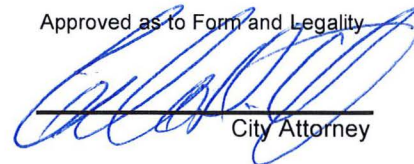


2016 FEB 25 PM 3:38

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. 86049 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE REIMBURSEMENT AGREEMENT WITH EAST BAY MUNICIPAL UTILITIES DISTRICT (“EBMUD”), INCREASING THE NOT TO EXCEED REIMBURSEMENT AMOUNT FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) TO EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) AND TO ACCEPT AND APPROPRIATE THE FUNDS FOR CONSTRUCTION, PROFESSIONAL SERVICE AGREEMENTS AND CITY STAFF COSTS ASSOCIATED WITH THE RELOCATION OF THE EBMUD WATER MAIN FOR THE LATHAM SQUARE STREETScape IMPROVEMENTS PROJECT (NO. C464560) WITHOUT RETURN TO COUNCIL

WHEREAS, on March 17, 2015 the Council passed Resolution No. 85455 C.M.S. awarding a construction contract to McGuire and Hester, Inc. in accordance with project plans and specifications for the Latham Square Streetscape Improvements Project (Project No. C464560) located on Broadway and Telegraph Avenue in the City of Oakland, hereinafter called the “PROJECT”; and

WHEREAS, on March 17, 2015 the Council passed Resolution No. 85456 C.M.S. authorizing the City Administrator or designee to negotiate and execute a reimbursement agreement with East Bay Municipal Utilities District (“EBMUD”) in the amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) and to accept and appropriate these funds for the construction and City staff costs associated with the construction of EBMUD water main relocation for the Latham Square Project (No. C464560).

WHEREAS, the construction of the PROJECT necessitated the relocation of EBMUD’s existing 8-inch and 12-inch diameter mains (“MAIN”) in Broadway, and that this relocation be completed by December 31, 2015; and

WHEREAS, as required by law under certain circumstances, EBMUD is responsible for the relocation of its facilities in order to accommodate certain public street improvements projects; and

WHEREAS, the City and EBMUD recognize that the most timely, mutually-beneficial and cost-effective way for execution of the PROJECT and relocation of the MAIN is for the City to require its construction contractor to install the MAIN as a component of completing the PROJECT, in coordination with and subject to inspection and approval by EBMUD; and

WHEREAS, additional EBMUD related reconstruction due to unforeseen conditions and existing aging infrastructure, inaccurate utility maps, unmapped underground aged utilities, and unmapped abandoned utilities, was required; and

WHEREAS, costs associated with the additional unforeseen scope of the MAIN construction, including construction costs, City contract administration costs, inspection costs, staff costs, and change orders, will increase the total costs for which EBMUD shall reimburse the City from \$300,000.00 to not-to-exceed \$800,000.00; now therefore, be it

RESOLVED: That the City Administrator is authorized to negotiate and amend the reimbursement agreement with East Bay Municipal Utilities District (EBMUD) increasing the amount from Three Hundred Thousand Dollars (\$300,000.00) to not-to-exceed Eight Thousand Dollars (\$800,000.00) for the reimbursement of construction costs and City Staff costs associated with the construction of EBMUD water main relocation; and be it

FURTHER RESOLVED: That the Council shall appropriate and allocate additional funds under: Miscellaneous Grants Fund (No. 2999); Capital Project – Transportation Planning and Funding Organization (No. 92260); Structures and Improvements Account (No. 57311); Project No. C194925; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized and directed to take any and all actions necessary to implement the AGREEMENT, including but not limited to: conduct all negotiations, execute any additional agreements, amendments, modifications, change orders, payment requests, procure all requisite permits, and to conduct all related actions that may be necessary for the completion of the delivery of the construction of the MAIN relocation and reimbursement of the City for associated staff, professional service agreements, and construction costs and appropriate funds without return to Council; 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.

MAR 15 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

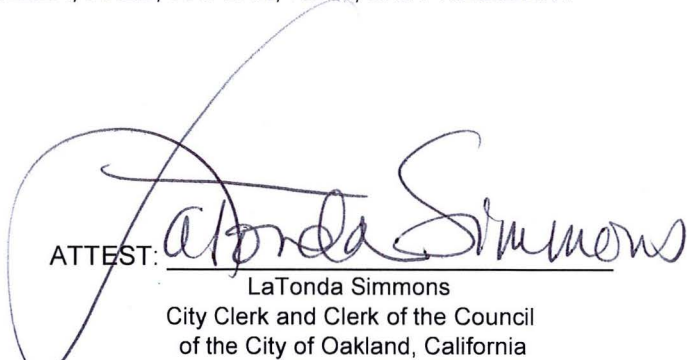
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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