

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCILRESOLUTION No. 80287 C.M.S.

City Attorney

2005 NOV 16 PM 12:56

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE ANY FURTHER COMPETITIVE BIDDING AND TO NEGOTIATE AND AWARD A CONTRACT TO FIDELITY ROOF COMPANY FOR A NOT TO EXCEED AMOUNT OF FIVE HUNDRED SIXTY TWO THOUSAND TWO HUNDRED THIRTY THREE DOLLARS (\$562,233.00) FOR ROOFING AND WATERPROOFING, INSTALLATION AND REPAIRS AT VARIOUS CITY-OWNED FACILITIES

WHEREAS, on February 28, 2005, four bids were received by the Office of the City Clerk of Oakland for roofing and waterproofing installation and repair at various City-owned facilities; and

WHEREAS, Lovett & Lovett Roofing Company Inc. was the lowest bidder in an amount of \$568,477.00; and

WHEREAS, on August 30, 2005, the Oakland City Council authorized the City Administrator to award a contract to Lovett & Lovett Roofing Company for the said amount; and

WHEREAS, Lovett & Lovett Roofing Company Inc. failed to submit the performance bond as required by the contract; and

WHEREAS, on December 7, 2005, Lovett & Lovett submitted a statement to the City, that they were unable to obtain the bond required by the contract documents; and

WHEREAS, on March 7, 2006, the Oakland City Council rejected all bids and authorized the Administrator to negotiate a contract with a qualified local roofing contractor for a not to exceed amount of \$568,477 dollars (Resolution No. 79776); and

WHEREAS, on May 1, 2006, Facility Services Division of Public Works negotiated and reached an agreement for a total of \$568,362.21 dollars with Elliott & Elliott Company, the next qualified bidder; and

WHEREAS, Elliott & Elliott Company did not submit the bond and insurances within the required time limits and claimed that first their company is not able to provide the required 100% performance bond, and second because of the increase in fuel costs they no longer will honor the agreed upon prices; and

WHEREAS, on September 27, 2006, the City issued a letter to Elliott & Elliott Company stating that because of the company's non-compliance, the City will cancel negotiations and cease the contract award to Elliott & Elliott; and

WHEREAS, Facility Services Division of Public Works started new negotiations and reached an agreement for a total of \$562,233.00, with Fidelity Roofing Company, a local certified LBE contractor; and

WHEREAS, funding for this contract is available within the California Parks and Recreation fund (2134); Capital Project Management Organization (92270); Lawn

Bowling Roof Repair project (G251010) totaling \$115,000, and within the 2000 Measure K Series D Fund (5014); Director and Human Resources Capital Organization (92110); Moss House renovation Roof project (G137820) totaling \$92,000, and the balance of the contract funding is available for a variety of projects from the Capital Improvement Fund (5510) approved by the City Council for fiscal years 2005-07; and

WHEREAS, it is important that a contract for the work be awarded as soon as possible because of the poor condition of City facilities' roofs; 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 and determines that the performance of the services to this contract will 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 hereby finds and determines that pursuant to Chapter 2.04, Article 1, Section 2.04.050.I (2) of the Oakland Municipal Code that calling for any further bids on a competitive basis for a second time is impractical, unavailing or impossible; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award a contract to Fidelity Roofing Company for a not to exceed amount of \$562,233.00 dollars, based on the staff negotiations; and be it

FURTHER RESOLVED: That the revised plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

FURTHER RESOLVED: That in accordance with the specifications, the City Administrator is hereby authorized to extend the said contract for an additional year under the same terms and conditions and amount not to exceed \$562,233.00 dollars; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance of this contract and the amount for a bond to guarantee payment of all claims for labor and material furnished under this contract will be 100% of the contract amount, and the amount due under the Unemployment Insurance Act with respect to such work is also hereby approved; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 5 2006, 2006

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT DE LA FUENTE - 8

NOES - 0
ABSENT - 0
ABSENTION - 0

ATTEST: 
La Tonda Simmons
City Clerk and Clerk of Council