


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUN 10 PM 5:52

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82859 C.M.S.

RESOLUTION TO ALLOCATE AN AMOUNT UP TO ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) OF MEASURE DD SERIES 2003A UNALLOCATED INTEREST FUNDS FOR THE EAST OAKLAND SPORTS CENTER PROJECT FOR ADDITIONAL CONSTRUCTION CONTRACT CONTINGENCIES AND ASSOCIATED CAPITAL EXPENSES

WHEREAS, the East Oakland Sports Center is a much needed project to provide a wide variety of year-round recreational opportunities for all ages and all abilities; and

WHEREAS, pursuant to Resolution No. 81418 C.M.S., the City Administrator executed two Construction Manager At-Risk contracts with Turner Construction Company for a total lump sum amount of \$18,610,000.00 for construction of the East Oakland Sports Center Project; and

WHEREAS, the East Oakland Sports Center Project currently includes a construction contract contingency of \$450,000.00 which is 2.4% of the total construction budget, and due to the additional costs of unforeseen conditions and required additional work this construction contract contingency amount will not be sufficient to complete the project as planned; and

WHEREAS, the requested increase in funding of up to \$1,200,000.00 would augment the construction contract contingency to 8.9% of the original construction contract total, which is below the typical 10% change order limit authorized by Council in Section 3-2.1 of the contract special provisions; and

WHEREAS, the East Oakland Sports Center Project has received \$9,350,000.00 in Measure DD funding; and

WHEREAS, funding is available from Measure DD Series 2003A unallocated interest funds (Oakland Trust for Clean Water and Safe Parks, Fund 5320, Capital Project Management Organization 08721, Account 44113) in an amount up to one million two hundred thousand dollars (\$1,200,000.00) for construction of East Oakland Sports Center Project; and

WHEREAS, any unused funding will be returned to the Measure DD Series 2003A unallocated interest funds account; now, therefore be it

RESOLVED: That the City Council approves the allocation of an amount up to one million two hundred thousand dollars (\$1,200,000.00) of Measure DD Series 2003A unallocated interest funds for the East Oakland Sports Center Project, City Project No. C244610, for additional construction contingency funding and associated capital expenses; and be it

FURTHER RESOLVED: That the City Attorney's Office has reviewed this resolution as to form and legality and a copy is kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 6 2010, 2010

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS, DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT BRUNNER, - 6

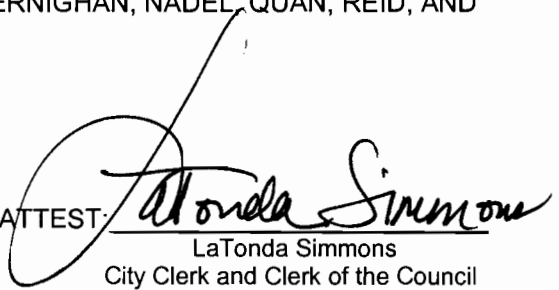
NOES- 0

ABSENT- Brooks - 1

ABSTENTION- 0

Excused- De La Fuente - 1

ATTEST:



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