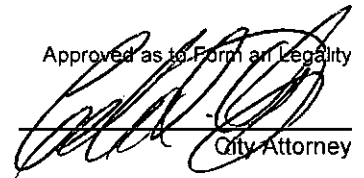


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality


City Attorney

015 APR 1 AM 12: 54
OAKLAND CITY COUNCIL

RESOLUTION No. 85527 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND BIDDING; AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE, TO NEGOTIATE WITH BIDDERS AND EXECUTE A CONSTRUCTION CONTRACT, WITHOUT RETURN TO COUNCIL, IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS, FOR THE CALDECOTT FOURTH BORE SETTLEMENT PROJECT #9 AND #14, ALONG BROADWAY FROM KEITH AVENUE TO GOLDEN GATE WAY (CITY PROJECT NO. C369520), IN AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT-HUNDRED EIGHTY FOUR THOUSAND TWO HUNDRED AND FIFTEEN DOLLARS (\$1,884,215.00) FOR THE BASE BID AND A BID ALTERNATE

WHEREAS, on December 19th, 2011 a total of three bids were received by the Office of the City Clerk of the City of Oakland for the construction contract for the Caldecott Fourth Bore Settle Project #9 and #14 (City Project No. C369520); and

WHEREAS, all three bids were either substantially over the project budget and/or were deemed non-responsive, and should therefore be rejected; and

WHEREAS, funding of \$1,884,215 for the construction contract is available from four funding sources, as follows:

- Caldecott Settlement Funds (2140); Transportation Services Organization (92246); Street Construction Account (57411); Broadway Keith to Golden Gate Way Bike Pedestrian Project (C369520); \$1,384,215 ;
- Measure B: ACTIA Fund (2211); Transportation Services Organization (92246); Street Construction Account (57411); Matching Funds for Grant Funded Projects (C370010); \$500,000; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires the City to conduct advertising and competitive bidding when it purchases services, supplies or a combination thereof that exceeds \$50,000.00; and

WHEREAS, OMC Title 2, Chapter 2.04, Article I, Section 2.04.050.I.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, the City Administrator recommends that it is in the City's best interests for the Council to waive further advertising and bidding processes for award of this contract because the bid process did not render any bids within the available budget and further bidding is likely to yield the same or similar results; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined that this contract is of a temporary and technical nature and 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 hereby rejects all bids as they are either in excess of the project budget or non-responsive; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.J and for the reasons stated above, the Council finds and determines that it is in the best interests of the City to waive further advertising and bidding requirements and hereby does so; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to negotiate and purchase the necessary construction services and materials in accord with plans and specifications for the construction of the Caldecott Fourth Bore Settlement Project #9 and #14 (City Project No. C369520) with project bidders in an amount not to exceed one million eight hundred and eighty-four thousand, two hundred and fifteen dollars (\$1,884,215.00); and be it

FURTHER RESOLVED: That the negotiated contract will require the contractor to meet the City's local business and employment program requirements; and be it

FURTHER RESOLVED: That the contractor shall provide a 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 the City Council hereby approves the plans and specifications for the Caldecott Fourth Bore Settlement Project #9 and #14 (City Project No. C369520); and be it

FURTHER RESOLVED: That the City Administrator or designee, is hereby authorized to execute any contract, amendments or modifications to 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 for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 21, 2015

PASSED THE FOLLOWING VOTE

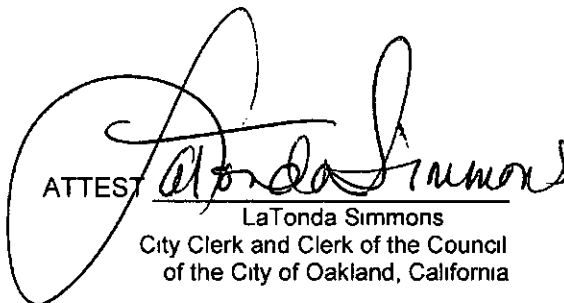
AYES – BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, AND PRESIDENT GIBSON MCELHANEY – 7

NOES – ∅

ABSENT – ∅

ABSTENTION – ∅

Excused – Reid – 1

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

85527 CMS