

REVISED
2/11/03

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL
RESOLUTION No. 77646 C.M.S.

03 FEB 13 PM 3:35

INTRODUCED BY COUNCILMEMBER _____



This item requires a two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT FOR THE OAKLAND COLISEUM INTERCITY RAIL STATION FOR AN AMOUNT NOT TO EXCEED THREE MILLION SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$3,650,000) WITHOUT RETURN TO COUNCIL

WHEREAS, construction documents for the Oakland Coliseum Intercity Rail Station Project have been prepared and construction bids are to be received on February 10, 2003; and

WHEREAS, the State of California Transportation Commission ("CTC"), the funding agency for the Oakland Coliseum Intercity Rail Station Project, requires that the construction contract be awarded by February 28, 2003, or the City stands to lose the \$4,075,000 grant; and

WHEREAS, the new train station will promote greater use of public transportation to the events in the Coliseum area; and the proposed Oakland Coliseum Intercity Rail Station is an important project because it will link Amtrak passengers with BART, the Oakland Airport and events at the Coliseum Complex; and it will be the only direct link between Amtrak and BART in the City; and

WHEREAS, sufficient funds in the amount of \$3,650,000 are available in Project No. H92510, Fund 2163, Organization 92270 and Project No. C96510, Fund 5500, Organization 92270; and

WHEREAS, the construction contract will be for an amount not to exceed \$3,650,000 which includes the base construction cost, alternate bid items and construction contingencies; and

WHEREAS, The execution of the construction contract for this project will be contingent on the negotiation and execution of the Purchase Agreement for the City's acquisition of the respective property upon which the project will be constructed; 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, contingent upon the negotiation and execution of a Purchase Agreement with the Union Pacific Railroad for the City's acquisition of the respective property upon which the project will be constructed, the City Manager is authorized to award and enter into a construction contract, to which all of the City's local and small local business and employment programs will apply to the extent feasible, on behalf of the City of Oakland for the construction of the Oakland Coliseum Intercity Rail Station to the lowest, responsible, and responsive bidder, in accordance with the terms of its bid, for an amount not to exceed three million six hundred and fifty thousand dollars (\$3,650,000) without return to Council; and be it

FURTHER RESOLVED: That if the initial bids are non-responsive, the City Manager or his designee shall be authorized to reject all bids, informally re-bid, and/or negotiate a contract, to which all of the City's local and small local business and employment programs will apply to the extent feasible, and award and enter into a construction contract for an amount not to exceed three million six hundred and fifty thousand dollars (\$3,650,000) on behalf of the City of Oakland for this project, without return to Council; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to reject all other bids and 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 copy of the contract will be provided to 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, FEB 18 2003, 2003

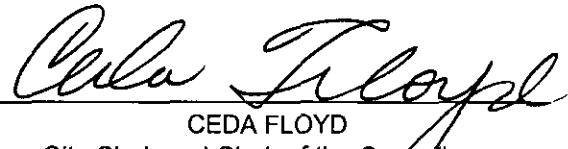
PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California