

2011 DEC -1 PM 1:00 RESOLUTION No. 83687 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH MCGUIRE & HESTER FOR THE 12TH STREET RECONSTRUCTION PROJECT (PROJECT NO. C241610) FROM TEN PERCENT TO TWENTY PERCENT OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED THIRTY-EIGHT MILLION FOUR HUNDRED FORTY-THREE THOUSAND SEVEN HUNDRED ONE DOLLARS AND SEVENTY-SEVEN CENTS (\$38,443,701.77)

WHEREAS, 12th Street Reconstruction is a component of the Lake Merritt Master Plan; and

WHEREAS, a contract for construction was awarded to McGuire & Hester in March 2010 in the amount of Thirty Two Million Thirty-Six Thousand Four Hundred Eighteen Dollars and Fourteen Cents (\$32,036,418.14) and executed in accordance with Resolution No. 82579 C.M.S. ; and

WHEREAS, construction is currently underway by McGuire and Hester; and

WHEREAS, this year the City of Oakland received a Federal Transportation grant (from the Housing and Urban Development and Related Agencies Appropriation Act of 2010) in the amount of \$827,900 for project enhancements requiring additional construction; and

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, sufficient funding is available in the project budget to cover the original contract amount and to increase the change order limit in the following accounts:

- \$827,900.00: Federal Transportation grant - Housing & Urban Development and Related Agencies Appropriation Act of 2010 (corresponding subprojects to be created); and
- \$26,560,000.00: Measure DD - 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393310

- \$13,376,883.00: Federal Highway Administration (FHWA) – Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393320
- \$8,000,000.00: State Coastal Conservancy (Proposition 50) Grant Fund (2159); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393330

WHEREAS, the City Council finds and determines that the performance of this additional work shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, Section 2.04.050 I. 5 of the Oakland Municipal Code (the “OMC”) authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to OMC Section 2.04.051 I.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with McGuire and Hester for the 12th Street Reconstruction project (Project No. C241610) from ten percent to twenty percent of the original contract amount, because it is vital to the project to do so in order to: (1) allow staff to implement additional enhancements along with the original work as required by the federal grant, and (2) maintain continuity and minimize costly delays and disruption during the middle of ongoing project construction and completion; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the contract with McGuire & Hester for the 12th Street Reconstruction project (Project No. C241610) from ten percent to twenty percent of the original contract amount for a total contract amount not-to-exceed Thirty-Eight Million Four Hundred Forty-Three Thousand Seven Hundred One Dollars and Seventy-Seven Cents (\$38,443,701.77)

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 17 2012, 20

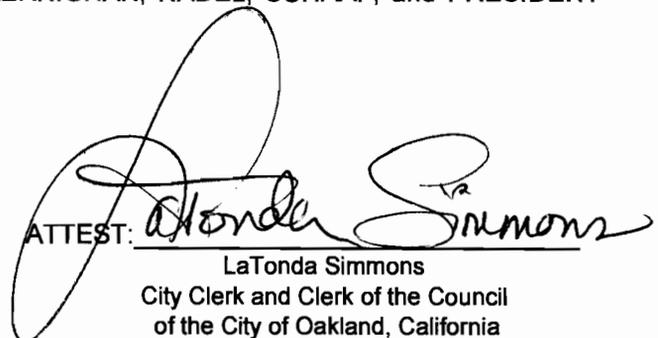
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, 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