waive further competitive bidding in order to meet fund expenditure deadlines as specified by Measure DD Bond; and

WHEREAS, the City lacks the equipment and personnel to perform the necessary work and services, and the City Council finds and determines that the performance of work and services is in the public interest because of economy; and

WHEREAS, the City Council finds that the services 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 Council rejects all bids submitted on March 7, 2005 for the Studio One Art Center Rehabilitation – Asbestos and Lead-base Materials Abatement phase as they are non-responsive; and, be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Chapter 2.04, Section 2.04.050.1.5, the City Council finds and determines that it would be in the City's best interests to waive further competitive bidding in order to meet the funding expenditure closing date, and hereby waives further competitive bidding; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to informally bid or negotiate, award and execute a construction contract, based on revised plans and specifications, for the Studio One Art Center – Asbestos and Lead-Based Materials Abatement in an amount not-to-exceed two hundred thousand dollars (\$200,000.00) and to execute any amendments or modifications of said contract within the limitations of the project scope; and, be it

FURTHER RESOLVED: That the contractor shall be required to meet all of the City's contracting programs; and, be it

FURTHER RESOLVED: That the contractor shall provide 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 project completion is estimated to be approximately two months after issuance of Notice-to-Proceed; and, be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the Office of the City Attorney and filed with 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 03 2005, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID ~~AND~~

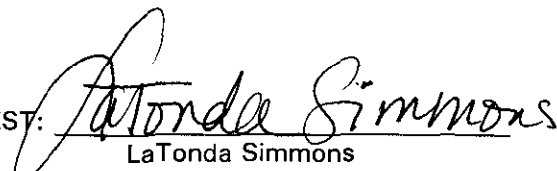
~~PRESIDENT DE LA FUENTE~~ - 6

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - President De La Fuente - 1

ATTEST: 
LaTonda Simmons
Interim City Clerk and Clerk of the Council