
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

2017 MAR -2 PM 7:00

RESOLUTION No. 86647 C.M.S.

Introduced by Councilmember _____

RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER COMPETITIVE BIDDING, AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE WITH DUKE'S ROOT CONTROL, INC., THE LOWEST BIDDER, AND EXECUTE A CONSTRUCTION CONTRACT FOR SANITARY SEWER ROOT FOAMING SERVICES FISCAL YEAR 2016 TO 2019 (PROJECT NO. 1000922) IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED TWELVE THOUSAND FOUR HUNDRED TWENTY DOLLARS AND FIFTY CENTS (\$1,812,420.50)

WHEREAS, on January 19, 2017, two bids were received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Root Foaming FY 2016-19 (Project No. 1000922), and both bidders (Duke's Root Control, Inc. and Root Tamers, Inc.) were deemed non-responsive for failing to acknowledge Addendum 1; and

WHEREAS, Section 2.04.050 I.5 of the Oakland Municipal Code ("O.M.C.") authorizes the City Council to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 upon a finding and determination that in the best interests of the City to reject all bids, waive further advertising and competitive bidding, and authorizing the City Administrator, or Designee, to negotiate with bidders; and

WHEREAS, rebidding of the project will incur additional time and cost that will compress the completion time; and rebidding may impact the City's compliance with the Regional East Bay Sewer Consent Decree of 2014 deadlines; 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 that this contract is of a professional, scientific or technical nature; 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 pursuant to O.M.C. Section 2.04.050 I.5 the City Council hereby finds and determines that it is in the best interest of the City to waive the advertising and competitive bidding requirements of O.M.C. Section 2.04.050 to avoid delays and complete the project in a timely manner as required by the Regional East Bay Sewer Consent Decree of 2014; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate with Duke's Root Control, Inc., award and execute a construction contract for the Sanitary Sewer Root Foaming Services FY 2016-19 (Project No. 10009222) in the amount of One Million Eight Hundred Twelve Thousand Four Hundred Twenty Dollars and

Fifty Cents (\$1,812,420.50) in accord with plans and specifications for the Project; and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$1,812,420.50, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$1,812,420.50, with respect to such work is hereby approved; and be it

FURTHER RESOLVED: That a total of \$1,812,420.50 is included in the Capital Improvement Program baseline budget, with \$584,530.50 already awarded in FY 2016-17 in Fund 3100 Sewer Service Fund, Organization 92244 Sanitary Sewer Design Organization, Award No. 21802, and \$600,370.00 and \$627,520.00 for FY 2017-18 and FY 2018-19, respectively, will be available contingent upon funding and budget adoption in June 2017; and this project will help reduce the amount of sanitary sewer maintenance requirement; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder for the same awarded amount, if Duke's Root Control, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That all bids are hereby rejected; 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.

MAR 21 2017

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

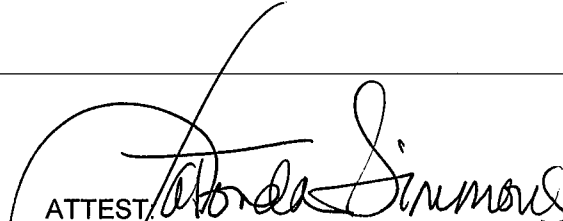
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID → 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST


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