

City Attorney

2014 JUL 10 PM 12:32

OAKLAND CITY COUNCIL

RESOLUTION No. 85132 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT AMOUNT FOR THE CONTRACT WITH BAY AREA LIGHTWORKS FOR CONSTRUCTION OF TRAFFIC SIGNAL INSTALLATIONS AND MODIFICATIONS (PROJECT NO. C313710), FROM TWENTY PERCENT (20%) TO TWENTY-THREE PERCENT (23%) OF THE ORIGINAL CONTRACT AMOUNT, FOR A TOTAL AMOUNT NOT-TO-EXCEED ONE MILLION SIX THOUSAND SIX HUNDRED THIRTY-ONE DOLLARS AND THIRTY-THREE CENTS (\$1,006,631.33)

WHEREAS, the City of Oakland used Capital Improvement Program, Local Measure B to fund the Traffic Signal Installations and Modifications (Project No. C313710); and

WHEREAS, a contract for construction of the project was awarded to Bay Area Lightworks on March 6, 2012 in the amount of Eight Hundred Eighteen Thousand Dollars Two Hundred Seventy-Six Dollars and Eleven Cents (\$818,276.11) and executed in accordance with Resolution No. 83667 C.M.S.; and

WHEREAS, construction has been completed by Bay Area Lightworks; and

WHEREAS, as a result of changes due to unforeseen field conditions, additional change order capacity is needed to finalize project costs and successfully close 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, the original contract included authority to increase the approved contract amount by twenty percent (20%) for change orders totaling \$163,655.22 to address cost escalation, additional work required to resolve conflicts between utilities and new traffic signal equipment, additional PG&E service requirements, and for additional traffic control; and

WHEREAS, sufficient funding is available to cover the increase in the change order limit to twenty-three percent (23%), to settle a claim with the contractor for unanticipated delays, in the following account:

- Local Measure B; Traffic Signal Management Program (C427910); Fund (2211); Public Works Department, Transportation Services Division, Organization (92246); Signal and Safety Devices (57412); Program (NB33) in the amount of (\$24,700.00).

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, it is in the best interests of the City to waive these purchasing processes in order to resolve the contractor's claim for delays on the project, instead of going through costly and time-consuming claims or litigation process; Now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to OMC Section 2.04.050.I.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the amount of the contract with Bay Area Lightworks for construction of Traffic Signal Installations and Modifications (Project No. C313710) for a total amount not-to-exceed One Million Six Thousand Six Hundred Thirty-One Dollars and Thirty-Three Cents (\$1,006,631.33), in order to finalize the contract and settle a contractor claim; and be it

FURTHER RESOLVED: that the claim settlement, reviewed by the Director, or her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or his designee, to increase the change order limit amount for the contract with Bay Area Lightworks for construction of Traffic Signal Installations and Modifications (Project No. C313710) from twenty percent (20%) to twenty-three percent (23%) of the original contract amount, for a total amount not-to-exceed One Million Four Thousand Eight Hundred Thirty-One Dollars and Thirty-Three Cents (\$1,006,631.33)

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 29 2014

PASSED BY THE FOLLOWING VOTE:

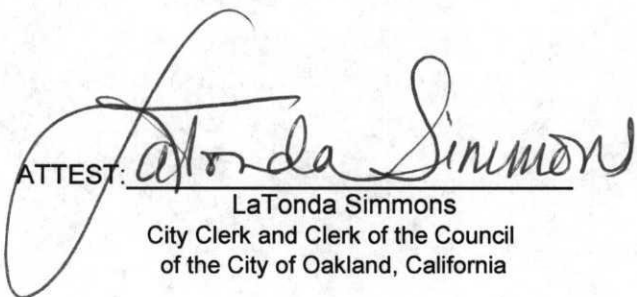
AYES - KALB, GIBSON McELHANEY, SCHAAF, GALLO, BROOKS, ~~REID~~, KAPLAN, and
PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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