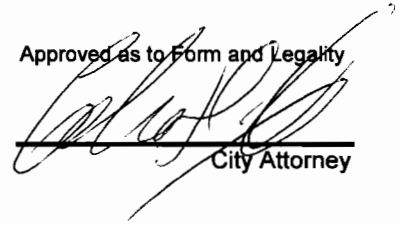


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2011 OCT 27 PM 5:53 RESOLUTION No. 83616 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL ("RFP") SELECTION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC. TO ADD ADDITIONAL DESIGN AND ENGINEERING SERVICES FOR THE 12th STREET RECONSTRUCTION PROJECT AND TO INCREASE THE CONTRACT FROM FIVE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$5,800,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED SIX MILLION EIGHTY THOUSAND DOLLARS (\$6,080,000.00)

WHEREAS, 12th Street was an existing area identified for reconstruction as outlined in the Lake Merritt Master Plan; and

WHEREAS, a professional services agreement was awarded to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services in March 2004 in the amount of Four Million Seven Hundred Thousand dollars (\$4,700,000.00) and executed in accordance with Resolution No. 78405 C.M.S. ; and

WHEREAS, an amendment (Amendment No. 1) to the professional services agreement was authorized in December 2006 to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services to increase to not exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00) and executed in accordance with Resolution No. 80343 C.M.S. ; and

WHEREAS, an amendment (Amendment No. 2) to the professional services agreement was authorized in August 2008 to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services to increase to not exceed Five Million Eight Hundred Thousand dollars (\$5,800,000.00) and executed in accordance with Resolution No. 81504 C.M.S. ; and

WHEREAS, a contract for construction was awarded to McGuire and Hester in March 2010 and executed in accordance with Resolution No. 82579 C.M.S.; and

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

WHEREAS, engineering support is necessary for design changes, change orders, material testing, special inspections, extension of regulatory permits prior to expiration, and other contract management functions related to geotechnical, environmental, structural, architectural, hydrological, and electrical aspects of the project during construction; and

WHEREAS, engineering support is necessary for anticipated revisions due to conflicts with pre-existing piles supporting culvert structures to be demolished; 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 \$827,000 for project enhancements requiring new design,

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, Rajappan & Meyer Consulting Engineers, Inc. complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, funding is available to amend the agreement using available Bond Measure DD, Oakland Trust for Clean Water and Safe Parks funds that have been approved and appropriated for the 12th Street Reconstruction project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); 12th Street Reconstruction - Series B Project (C393310); \$280,000.00; 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 the City Council hereby authorizes the City Administrator, or her designee, to negotiate and amend the professional services contract with Rajappan & Meyer Consulting Engineers Inc., to add additional design and engineering services for the 12th Street Reconstruction project and to increase the contract by two hundred eighty thousand dollars (\$280,000.00) from five million eight hundred thousand dollars (\$5,800,000.00) to a total contract amount not-to-exceed six million eighty thousand dollars (\$6,080,000.00), and waive the Request for Proposal (RFP) requirement for the new work; and be it

FURTHER RESOLVED: That it is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the “Engineer of Record” for this project and will provide needed professional services to minimize delays and disruption during construction; and be it

FURTHER RESOLVED: That approval of this amendment will enable staff to retain the "Engineer of Record" to respond and resolve potential design conflicts, and will ensure continuity of the original professional liability and minimize costly delay claims during construction; and be it

FURTHER RESOLVED: That the amendment will also allow for the design of facility enhancements to be expedited for submission to Caltrans for their review and approval as required by the new federal grant; and be it

FURTHER RESOLVED: That the contract be extended to December 31, 2013; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the amendment to the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 15 2011, 20

PASSED BY THE FOLLOWING VOTE:

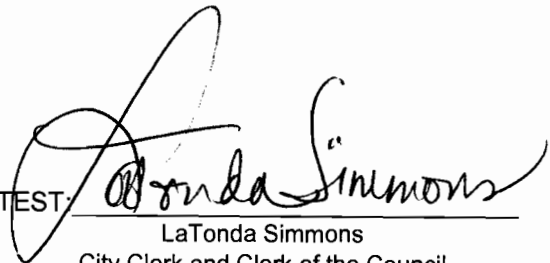
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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