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# OAKLAND CITY COUNCIL

RESOLUTION No. 87852 C.M.S.

**RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE BALLFIELD WIRING AND LIGHTING CAPITAL IMPROVEMENT PROJECT (PROJECT NUMBER 1003447), IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS.**

**WHEREAS**, on June 17, 2014 the City Council approved reallocation of one hundred thousand dollars (\$100,000) from the East Bay Regional Park District Measure WW Bond funds to Curt Flood Field in Resolution No. 85055 C.M.S.; and

**WHEREAS**, the Ballfield Wiring and Hazard Mitigation Project was identified as a priority project in the Fiscal Year (FY) 17-19 Capital Budget and funded by the first series of Measure KK – Affordable Housing and Infrastructure Bond in Fall 2017 in the amount of \$1,000,000 for four fields – Golden Gate Sports Field, Curt Flood Field, Tassafaronga Field and Lowell Field;

**WHEREAS**, on June 19, 2018, the City Council adopted the FY 2018-19 Midcycle Budget Amendment and appropriated \$4,403,500 from the Sugar Sweetened Beverage Tax Measure HH fund for an one-time investments to playgrounds, tot lots, City pools, and sports facilities to the most impacted neighborhoods. Staff submitted recommendations of projects to the Community Advisory Board in Oct. 2018 and allocated \$1,100,000 to Curt Flood Field Lighting improvements; and

**WHEREAS**, on June 14, 2019 the City advertised the Ballfield Wiring and Lighting Project No. 1003447 for bid and 2 bids were received by the City Clerk on July 11, 2019; and

**WHEREAS**, both bids were significantly over the current construction budget; and

**WHEREAS**, advertising and competitive re-bidding will delay the construction project, increase construction costs due to escalation, and may not result in bids responsive to the project construction budget; and

**WHEREAS**, value engineering and negotiating with a contractor will be required to determine reasonable scope modifications to complete projects within the available budget; 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**, project funds are appropriated and allocated from Measure KK - Affordable Housing and Infrastructure Bond Fund (Award 23253) and Measure HH Suagr Sweetened Beverage Tax Fund (Award 23584) and Measure WW Regional Open Space, Wildlife, Shoreline and Parks Bond Local Grant Program (Award 20550); 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 be it

**FURTHER 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 because further advertising and competitive re-bidding will delay the construction project, increase construction costs due to escalation, and may not result in bids responsive to the project construction budget and OMC section 2.04.050.J authorizes the City Administrator to proceed to hire or have the services performed or purchase the supplies in the open market when no valid bids are received after advertising as required; and be it

**FURTHER RESOLVED:** That staff will negotiate the scope of work in order to secure a contract to complete projects within the available budget; and be it

**FURTHER RESOLVED:** That the City Administrator or Designee, is authorized to negotiate and execute a construction contract without return to Council for the construction of the Ballfield Wiring and Lighting Project No. 1003447 for an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) in accordance with the final negotiated project plans

and specifications; and be it

**FURTHER RESOLVED**, That the City Council hereby approves the plans and specifications, including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of the Oakland Public Works Department for this project; 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 Department; 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 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,

SEP 17 2019

PASSED BY THE FOLLOWING VOTE:

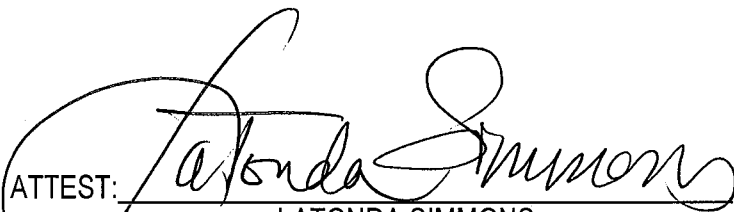
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, ~~THOMAS~~ AND PRESIDENT KAPLAN

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Thom

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