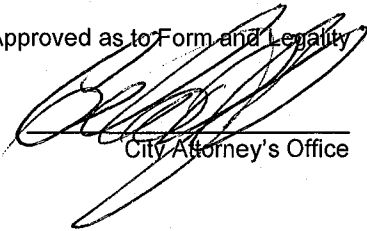


FILED
OFFICE OF THE CITY CLERK
OAKLAND



City Attorney's Office

2019 APR 11 PM 6:02

OAKLAND CITY COUNCIL

RESOLUTION NO. 87655 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO:

1) REJECT ALL BIDS, WAIVE FURTHER ADVERTISING AND COMPETITIVE BIDDING, AND AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED AND FIFTY THOUSAND DOLLARS (\$550,000.00) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE MANZANITA RECREATION CENTER HEAD START RENOVATION (PROJECT NO. 1003445), IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS; AND

2) APPROVE AND REALLOCATE ADDITIONAL FUNDS OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM THE HEAD START FACILITY RENOVATION AT ARROYO VIEJO RECREATION CENTER PROJECT (NO. 1003443), MEASURE KK BOND REMAINING FUNDS (FUND NO. 5330), TO THE MANZANITA HEAD START RENOVATION PROJECT (NO. 1003445) FOR CONSTRUCTION AND PROJECT CONTINGENCY

WHEREAS, Manzanita Head Start Renovation project is one of 18 facilities projects funded by the first series of Measure KK – Affordable Housing and Infrastructure Bond in Fall 2017; and

WHEREAS, The City issued a Notice of Inviting Bids for the Manzanita Head Start Renovation project on December 21, 2018 with four bids received on February 14, 2019; and

WHEREAS, All bids are non-responsive and significantly over the construction estimate of \$404,051.97; and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, Existing available Project funding from Measure KK award is insufficient to meet the construction budget; and

WHEREAS, Remaining funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) are available for reallocation from the Head Start Facility Renovation at Arroyo Viejo Recreation Center Project (No. 1003443), to the Manzanita Head Start Renovation Project (Project No. 1003445) for construction and project contingency; 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: the City Council finds and determines that it is in the best interests of the City to waive any further advertising and bidding pursuant to OMC section 2.04.050.I.5 because of the reasons set forth herein and in the Report that accompanies this resolution, and so does waive these requirements, and be it

FURTHER RESOLVED: That the Council finds and determines that all bids received were non-responsive and significantly over the construction estimate of \$404,051.97 and therefore invalid and are hereby all rejected, and be it

FURTHER RESOLVED: That in accord with OMC section 2.04.050.J, the City Administrator may proceed to hire and purchase the services in the open market when no valid bids are received after advertising as required by the OMC, and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to award a construction contract without return to Council for an amount not to exceed five hundred and fifty thousand dollars (\$550,000.00) in the open market for the construction of the Manzanita Recreation Center Head Start Renovation (project no. 1003445), in accordance with the project plans and specifications; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to approve and reallocate additional funds of one hundred fifty thousand dollars (\$150,000.00) from the Head Start Facility Renovation At Arroyo Viejo Recreation Center Project (no. 1003443), Measure KK Bond remaining funds (fund no. 5330), to the Manzanita Head Start Renovation Project (project no. 1003445) for construction and project contingency; and be it

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

FURTHER RESOLVED: That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, including

Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; 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,

MAY - 7 2019

PASSED BY THE FOLLOWING VOTE:

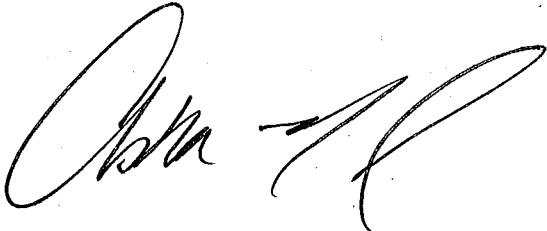
AYES - FORTUNATO BAS, GALLO, ~~WILSON~~, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McElhenny



ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California