

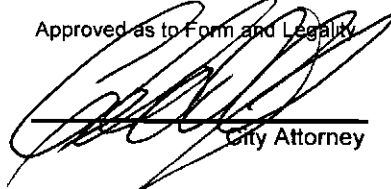
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OFFICE OF THE CITY CLERK  
OAKLAND

2014 FEB 27 PM 1:51

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 84888 C.M.S.**

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

  
\_\_\_\_\_  
City Attorney

**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE AMOUNT OF THE CONTRACT WITH DISNEY CONSTRUCTION, INC. FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) BY ONE HUNDRED NINETY THOUSAND SIX HUNDRED TWELVE DOLLARS (\$190,612.00) FOR A NOT-TO-EXCEED AMOUNT OF THREE MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$3,850,000.00)**

**WHEREAS**, on July 18, 2011, the California Department of Transportation (Caltrans) approved the construction phase of the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) and awarded the City of Oakland a grant of federal and State Proposition 1B funds in the amount of \$3,601,059.00; and

**WHEREAS**, a contract for construction was awarded to Disney Construction, Inc. on March 5, 2013 in the amount of \$2,814,914.00 and executed in accordance with Resolution No. 84229 C.M.S.; and

**WHEREAS**, Staff has secured approval from Caltrans for additional federal and State Proposition 1B funding to cover the increased construction cost, change orders, and additional project management for a total grant amount of up to \$4,529,986.00, which was approved by the City Council for acceptance and appropriation under Resolution No. 84723 C.M.S. dated November 19, 2013; and

**WHEREAS**, on November 19, 2013, the City Council approved and authorized an increase to the construction contract to a not-to-exceed amount of \$3,659,388.00 in accordance with Resolution No. 84722 C.M.S.; and

**WHEREAS**, due to many unforeseen and changed field conditions, additional change orders in the amount of \$190,612.00 are needed to successfully complete the project; and

**WHEREAS**, sufficient funding will be available in the project budget to cover the original contract amount and change orders in the following accounts:

- \$3,850,000.00: Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; 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**, 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 2.04.050.1.5 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 2.04.050.1.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the amount of the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) by One Hundred Ninety Thousand Six Hundred Twelve Dollars (\$190,612.00) for a not-to-exceed amount of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00), 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 amount of the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) by One Hundred Ninety Thousand Six Hundred Twelve Dollars (\$190,612.00) for a not-to-exceed amount of Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00).

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 18 2014

**PASSED BY THE FOLLOWING VOTE:**

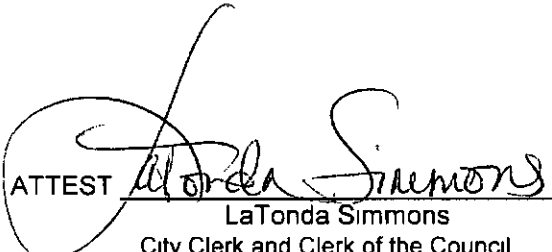
AYES - ~~BROOKS~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

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