

OAKLAND CITY COUNCIL

RESOLUTION No. 78898 C.M.S.

FILED
OFFICE OF THE CITY CLERK
2004 JUL 14 PM 8:18

INTRODUCED BY COUNCILMEMBER _____

Requires the two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ALLOCATE AN ADDITIONAL \$70,000 FROM THE CITY'S PUBLIC ARTS MUNICIPAL IMPROVEMENT CAPITAL FUND (FUND 5505) FOR THE BROADWAY AT I-880 PUBLIC ART PROJECT, TO REJECT ALL BIDS, TO NEGOTIATE A CONTRACT, AND TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$385,000, WITHOUT RETURN TO COUNCIL

WHEREAS, on March 15, 2004, bids were received by the Office of the City Clerk for the Broadway at I-880 Public Art Project (Project No. P130130) from Ray's Electric, M.A. Lindquist Co., and Bay Construction; and

WHEREAS, all three bids should be rejected because the bids were substantially higher than the original construction budget; and

WHEREAS, an additional \$70,000 is needed to successfully complete negotiations under current market conditions, specifically the rising price of steel and the low availability of contractors; and

WHEREAS, in an effort to accelerate the project schedule, staff proposes rejecting all three bids and negotiating a construction contract within budget starting with the lowest bidder within three weeks of approval of this resolution; and

WHEREAS, there are sufficient funds of \$385,000 within the Cultural Arts and Marketing Department budget; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050 I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; and

WHEREAS, the formal bid process takes three to four months; and

WHEREAS, the negotiated contract will require the contractor to meet the requirements of the City's L/SLBE and Local Employment Programs; 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 service; now, therefore, be it

RESOLVED: That pursuant to O.M.C., Title 2, Section 2.04.050 I (5), the City Council finds and determines that it is in the best interest of the City to waive formal bid requirements; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to allocate an additional \$70,000 from the City's Public Art Municipal Improvement Capital Fund (Fund 5505) for the Broadway at I-880 Public Art Project, to reject all bids, to negotiate a contract, and to award a construction contract within budget in an amount not to exceed \$385,000 for the Broadway at I-880 Public Art Project, without returning to council; and be it

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

JUL 20 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:


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

NOES- 0

ABSENT- REID -1

ABSTENTION- 0

ATTEST


CEDA FLOYD
City Clerk and Clerk of the Council