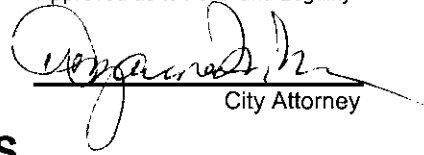


# OAKLAND CITY COUNCIL

  
City Attorney

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No. 80185 C.M.S.

2006 SEP 28 PM 5:04

**RESOLUTION WAIVING THE COMPETITIVE BID PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE NEW PRICES AND INCREASE THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER FOR THE RESURFACING OF CERTAIN STREETS IN THE CITY OF OAKLAND FOR FISCAL YEAR 2003-2004 (PROJECT NO. C234930) BY AN AMOUNT NOT-TO-EXCEED \$2,000,000.00 FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$7,100,000.00**

**WHEREAS**, on June 1, 2004, the City Council approved Resolution No. 78594 C.M.S. awarding the construction contract for the Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-2004 to McGuire and Hester in the amount of \$3,928,797.40; and

**WHEREAS**, on June 7, 2005, the City Council passed Resolution No. 79266 C.M.S. authorizing the City Administrator to increase the construction contract with McGuire and Hester by \$581,882.99 for a total contract amount of \$5,100,000.00.; and

**WHEREAS**, during the fiscal year 2005-07 mid-cycle budget review, the City Council approved \$2,000,000.00 of surplus funds in the General Purpose Fund (1010) for resurfacing of streets in the worst condition; and

**WHEREAS**, the City of Oakland desires to negotiate new prices and issue a change order to the existing contract for the additional work rather than competitively bid in order to complete a significant amount of work (approximately \$800,000.00) before the winter rainy season and competitively bidding or opening negotiations to other contractor will substantially delay the work; and

**WHEREAS**, funding is available in the fiscal year 2006-07 budget within the General Purpose Fund (1010), Heavy Paving Organization (92480), Contract Contingencies (54011), City Council Priority FY06-07 Street Resurfacing –1010 Project (C293110), Streets & Sidewalks Management & Development Program (IN04); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary repairs; and

**WHEREAS**, an increase to the contract amount will allow the City to complete the rehabilitation of the City’s worst streets as part of this project on schedule and to meet grant funding deadlines; and

**WHEREAS**, the performance of the services by contract is in the public interest because of economy or performance, that the contract services authorized hereunder are technical and temporary in nature and 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 pursuant to Oakland Municipal Code Chapter 2, Article 2.04.050.I.5, the City Council hereby finds and determines that is in the City's best interests to waive competitive bidding for the additional street paving work described above and authorizes the City Administrator or her designee to negotiate prices, to issue a change order to the construction contract with McGuire and Hester for the Resurfacing of Certain Streets in the City of Oakland for Fiscal Year 2003-3004 (Project Number C234930) and to increase the contract to cover the new work in an amount not-to-exceed two million dollars (\$2,000,000.00), for a total contract amount not-to-exceed seven million one hundred thousand dollars (\$7,100,000.00); and, be it

**FURTHER RESOLVED:** That staff will meet with each City Council Member to finalize the list of the City's worst streets to be rehabilitated in their respective Council district; and, be it

**FURTHER RESOLVED:** That \$2,000,000.00 of surplus General Purpose Fund (1010) revenue will be equally distributed to each Council district; and, be it

**FURTHER RESOLVED:** That McGuire and Hester shall comply with Alameda County Transportation Improvement Act (ACTIA) Local and Small Local Business Enterprise (LBE/SLBE) goals; and, be it

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

**OCT - 3 2006**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and ~~TRINIDAD DE LA FUENTE~~ - 6

NOES - 0

ABSENT - Brunner - 1

ABSTENTION - 0

Excused - De La Fuente - 1

ATTEST:

  
LaTonda Simmons

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