

City Attorney

2012 MAR 16 AM 9:00 **OAKLAND CITY COUNCIL**

**RESOLUTION No. 83781 C.M.S.**

**RESOLUTION:**

- 1) **AUTHORIZING THE REALLOCATION OF UP TO TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00) FROM THE EAST BAY REGIONAL PARK DISTRICT LOCAL GRANT PROGRAM OF THE OPEN SPACE, WILDLIFE, SHORELINE AND PARKS BOND (2008 MEASURE WW) FOR THE CENTRAL RESERVOIR FIELD PROJECT (NO. C377010) TO THE PERALTA HACIENDA HISTORICAL PARK DE ANZA TRAIL PROJECT (NO. C284540), AND**
- 2) **AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO TWO HUNDRED FORTY THOUSAND DOLLARS (\$240,000.00) FROM THE EAST BAY REGIONAL PARK DISTRICT LOCAL GRANT PROGRAM OF THE OPEN SPACE, WILDLIFE, SHORELINE AND PARKS BOND (2008 MEASURE WW) FOR THE PERALTA HACIENDA HISTORICAL PARK DE ANZA TRAIL PROJECT (NO. C284540), AND**
- 3) **AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR THE PERALTA HACIENDA HISTORICAL PARK DE ANZA TRAIL PROJECT (NO. C284540) TO BELIVEAU ENGINEERING, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR AN AMOUNT NOT-TO-EXCEED EIGHT HUNDRED FOURTEEN THOUSAND DOLLARS (\$814,000.00) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE CONTRACTOR'S BID**

**WHEREAS**, Peralta Hacienda Historical Park is an existing 6 acre park located at 2465 34<sup>th</sup> Avenue in the Fruitvale District and the City wishes to make improvements in accordance with community supported master plan; and

**WHEREAS**, the City competed for and received the Recreational Trails Program Grant from California Department of Parks and Recreation and the grant has a construction completion deadline of March 31, 2013, to implement the Peralta Hacienda Historical Park De Anza Trail Project; and

**WHEREAS**, the people of the East Bay Regional District have enacted the Measure WW Park Bond Extension that provides funds for the acquisition and development of neighborhood, community, regional parks and recreation lands and facilities; and

**WHEREAS**, the East Bay Regional Park District Board of Directors has the responsibility for the administration of the grant program; the procedures require the applicant's governing body to certify by resolution the approval of the applicant to apply for the local grant allocation of funds; and

**WHEREAS**, the City has designated 16 projects to receive the grant fund under Resolution 81777 C.M.S. adopted in February 2009, including the Central Reservoir Field Improvement project and the City has enter into a master grant contract with the East Bay Regional Park District; and

**WHEREAS**, the Central Reservoir Field Improvement Project (No. C377010) has fund remaining that is proposed to be reallocated to the Peralta Hacienda Historic Park De Anza Trail Project (C284540); and

**WHEREAS**, the Peralta Hacienda Historical Park De Anza Trail Project received bid on February 2, 2012, in which seven bids were received by the Office of the City Clerk; and

**WHEREAS**, Beliveau Engineering Construction, Inc., a certified small local business, is the lowest responsible, responsive bidder for the bid; and

**WHEREAS**, upon approval of this resolution, funds for the Peralta Hacienda Historical Park De Anza Trail Project construction contract are available for the base bid and additive alternates from the following sources:

- California Department of Parks and Recreation Regional Trails Program Grant, Fund 2134, Project No. C284540, Capital Improvement Organization 92270.
- Council District 5 Pay-Go Fund 5200, Peralta Hacienda Trail Project No. B00492, Capital Improvement Organization 92270.
- Community Development Block Grant Fund 2108, Peralta Hacienda Trail Project No. C284550, Capital Improvement Organization 92270.
- Measure WW Bond Fund 2260, Central Reservoir Field Improvement Project No. C377010, Capital Improvement Organization 92270

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; 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 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 the Council authorizes the reallocation of up to two hundred forty thousand dollars (\$240,000.00) from the East Bay Regional Park District Local Grant Program of the Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) for the Central Reservoir Field Project (No. C377010) to the Peralta Hacienda Historical Park De Anza Trail Project (No. C284540); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to apply for, accept and appropriate up to two hundred forty thousand dollars (\$240,000.00) from The East Bay Regional Park District Local Grant Program Of The Open Space, Wildlife, Shoreline And Parks Bond (2008 Measure WW) for The Peralta Hacienda Historical Park De Anza Trail Project (No. C284540); and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award a construction contract for the Peralta Hacienda Historical Park De Anza Trail Project (No. C284540) to Beliveau Engineering, Inc., the lowest responsive and responsible bidder, in an amount not-to-exceed eight hundred fourteen thousand dollars (\$814,000.00) in accord with plans and specifications for the Project and contractor's bid dated February 2, 2012; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the contract with Beliveau Engineering Construction, Inc. within the limitations of the project specifications; and be it

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

**FURTHER RESOLVED:** That the faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act submitted with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for the Peralta Hacienda Historical Park De Anza Trail Project (No. C284540) prepared at the direction of the Director of Public Works; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, APR 3 2012,

**PASSED BY THE FOLLOWING VOTE:**

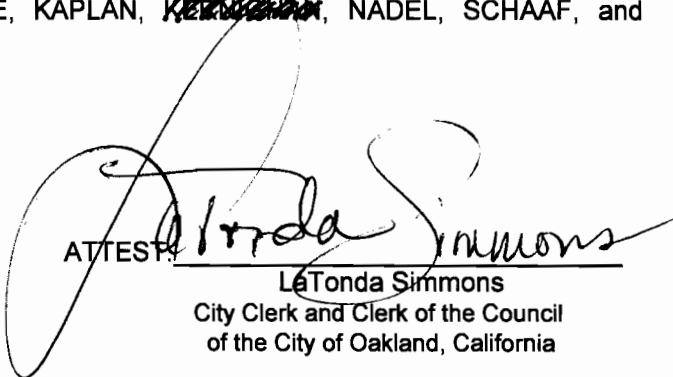
AYES - BROOKS, BRUNNER DE LA FUENTE, KAPLAN, ~~KERNIGHAN~~, NADEL, SCHAAF, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Kernighan - 1

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