



 City Attorney

OFFICE OF THE CITY CLERK

2007 JUN 29 10 OAKLAND CITY COUNCIL

RESOLUTION No. 80729 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO AWARD A CONTRACT FOR THE CONSTRUCTION OF THE 66TH AVENUE, OAKLAND WATERFRONT TRAIL PROJECT (PROJECT NO. C244310), FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00), OR IF ALL BIDS SUBMITTED ARE NON-RESPONSIVE, TO REJECT ALL BIDS, WAIVE FURTHER COMPETITIVE BIDDING REQUIREMENTS, AND NEGOTIATE A CONTRACT WITHIN BUDGET, FOR AN AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) AND REPORT THE BID RESULTS TO THE CITY COUNCIL

WHEREAS, construction documents for the 66th Avenue, Oakland Waterfront Trail Project have been prepared and construction bids are scheduled to be received on June 25, 2007; and

WHEREAS, it is necessary to expedite the completion of this project prior to the expiration of the State Proposition 12 Continuous Shoreline Grant; and

WHEREAS, due to wildlife regulatory requirements, it is necessary to expedite the completion of this project to minimize seasonal impacts to the habitat of the protected Salt Marsh Harvest Mouse and the Clapper Rail; and

WHEREAS, sufficient funds in the amount of \$1,200,000.00 are available from the Measure DD Bond (Fund 5320, Project No. C244310), and from the State Proposition 12 Continuous Shoreline Grant (Fund 2134, Project No. G219910); and

WHEREAS, if the City does not receive an acceptable bid, that the City Administrator will be authorized to negotiate a construction contract within budget for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000.00); and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050.I (2) and (5) allows waiver of competitive bidding when bidding would be unavailing or it is in the best interests of the City to waive bidding; and

WHEREAS, the contractor will be required to meet the requirements of the City's L/SLBE, the Local Trucking, Local Employment and Apprenticeship 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; and

WHEREAS, the site is owned by the Port of Oakland and leased by the East Bay Regional Park District and the City of Oakland is required to enter into an Operations and Maintenance Agreement with the East Bay Regional Park District; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a contract for the construction of the 66th Avenue, Oakland Waterfront Trail project to the lowest responsible bidder in accordance with the terms of its bid for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000.00) and to execute any amendments or modifications of said contract, within the limitations of the project specifications and report the bid results to the City Council; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That if no acceptable formal bids are received and pursuant to Oakland Municipal Code Section 2.04.050.I (5), the City Council hereby determines that it is in the best interests of the City to waive further advertising and bidding requirements; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to negotiate a contract for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000.00), if necessary; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the 66th Avenue, Oakland Waterfront Trail Project (Project No. C244310); and be it

FURTHER RESOLVED: The amount of the bond for faithful performance, equal to the amount of the contract, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, equal to the amount of the contract with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

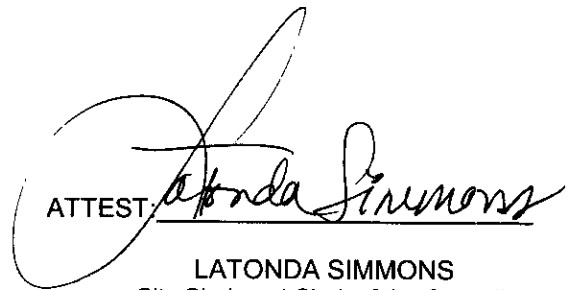
IN COUNCIL, OAKLAND, CALIFORNIA, JUL 17 2007, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES- 0
ABSENT- 0

ABSTENTION- 0

ATTEST 

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California