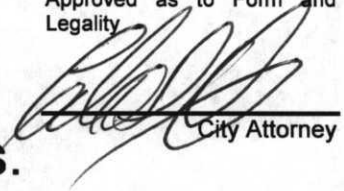


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2014 JUN 26 PM 3: **RESOLUTION No.** 85104 **C.M.S.**

Introduced by Councilmember _____

RESOLUTION WAIVING THE REQUEST FOR PROPOSAL ("RFP") COMPETITIVE SELECTION REQUIREMENT; AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH RAJAPPAN AND MEYER CONSULTING ENGINEERS, INC. FOR 10TH STREET BRIDGE TO INCREASE THE CONTRACT AMOUNT FROM ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00) TO A TOTAL NOT-TO-EXCEED ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000.00) TO BE FUNDED FROM MEASURE DD BOND SERIES 2009B PROCEEDS; AND EXTENDING THE TIME OF PERFORMANCE OF THE CONTRACT WORK FROM DECEMBER 31, 2014 TO DECEMBER 31, 2016.

WHEREAS, Measure DD, the Oakland Trust for Clean Water and Safe Parks Bond, projects which includes a number of projects along the Lake Merritt Channel designed to improve tidal flows and access between the Oakland Estuary and Lake Merritt; and

WHEREAS, one of these projects is the 10th Street Bridge project at Lake Merritt Channel; and

WHEREAS, the Measure DD program calls for the removal of existing infrastructure at 10th Street including a multi-box culvert and related embankment for the construction of a new bridge, multipurpose pathways, channel park enhancements, minimum 100 feet channel widening at 10th Street, facilities to maintain the Laney College emergency access, and the incorporation of public art elements; and

WHEREAS, in June 2005, a professional services agreement was awarded to Rajappan & Meyer Consulting Engineers, Inc. for design and engineering services for an amount not-to-exceed one million two hundred thousand dollars (\$1,200,000.00) and a contract was executed in accordance with Resolution No. 79414 C.M.S.; and

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

WHEREAS, in November 2011, the professional services agreement with Rajappan & Meyer Consulting Engineers, Inc. was amended to provide design and engineering services to revise the construction documents due to property boundary line changes, utility relocations, and value engineering, increasing the total contract amount not-to-exceed one million six hundred thousand dollars (\$1,600,000.00); and

WHEREAS, the amendment also extended the contract from March 31, 2012 to December 31, 2014; and

WHEREAS, the amendment was funded from Measure DD Bond Series B proceeds in accordance with Resolution No. 83617 C.M.S.; and

WHEREAS, since then, Rajappan & Meyer Consulting Engineers, Inc. dealt with scope changes related to rebid process, foundation piles redesign after new geotechnical findings, and delays with construction due to obtaining regulatory agency permits and relocation of existing utilities; and

WHEREAS, an amendment is needed to the professional services contract with Rajappan & Meyer Consulting Engineers, Inc. to allow continuation of construction support and design services by the "Engineer of Record" through the construction completion and final acceptance by the City which is anticipated in fall of 2016; and

WHEREAS, construction support and design services include, but not limited to, responding and resolving design related issues and field discrepancies, review submittals, respond to information requests from the contractor, provide geotechnical engineering support and pile installation monitoring, and furnish an as-built drawings at construction completion; and

WHEREAS, funding to amend the agreement is from Measure DD, Oakland Trust for Clean Water and Safe Parks bond, Series B proceeds appropriated for the 10th Street Bridge project in the following account:

- Measure DD 2009 Series B Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Contract Services Account (54411); Lake Merritt Channel 10th Street – Series B Project (C395610); \$300,000.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of the professional services in the contract is in the public interest because of economy or better performance; 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 the designee, to negotiate and amend the professional services contract with Rajappan & Meyer Consulting Engineers Inc. to include additional construction support and design services for the 10th Street Bridge project and to increase the contract by three hundred thousand dollars (\$300,000.00) from one million six hundred thousand dollars (\$1,600,000.00) to a total amount not-to-exceed one million nine hundred thousand dollars (\$1,900,000.00), and waive the Request for Proposal (RFP) requirement for the new work; and be it

FURTHER RESOLVED, that is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) since Rajappan & Meyer Consulting Engineers, Inc. is the "Engineer of Record" for this project; and be it

FURTHER RESOLVED, that approval of this amendment will enable staff to retain the "Engineer of Record" to continue providing construction support and design services and ensure continuity of the original professional liability without disruption; and be it

FURTHER RESOLVED, that the contract be extended from December 31, 2014 to December 31, 2016; and be it

FURTHER RESOLVED, that the City Administrator or the 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.

JUL 15 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____



PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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