


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH PROVEN MANAGEMENT, INC. FOR THE SEISMIC RETROFIT OF 23RD AVENUE BRIDGE (PROJECT NO. 1001681) FROM TWENTY-FIVE PERCENT (25%) TO SIXTY-FIVE PERCENT (65%) OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED TEN MILLION FOUR HUNDRED NINETY-ONE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS (\$10,491,982.00)

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for the Seismic Retrofit of 23rd Avenue Bridge (Project No. 1001681); and

WHEREAS, a contract for construction was awarded to Proven Management, Inc. on October 16, 2018 in the amount of \$6,358,777.00 and executed in accordance with Resolution No. 87383 C.M.S.; and

WHEREAS, construction is currently underway by Proven Management, Inc.; and

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; and

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, staff has requested additional grant funds from Caltrans to cover the cost and has received a positive response; and

WHEREAS, grant funding for the increase of construction contract contingencies will be available, pending Caltrans approval to increase the grant, in the following project accounts:

- Department of Transportation Fund (2116); Capital Projects Project Management Organization (92270); Street Construction Account (57411); Project 1001681; Award 23494; \$3,096,184.00; and

WHEREAS, the additional grant for this contract requires a local match of \$401,143.00 and funds are available from the following funding sources:

- Measure B Fund (2211); Engineering Design: Traffic / Parking Organization (92246); Street Construction Account (57411); Project 1000819; Task 23rd Ave Bridge; Award 23234; \$401,143.00

WHEREAS, the City Council finds and determines that the performance of this additional work shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, Section 2.04.050.I.5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, waiving the advertising and competitive bidding requirements of OMC Section 2.04.050 remains in the best interest of the City because it will allow staff to complete the project as required by the federal grant, and avoid further costly delays and disruption during the middle of the ongoing project construction; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to OMC Section 2.04.051.B, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with Proven Management, Inc. for the Seismic Retrofit of 23rd Avenue Bridge (Project No. 1001681) from twenty-five percent (25%) to sixty-five percent (65%) of the original contract amount, because it will allow staff to complete the project as required by the federal grant, maintain continuity, and avoid further costly delays and disruption during the middle of ongoing project construction; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to increase the change order limit for the contract with Proven Management, Inc. for the Seismic Retrofit of 23rd Avenue Bridge (Project No. 1001681) from twenty-five percent (25%) to sixty-five percent (65%) of the original contract amount for a total contract amount not-to-exceed ten million four hundred ninety-one thousand nine hundred eighty-two dollars (\$10,491,982.00).

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO,
AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION –

ATTEST: _____

ASHA REED

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