

City Attorney

2008 MAY -1 PM 2:41

OAKLAND CITY COUNCIL

RESOLUTION NO. 81325 C.M.S.

Introduced by Councilmember _____

Resolution Authorizing The City Administrator To 1) Appropriate \$128,000.00 For Emergency Clean-Up, Slide Stabilization, Slide Monitoring, And For Preventive Measures Resulting From A Slide On Skyline Boulevard; 2) Appropriate \$158,000.00 For Skyline Boulevard Emergency Roadway Opening Project; 3) Appropriate \$1,317,000.00 For Skyline Boulevard Emergency Permanent Restoration Project; and 4) Waive Advertising And Award Emergency Construction Contracts Through A Modified Competitive Bid Process To The Local Lowest Responsible Responsive Bidders Without Return To Council

WHEREAS, on January 4, 2008 portions of the hillside near 7257 Skyline Boulevard above the roadway collapsed into the gutter during a heavy rainfall and blocked the flow of water causing the storm water which would otherwise flow into a catch basin to be diverted over the roadway cascading onto the hillside below mobilizing mud and debris flow into the City property immediately below Skyline and the private property further downslope at 6770 Oakwood Drive; and

WHEREAS, the City of Oakland's Municipal Code section 2.04.020 authorizes the City Administrator to execute purchase orders or contracts exceeding two hundred fifty thousand dollars (\$250,000.00) in any one transaction without advertising or previous specific action by the City Council for the purchase of supplies or payment for services or a combination thereof in a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety; and

WHEREAS, the City of Oakland's Municipal Code section 2.04.020 authorizes the City Administrator to execute emergency professional services and consultant agreements exceeding one hundred fifty thousand dollars (\$150,000.00) in any one transaction without previous specific action by the City Council in a situation deemed by the City Administrator to be an emergency for the immediate preservation of the public peace, health or safety; and

WHEREAS, on January 25, 2008, the City Council by Resolution No. 81034 C.M.S. ratified and approved a local emergency proclaimed by the City Administrator as the result of series of a winter storms that commenced on or about January 3, 2008 and requested that the Governor and the President declare an emergency in California. The City's Fire Department Office of Emergency Services (OES) contacted the State disaster assistance agency to assist in coordination of inspections and reimbursement of eligible disaster costs; and

WHEREAS, OES has authorized that seventy five percent (75%) of all costs associated with the emergency work, roadway opening and permanent roadway restoration will be reimbursed through the State of California Governor's Office of Emergency Services under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685) and the balance twenty five percent (25%) will be funded by the City; and

WHEREAS, staff will continue to work with the State Office of Emergency Services for the reimbursement of all eligible costs; and

WHEREAS, local and other contractors were contacted immediately to assist City's forces in an emergency with roadway closure, detour signs, and prevention measures to stop the flow of mud and debris over the saturated hillside, and removal of mud and debris from the City and private properties; and

WHEREAS, two local construction contractors, Mosto Construction and Beliveau Engineering Contractors, Inc., were available immediately and assisted the City; and

WHEREAS, the removal of mud and debris from hard to reach areas inside the private property at 6770 Oakwood Drive and the City lot above required mechanical equipment and a conveyor belt which was provided by a non-local contractor, Engineered Soil Repairs, Inc., but all trucking and disposal and transportation of mud and debris were handled by City forces; and

WHEREAS, Skyline Boulevard is one of the City's major access routes to the areas in the Oakland hills and was closed to all traffic on Friday, January 4, 2008 due to the slide; and

WHEREAS, delays in the removal of the mud and debris and the emergency opening of the Skyline Boulevard would impact life, safety, and prevents the public and emergency use of the roadway; and

WHEREAS, the design for Skyline Boulevard emergency opening by Cal Engineering & Geology was expedited through the City's list of As-Needed Geotechnical Consultants previously established through the City's standard procurement process; and

WHEREAS, the construction work for Skyline Boulevard emergency opening by a local contractor was expedited informally through phone call notifications to fourteen licensed local bidders capable of performing the work and four bids were received and Beliveau Engineering Contractors, Inc. was selected as the lowest responsive and responsible bidder meeting all City and local requirements; and

WHEREAS, Skyline Boulevard is now open to one lane of traffic while staff expedites the emergency permanent restoration of the roadway by Cal Engineering & Geology and expects to conduct an informal modified bid and award process in the month of April 2008 with an expected project completion date for all permanent restoration work in June/July 2008; and

WHEREAS, City Charter Section 801 requires the Council to establish expenditures and make necessary appropriation for such expenditures as part of the budget process; and

WHEREAS, the aforementioned emergency restoration and permanent restoration work and support related activities resulting from the storm of the disaster period are not foreseeable when preparing for the two-year budget, and emergency actions require quick turnaround financial support to incur expenditures or deposit reimbursements; and

WHEREAS, CEDA needs advance City Council authorization for the City Administrator or her designee to accept funds from the State of California for reimbursement of eligible costs; and

WHEREAS, this resolution would authorize the City Administrator or her designee to accept funds from the state for the emergency response activities, therefore, such reimbursement would minimize the fiscal impact on the City; and

WHEREAS, pursuant to Oakland Municipal Code Section 2.04.050.I.5, and based on the information set forth in the City Administrator’s report accompanying this item, the City Council finds and determines that it is in the City’s best interests to waive the City’s advertising and standard competitive bid process for the Skyline Boulevard emergency roadway opening project and the Skyline Boulevard emergency permanent restoration project; now, therefore, be it

RESOLVED: That the City Administrator’s actions for the immediate clean-up of the mud and debris and the emergency roadway opening has been in accordance with the City of Oakland’s Municipal Code section 2.04.020 for procurement of services by construction contractors, suppliers, and professional services consultants during the emergency response and emergency roadway opening of Skyline Boulevard, and the City Administrator or her designee is authorized to make payments to Mosto Construction, Beliveau Engineering Contractors, Inc., and Engineered Soil Repairs, Inc., and other suppliers for the work performed under emergency; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to appropriate \$1,603,000.00 into the funds detailed below;

Project Phases	100% Project Cost	75% State Share (reimbursable)	25 % City Share (non-reimbursable)
		Fund 2146/C336620	Fund 2211/C336610
Emergency Clean-up, preventive measures, and stabilization of slope	\$128,000.00	\$96,000.00	\$32,000.00
Emergency Roadway Opening	\$158,000.00	\$118,500.00	\$39,500.00
Emergency Permanent Restoration	\$1,317,000.00	\$987,750.00	\$329,250.00
Total Cost	\$1,603,000.00	\$1,202,250.00	\$400,750.00

and be it

FURTHER RESOLVED: That the State of California Office of Emergency Service (State OES) has assigned “CDAA2008-1” as the City of Oakland’s disaster number and seventy-five percent (75%) of all eligible costs associated with the emergency work, roadway opening, and permanent roadway restoration will be reimbursed through the State of California Governor’s

Office of Emergency Services under the State of California Disaster Assistance Act (Government Code, Section 8587.8-8685) and the City's share of twenty five percent (25%) will be funded by the 2008 Winter Storm Fund (2081); and be it

FURTHER RESOLVED: That staff will work with the State Office of Emergency Services for the reimbursement of all eligible costs and these costs include overtime City staff payments, cost of equipments and materials used for debris removal and emergency protection, payments to construction contractors and engineering consultants for emergency protection and permanent restoration work; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code section 2.04-051.B and based on the information set forth in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the City's best interests to waive the City's advertising and standard competitive bid process for procurement of a construction contract for the Skyline Boulevard emergency roadway opening project and the Skyline Boulevard emergency permanent restoration project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of said emergency contracts with the contractors within the limitations of the emergency scope of work, plans, and specifications; and be it

FURTHER RESOLVED: That the contracts 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, MAY 20 2008, 2008

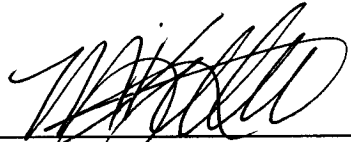
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, ~~COYNE, REID~~, and PRESIDENT DE LA FUENTE - 6

NOES - 0

ABSENT - Reid, Quan - 2

ABSTENTION - 0

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