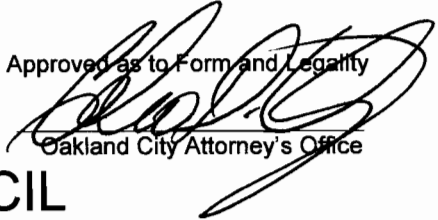


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Approved as to Form and Legality  
  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 83187 C.M.S.

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**RESOLUTION AUTHORIZING AN INCREASE IN THE CONSTRUCTION MANAGER AT-RISK CONTRACT WITH CAHILL CONTRACTORS, INC. IN THE AMOUNT NOT TO EXCEED SIX MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$6,920,000) TO COMPLETE PHASE 2 AND FUTURE PHASES OF THE MUSEUM RENOVATIONS PROJECT (NATURAL SCIENCE GALLERY, EDUCATION CENTER, SUPPORT SPACES AND OTHER AREAS) AS PRIVATE OR PUBLIC FUNDING BECOMES AVAILABLE FOR A TOTAL CONTRACT AMOUNT OF TWENTY FOUR MILLION DOLLARS (\$24,000,000), AND WAIVING FURTHER ADVERTISING AND REQUEST FOR PROPOSALS OR BIDS FOR THIS CONTRACT**

**WHEREAS**, In March 2002 the voters approved Measure G authorizing the issuance of \$59 million in general obligation bonds for improvements to the Oakland Zoo, Oakland Museum of California and Chabot Space and Science Center, with \$23.6 million of the Measure G funds dedicated to Oakland Museum renovations; and

**WHEREAS**, Measure G granted the Oakland Museum of California Foundation (Museum Foundation) authority to administer and manage Measure G funds and the design and construction of the Measure G-funded renovations; and

**WHEREAS**, the museum renovation work was anticipated in two phases, Phase 1 included the Art and History Galleries renovation and expansion, Leak Repair, ADA upgrades, entry and walkway canopy, mechanical and life safety system upgrades and other Museum Foundation-prioritized work and Phase 2 included the Natural Sciences Gallery, Theatre, Museum Store, Great Hall, Education Center, Restaurant, Leak Repair and support spaces, and proposals were solicited for a construction manager at-risk to complete both phases with the initial contract to include Phase 1 and Phase 2 to be added later provided sufficient funds were available; and

**WHEREAS**, the museum renovation work included an intermediate phase (Phase 1.5) to allow the work on spaces originally planned for Phase 2, but completion ahead of remaining Phase 2 work allowed the successful reopening of the Museum in April 2010 and allows Phase 2 renovations to occur with minimal disruption to public visitation and loss of revenue; and

**WHEREAS**, a request for proposals was issued for a construction manager at-risk to facilitate design and complete construction of Phases 1 and 2 of the work, Cahill Contractors, Inc. was selected and hired initially to complete the Phase 1 renovations and this work was paid for with Measure G and privately raised funds; and

Contractors, Inc. was selected and hired initially to complete the Phase 1 renovations and this work was paid for with Measure G and privately raised funds; and

**WHEREAS**, it was anticipated that Cahill Contractors, Inc. would continue on subsequent phases of work as funding became available; and

**WHEREAS**, the City and Cahill Contractors negotiated extending and increasing the contract to include Phase 2 when additional private funds were raised; and

**WHEREAS**, the Museum Foundation raised in excess of \$10.3 million in private funds to pay for Phase 2 renovations, and these funds were accepted by the City Council for this purpose in May, 2009 (Resolution No. 81962 C.M.S.); and

**WHEREAS**, the Museum Foundation and staff now recommend extending and increasing the construction manager contract with Cahill Contractors, Inc. to include Phase 2 and any future phases to complete the museum renovations with any combination of private and public capital improvement funds; and

**WHEREAS**, the City Administrator has determined that this contract is of a professional, scientific or technical and temporary nature, and that it 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 Administrator is authorized to extend the construction manager at-risk contract with Cahill Contractors, Inc. to include Phase 2 and future phases of the Museum Renovations Project, and to increase the contract in the amount of \$6,920,000 for a total contract amount of \$24,000,000, without further advertising and request for proposals or bids for this contract to complete the work; and be it

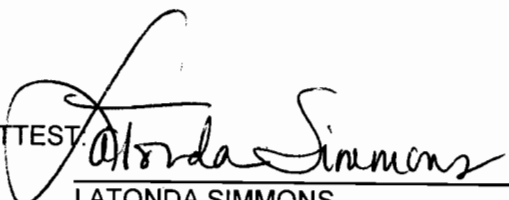
**FURTHER RESOLVED:** That the contract amendment shall be approved for form and legality by the Office of the City Attorney and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 1 2011

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