  
City Attorney

2018 JUN 14 PM 5:30  
RESOLUTION NO. 87264 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE CONSTRUCTION CONTRACTS IN AN AMOUNT NOT TO EXCEED TWO MILLION NINE HUNDRED AND THIRTY-SIX THOUSAND, THREE HUNDRED AND EIGHTY-FOUR DOLLARS (\$2,936,384.00), WITHOUT RETURNING TO COUNCIL IN THE OPEN MARKET, FOR PERMANENT ROADWAY REPAIR AT SIXTEEN WINTER STORM LANDSLIDE SITES**

**WHEREAS**, landslides occurred at sixteen sites that undermined the roadway and collapsed one or both lanes closing them to traffic at sixteen sites listed in Exhibit 1, due to severe winter storms in 2016 through 2018; and

**WHEREAS**, roads were damaged and access to homes was blocked which is affecting public safety; and

**WHEREAS**, permanent roadway repair should be expedited and performed before the next winter storm season to prevent further damage; and

**WHEREAS**, the construction contracts for the permanent roadway repair work are anticipated to be advertised for formal bidding in summer of 2018 and the bid procedure outline in Oakland Municipal Code 2.04.050 would be followed; and

**WHEREAS**, federal disaster declarations were approved for six of the sites by two separate storm periods; FEMA DR-4301 and FEMA DR-4308. These declarations make available state and federal financial assistance to repair these six sites; and

**WHEREAS**, Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (CalOES) will reimburse eligible costs associated with the repair at six sites; and

**WHEREAS**, four sites of the sites were related to private damages and costs for repair may be recovered from third parties pending on the results of the litigation; and

**WHEREAS**, a mid-cycle funding of an additional \$700,000. has been requested by DOT. The repairs of all sixteen (16) sites is contingent upon execution of this request; and



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**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 these contracts 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 City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 and per OMC section 2.04.050.J the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market to ensure timely delivery of these roadway repairs, and be it

**FURTHER RESOLVED:** that the City Administrator, or designee, is authorized to negotiate, award and execute construction contracts in an amount not to exceed two million nine hundred and thirty-six thousand, three hundred and eight-four dollars (\$2,936,384) contingent upon the availability of funding, without returning to Council, for permanent roadway repair at these sixteen landslide sites; and be it

**FURTHER RESOLVED:** funding for the construction contracts are available in: Measure B Fund (2211); Streets and Structures Organization (92242); Emergency Roadway Repair Fund Project (1003190) in the FY17-19 adopted budget and the FY19 Proposed Midcycle budget; funding is also available in the FEMA Fund (2063); and the CalOES Fund (2146); and be it

**FURTHER RESOLVED:** if state and federal funds are not reimbursed at the level anticipated and a higher local share is required, staff shall return to Council for the appropriation of additional funds to complete the work; and, be it

**FURTHER RESOLVED:** that successful contractors comply with the City's Local and Small Local Business Enterprise, Local Employment, Apprenticeship and other applicable contracting programs; and, be it

**FURTHER RESOLVED:** that successful contractors 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 City Administrator, or designee, is hereby authorized to enter into a contract with successful contractors on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitation of the project specification; and be it

**FURTHER RESOLVED:** that the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the successful contractors fail 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 the City Administrator, or designee, is hereby authorized to reject all other bids, if necessary; 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, JUL 1 0 2018

**PASSED BY THE FOLLOWING VOTE:**

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

NOES - 0

ABSENT - 0

ABSTENTION 0

1 Excused - Brooks

ATTEST:

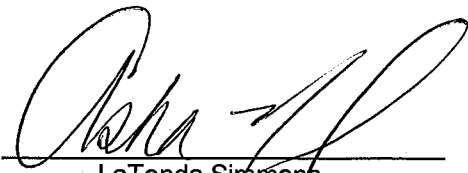
  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Exhibit 1

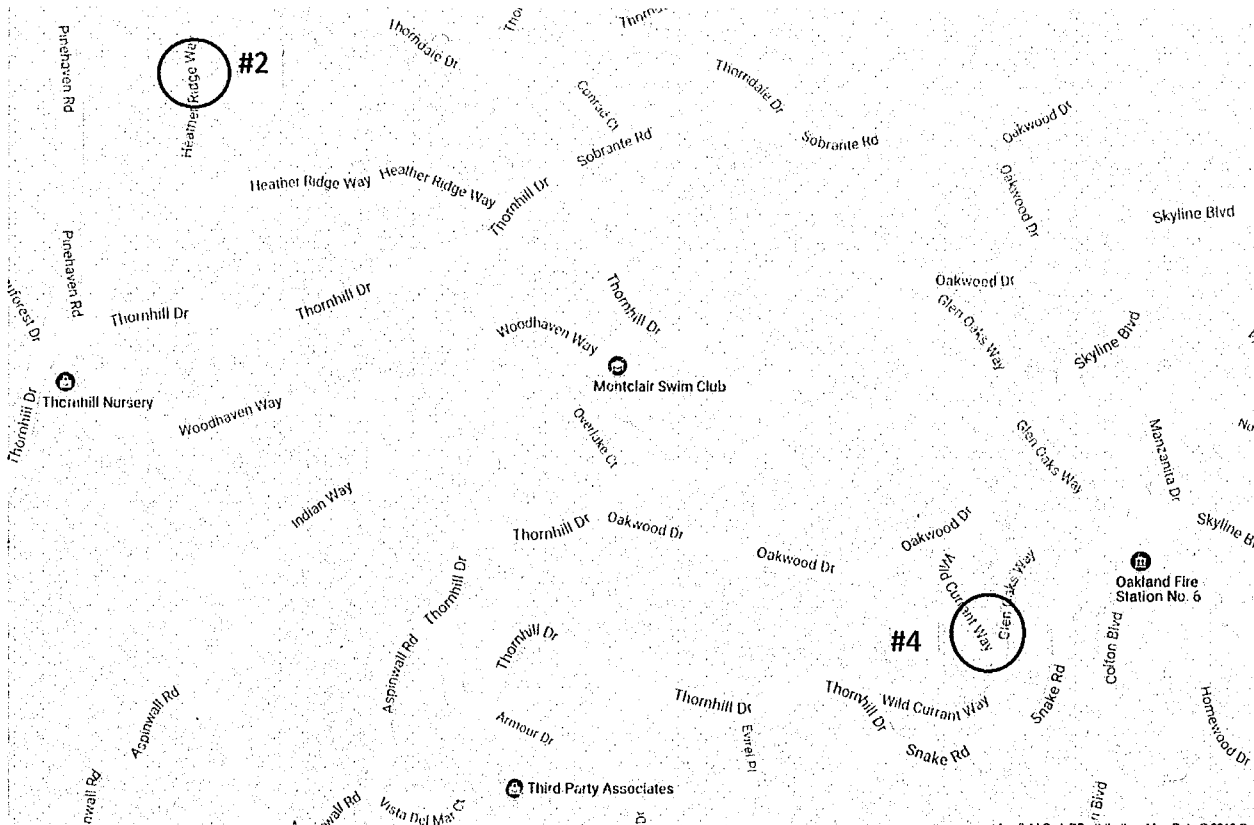


# **EXHIBIT 1**

## **LOCATION MAPS**

**All 16 Damaged sites are within either Council District #1 or #4**

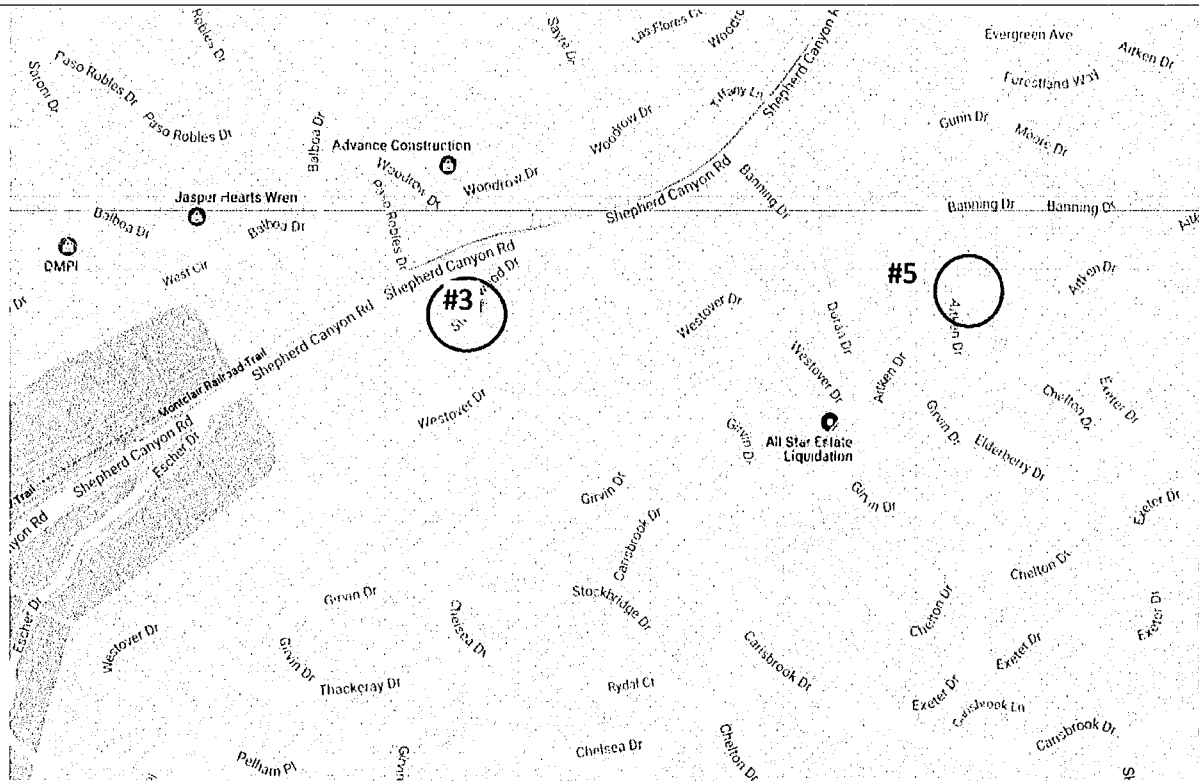
**Sites #1 thru #6 are FEMA reimbursable**



**#2 FEMA- 6502 Heather Ridge Way**

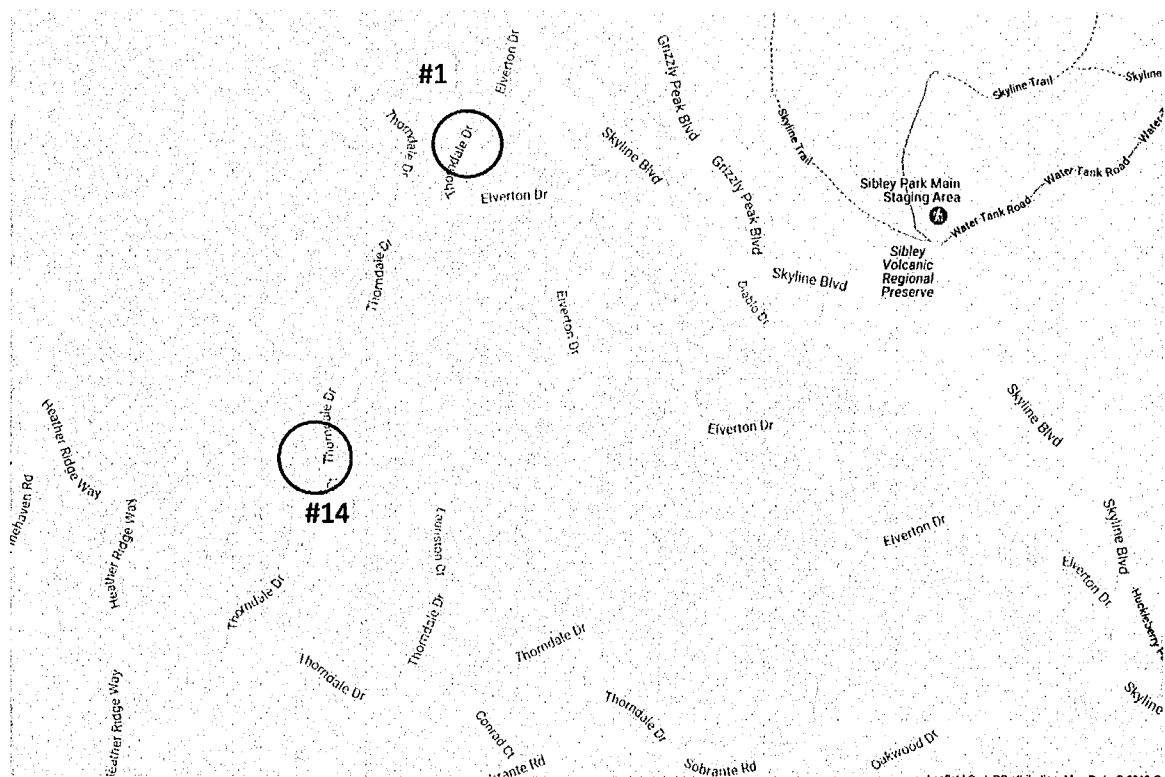
**#4 FEMA - 7270 Wild Currant Way**





**#3 FEMA– 6452 Shelterwood Drive**

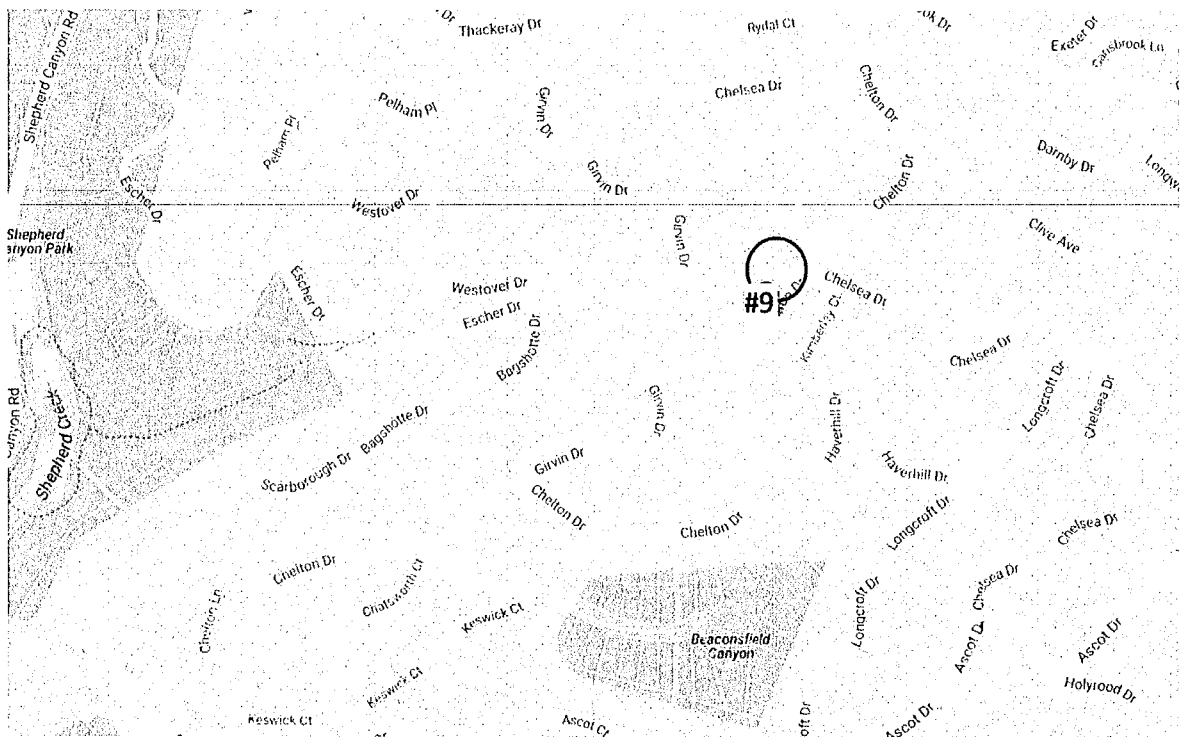
**#5 FEMA– 6545 Aitken Drive**



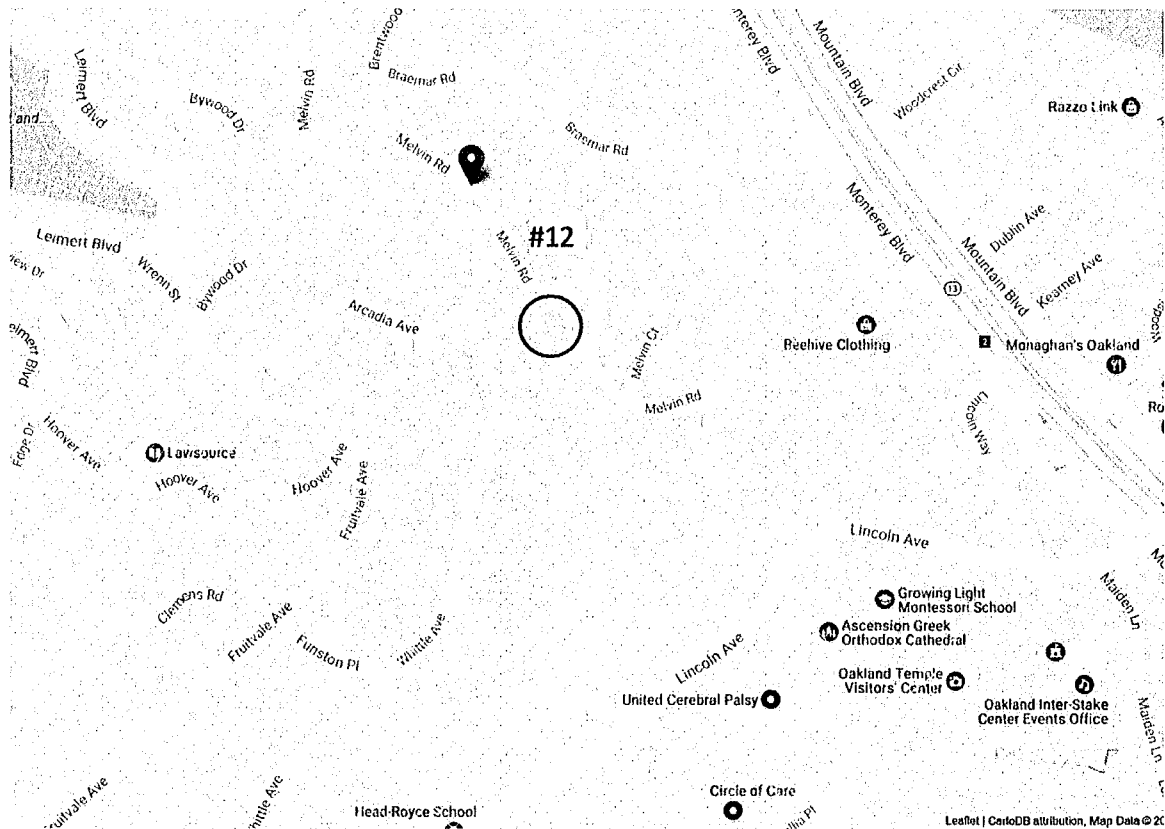
**#14 - Thorndale at Jewel Ct**

**#1 FEMA – 6475 Thorndale Dr.**



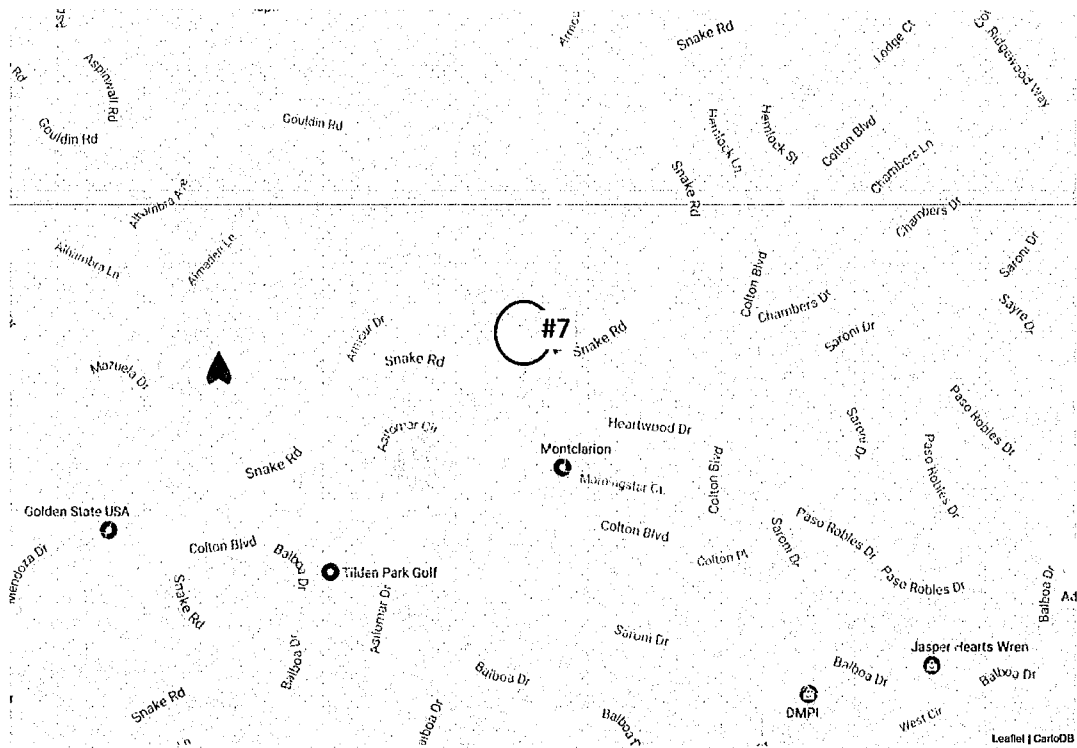


**#9 – 6163 Chelton Dr. down to 6501 Girvin Dr.**

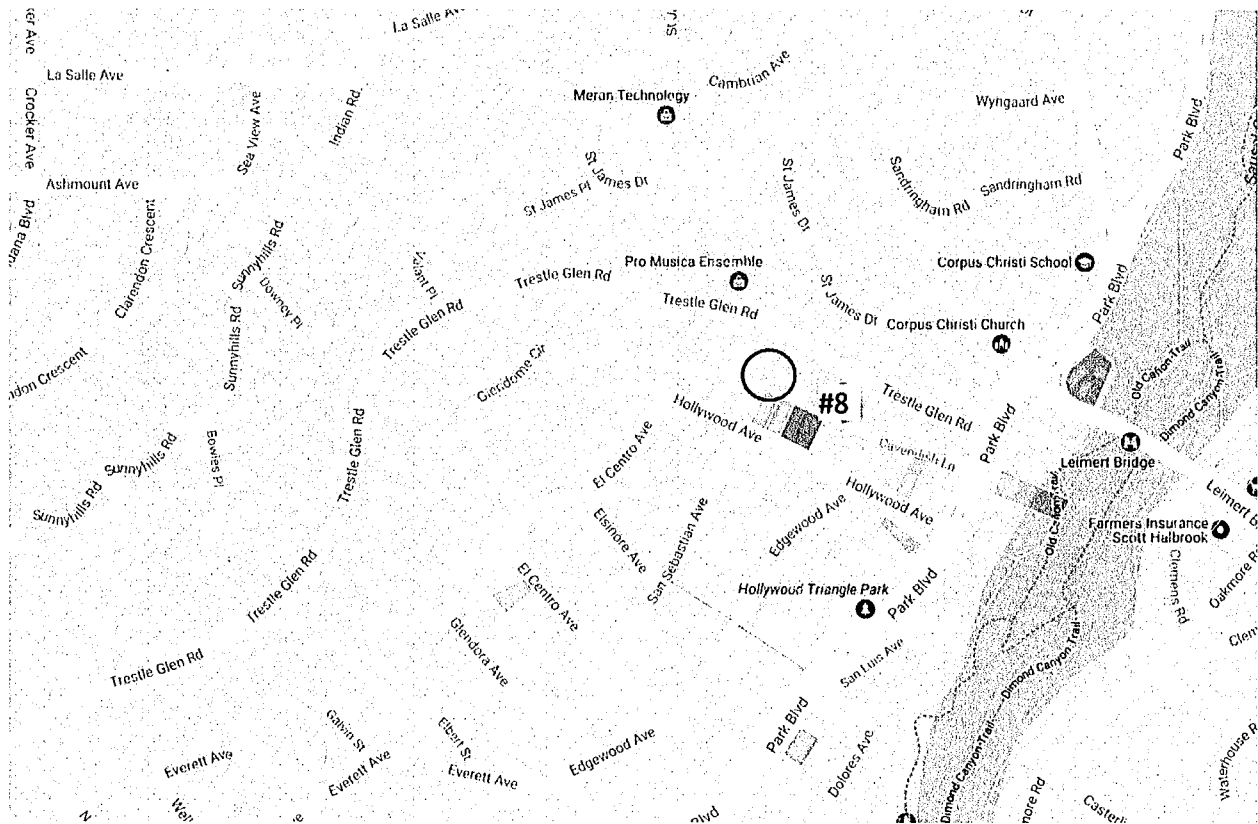


**#12 - 2131 Melvin Rd.**



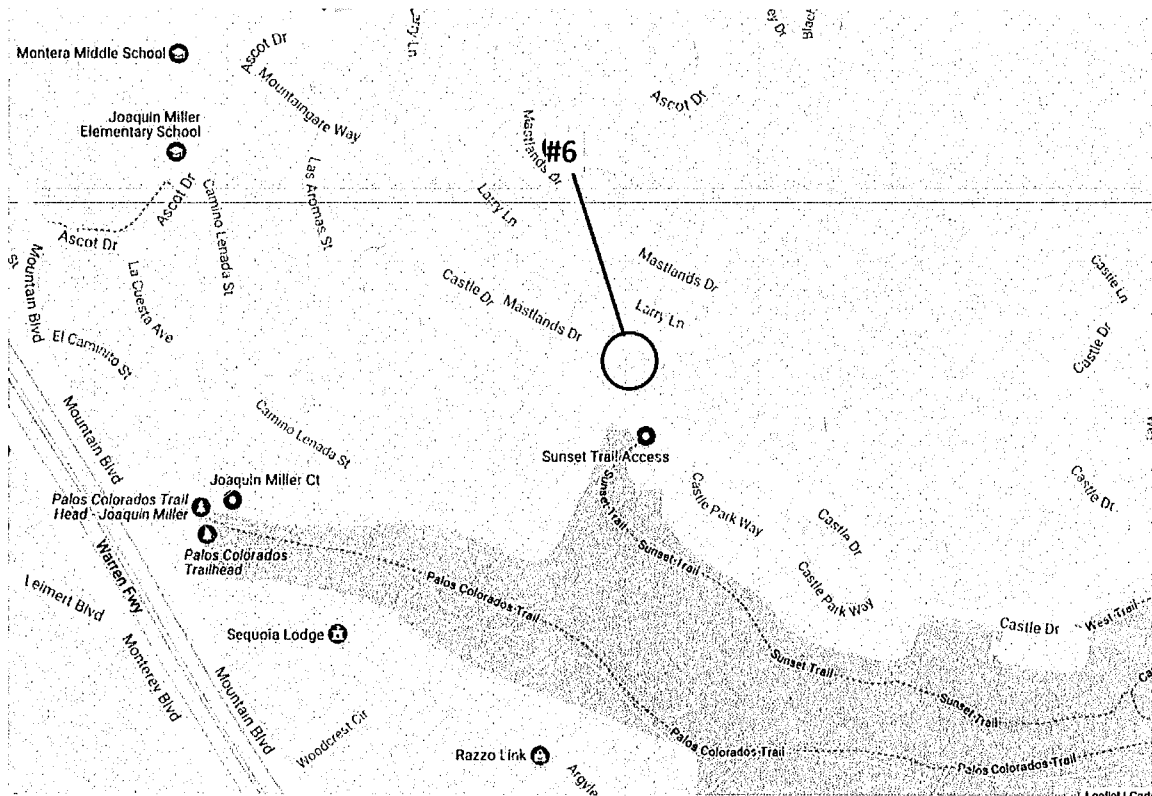


**#7 - 6655 Snake Rd.**

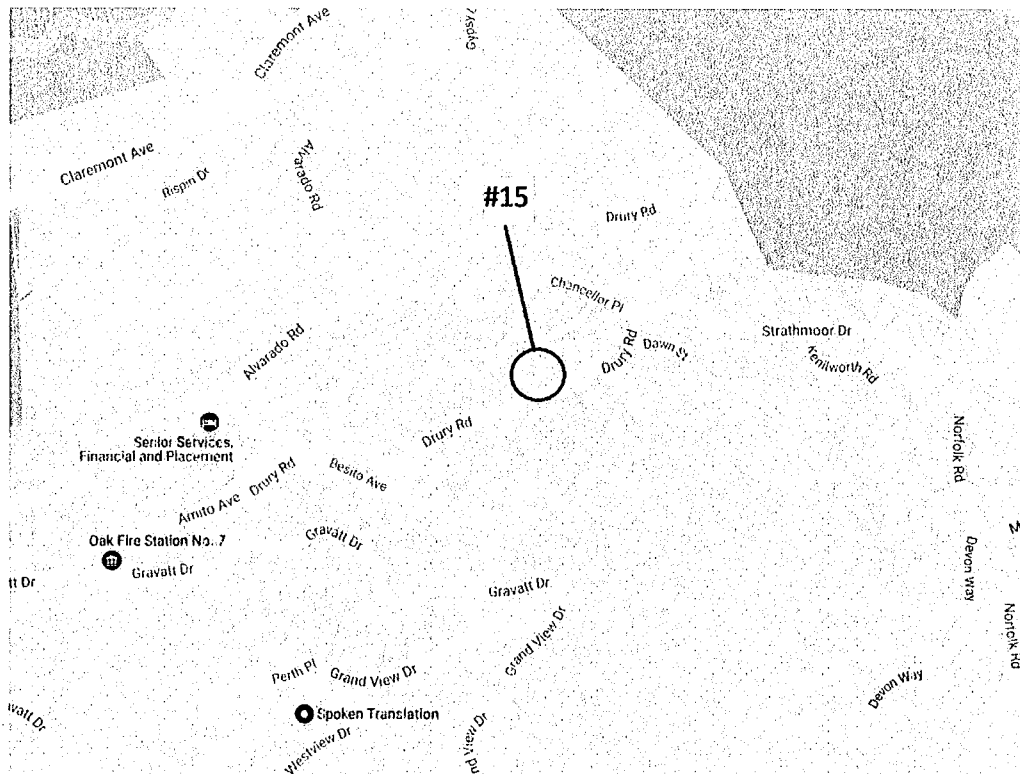


**#8 - Cavendish Lane**



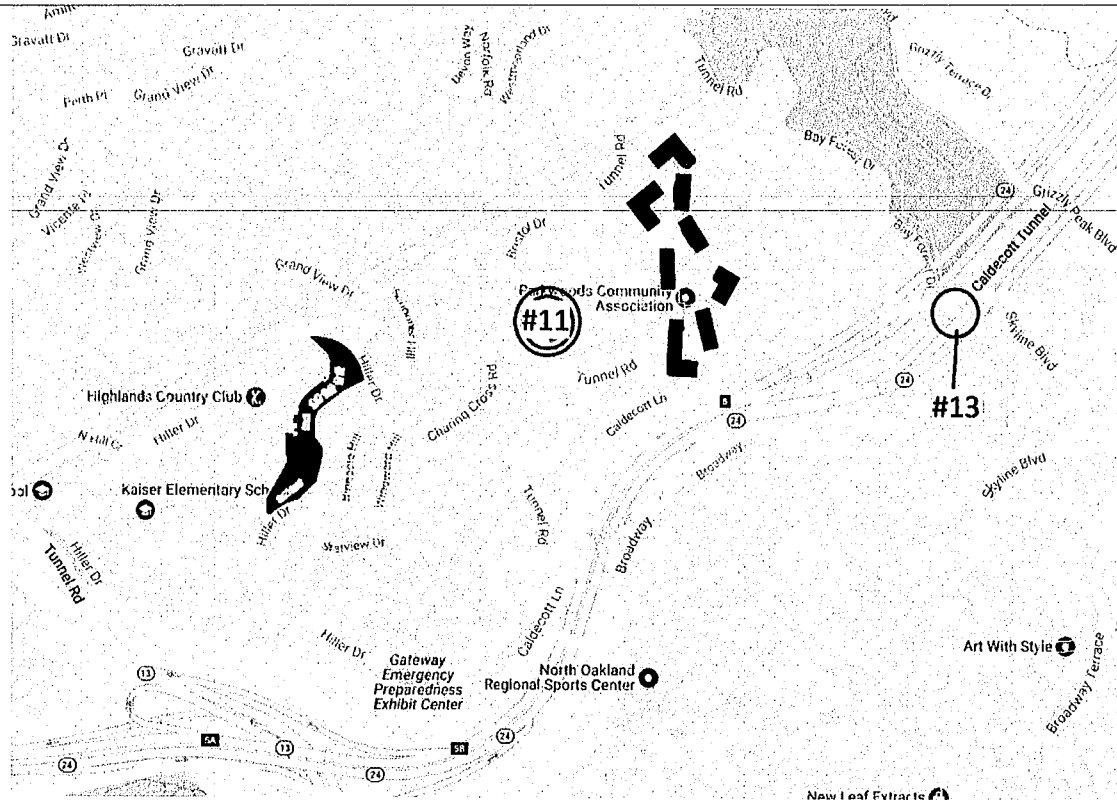


**#6 FEMA- 2060 Mastlands Dr.**



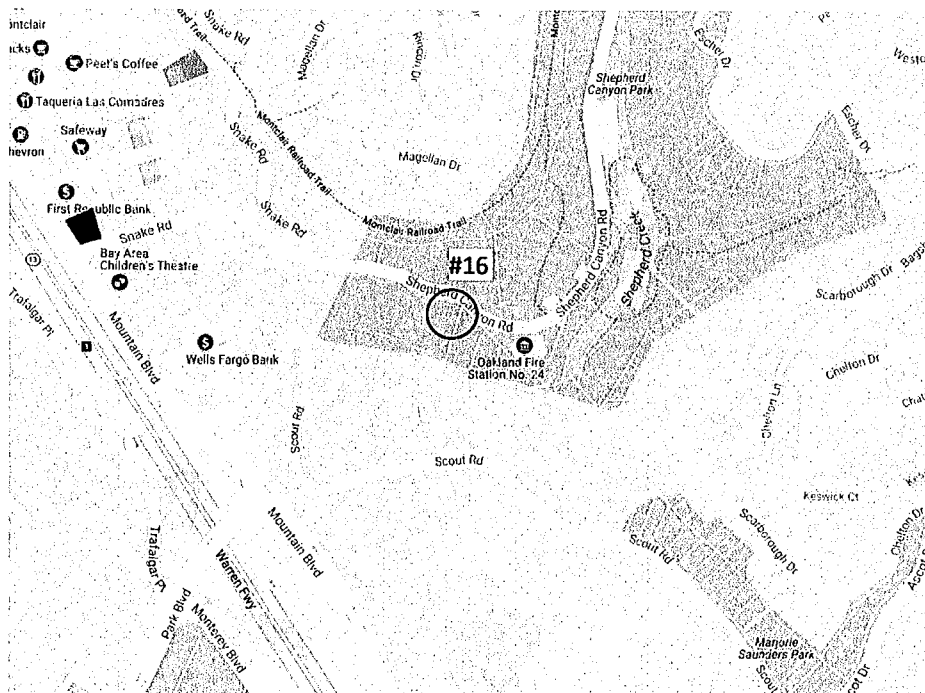
**#15 – Drury Rd. (2100 Block)**





**#11 - 6818 Charing Cross Rd.**

**#13 - Tunnel Rd @ Bay Forest Pl.**



**#16 – Shepherd Canyon Rd. (5800 Block)**