

OAKLAND CITY COUNCIL


City Attorney

2014 AUG 11 AM 11:48

RESOLUTION No. 85154 C.M.S.

Introduced by Councilmember _____

RESOLUTION TO: 1) AUTHORIZE THE CITY ADMINISTRATOR TO ACCEPT IN-KIND SERVICES FROM LEVI STRAUSS & CO. THROUGH FRIENDS OF OAKLAND PARKS & RECREATION TO CONSTRUCT THE DEFREMERY SKATE PARK PROJECT IN WEST OAKLAND, VALUED UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00); 2) AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A CONSTRUCTION CONTRACT WITH CALIFORNIA SKATEPARKS CONTRACTOR FOR ONE DOLLAR (\$1.00) TO PERFORM THE SERVICES AND AUTHORIZE THE WORK ON CITY PROPERTY; AND 3) WAIVE ADVERTISING AND BIDDING REQUIREMENTS FOR THE PROJECT.

WHEREAS, in 2008, Keith (K-Dub) Williams, an artist and art educator, entered into a volunteer partnership with The Friends of DeFremery Park to develop and help maintain a non-permanent skate park at that site, for which its goal is to legitimize the popularity of skateboarding among urban youth by creating a skate park within Oakland to allow the youth a safe place to express their interest and enjoy the recreational sport; and

WHEREAS, in 2009, a non-permanent skate park was opened at DeFremery Park with the objective of completing a permanent skate park in the future; and

WHEREAS, K-Dub is successful at obtaining private funds from Levi Strauss & Co. to support the permanent skate park project and will provide a gift-in-place project with the support of the funder; and

WHEREAS, K-Dub is working in partnership with the funder, design consultant (Site Design Group Inc.), construction contractor (California Skateparks Contractor), and Friends of Oakland Parks & Recreation (FOPR) as the project sponsor to provide a gift-in-place project for the permanent skate park valued up to three hundred thousand dollars (\$300,000.00); and

WHEREAS, in light of the City's budgetary constraints and the growing need for quality recreational opportunities, it is the Council's desire to leverage public and private resources whenever feasible to improve city parks and neighborhoods; and

WHEREAS, Oakland Municipal Code section 2.04.050.A. requires the City Administrator to conduct advertising and bidding and award to the lowest responsible, responsive bidder for the purchase of products or goods, and Oakland Municipal Code section 2.04.050.I.5 states that the Council may waive advertising and bidding requirements upon a finding that it is in the city's best interests to do so; and

WHEREAS, the funding agency has a sunset date for the fund availability on November 1, 2014 therefore staff recommends that it is in the best interests of the City to waive advertising and bidding requirements to expedite the construction; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 this contract 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 pursuant to Oakland Municipal Code section 2.04.050.I.5 and based on the determinations of the City Administrator and staff in the accompanying agenda report and above, the Council finds that it is in the city's best interests to waive advertising and bidding requirements for the construction of the project and so waives the requirements; and be it

FURTHER RESOLVED, That the proposed improvements submitted by Site Design Group Inc. (SDGI) shall be reviewed by the City and shall meet City of Oakland standards; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to accept a gift-in-place donation valued up to the amount of three hundred thousand dollars (\$300,000.00) from Levi Strauss & Company through FOPR and shall enter into a \$1 construction contract with California Skateparks Contractor to perform the services and authorize the work on City property for the DeFremery Skate Park; and be it

FURTHER RESOLVED: That the contractors shall provide insurance, performance and payment bonds in the amounts required by law, and the contracts shall be approved for form and legality by the office of the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreements, except those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk, and be it

FURTHER RESOLVED: That the City Council accept and express appreciation to the Levi Strauss & Co., FOPR, K-Dub, and partnership members for the permanent gift-in-place skate park at the DeFremery Park.

AUG 13 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

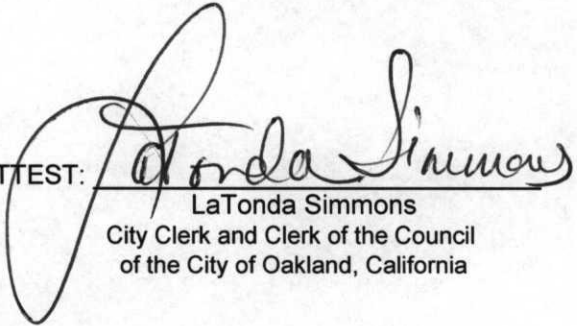
AYES - BROOKS, ~~GALLO~~ GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - GALLO - 1

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