

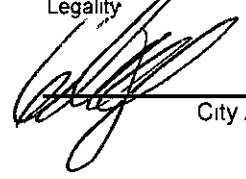
FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2015 MAR 31 PM 12:50

RESOLUTION No. 85528 C.M.S.

Introduced by Councilmember _____



City Attorney

RESOLUTION TO REJECT ALL BIDS, WAIVE FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE AND EXECUTE A CONSTRUCTION CONTRACT UP TO THE AMOUNT OF SIX HUNDRED FORTY THOUSAND DOLLARS (\$640,000.00) IN THE OPEN MARKET FOR THE DEFREMERY PARK RECREATION CENTER EXTERIOR REHABILITATION PROJECT (NO. C469510) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS

WHEREAS, the DeFremery Park Recreation Center, a designated City Landmark located at 1651 Adeline Street in Oakland, is in need of exterior rehabilitation due to extensive wood damage to the building due to dry rot, sun exposure and degradation from age; and

WHEREAS, on December 22, 2014, the Office of the City Clerk of the City of Oakland received four bids for the DeFremery Park Recreation Center Exterior Rehabilitation (Project No. C469510); and

WHEREAS, B-Side, Inc. and Bay Construction failed to meet the qualification requirements specified in the bid documents as restoration specialists who have 10 years of experience in comparable exterior repair work, including at least two recognized historic properties that were restored within the last five years; and

WHEREAS, Rockridge Builders and Angotti & Reilly, Inc. failed to meet the LBE/SLBE participation requirements according to the City's Compliance Analysis; and

WHEREAS, all four bids are determined to be non-responsive; and

WHEREAS, if reimbursement billing for Community Development Block Grant (CDBG) fund is delayed beyond fiscal year 2014-15, the City is required to provide justifications to the U.S. Department of Housing and Urban Development (HUD) and possibly risk losing grant funds; and

WHEREAS, OMC Title 2, Chapter 2.04, Article I, Section 2.04.050.A 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.

WHEREAS, it is in the best interest for the City to waive further advertising and competitive bidding for the project as prescribed in OMC 2.04.050.I.5, and for the City Administrator, or designee, to negotiate and execute a construction contract before end of fiscal year 2014-15 in order to secure project funding; and

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, that the performance of this contract is in the public interest because of economy or better performance; 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 all bids are hereby rejected and the City Council finds that it is in the best interest of the City to waive further advertising and competitive bidding as prescribed in OMC 2.04.050.I.5 in order to meet CDBG funding expenditure deadline and commit Measure WW Grand funds for the project; and be it

FURTHER RESOLVED: That there are sufficient funds in the project budget for the work under the following sources:

- City Facilities (4400); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); Facilities Minor CIP - DeFremery Recreation Center Project (C469510);
- Housing and Urban Development – Community Development Block Grant (2108); DeFremery Recreation Center Organization (502232); Capital Improvement – Buildings Additions & Improvements Account (57212); DeFremery House Project (G469725);
- Measure WW: East Bay Regional Park District Fund (2260); Project Management Capital Projects Organization (92270); Capital Improvement – Buildings Additions & Improvements Account (57212); DeFremery Recreation Center Projects (TBD); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate, award and execute a construction contract up to the amount of Six Hundred Forty Thousand Dollars (\$640,000) in the open market for the DeFremery Park Recreation Center Exterior Rehabilitation Project (C469510) in accordance with the project plans and specifications and per OMC Section 2.04.050.J; and be it

FURTHER RESOLVED: That the City Council hereby approves the project plans and specifications prepared under the direction of the Assistant Director of the Oakland Public Works Department, including any subsequent changes during negotiations and construction; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications without return to Council; and be it

FURTHER RESOLVED: That the successful contractor shall provide 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 prior to execution of the contract; 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 21 2015

PASSED BY THE FOLLOWING VOTE:

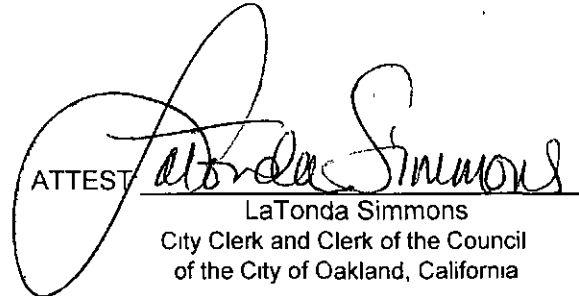
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ and PRESIDENT GIBSON MCELHANEY -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused-Reid-1

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