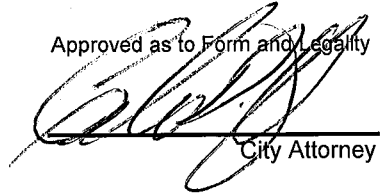


2017 SEP 14 AM 9:46

Approved as to Form and Legality



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION NO. 86916 - C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL (“RFP”) PROCESS FOR AN AMENDMENT TO THE AGREEMENT WITH BKF ENGINEERS FOR LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY (“LAMMPS”) STREETSCAPE (PROJECT NUMBER 1000634 ORIGINALLY SELECTED BY A FORMAL COMPETITIVE PROCESS), TO ADD WORK AND INCREASE THE CONTRACT BY TWELVE MONTHS AND AN AMOUNT NOT-TO-EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) BRINGING THE TOTAL CONTRACT AMOUNT TO NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000.00).**

**WHEREAS**, the City of Oakland applied for and received an Active Transportation Projects (ATP) grant in the amount of \$3,598,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

**WHEREAS**, the City of Oakland applied for and was recommended for award of an Alameda County Transportation Commission (ACTC) Capital Improvements Program (CIP) grant in the amount of \$2,500,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

**WHEREAS**, professional civil engineering services were needed for investigation, preparation of environmental documents, completion of construction documents, securing permit from different federal, state and local agencies and providing construction support for the project; and

**WHEREAS**, after a competitive bid process, BKF Engineers was chosen to provide full design services, including preparing plans, specifications, cost estimate, environmental studies, permit documents, conduct meetings and provide services during bidding and construction phase; and

**WHEREAS**, BKF Engineers was awarded a professional services contract for an amount not to exceed \$750,000.00 by City Council Resolution 85886 C.M.S on November 17, 2015.; and

**WHEREAS**, Measure B funding for this contract was considered the local match for the \$3,598,000.00 ATP grant approved by City Council Resolution 85106 C.M.S. on July 15, 2014; and

**WHEREAS**, the LAMMPS Streetscape Project has completed engineering design, has bid

documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

**WHEREAS**, in order to obtain Caltrans approval on traffic circulation changes around the I-580 on and off ramps design scope and project design budget changes were necessary; and

**WHEREAS**, an extension to the BKF Engineers professional service contract of two hundred thousand dollars (\$200,000.00) is needed to successfully deliver the construction project; and

**WHEREAS**, the funding will be available through ACTC CIP Measure B/BB/VRF funds in the following accounts:

Fund	Organization	Account	Project	Program	Amount
2211 Measure B	92242 Engineering Design: Streets & Structures	54411 Architectural & Engineering Services	1000634 LAMMPS	IN05 Engineering Planning & Design	\$200,000.00

; and

**WHEREAS**, Oakland Municipal Code (O.M.C.) § 2.04.051.A. requires staff to conduct a competitive RFP/Q competitive selection process for professional services; and

**WHEREAS**, O.M.C. §2.04.051.B permits the City Council to waive such RFP/Q requirement upon a finding that it is in the best interest of the City to do so; and

**WHEREAS**, staff believes that it is in the best interest of the City for the City Council to waive the RFP/Q requirement in this instance because BKF Engineers prepared and is the Engineer of Record on the LAMMPS Streetscape Project construction documents and has the historical project knowledge to provide construction services for the LAMMPS construction; now, therefore be it

**WHEREAS**, the City Council finds that this contract is for services of a professional nature; and

**WHEREAS**, the City Council finds that this services under contract will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the City Council finds and determines that, pursuant to O.M.C. § 2.04.051A and for the reasons stated above and in the accompanying report, it is in the best interests of the City to waive the competitive RFP/Q competitive selection requirement of the O.M.C. for the award of a professional services agreement to BFK Engineers, and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator or designee, to amend the professional services contract with BKF Engineers for providing engineering services for Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS)

Streetscape (Project No. 1000634) by twelve months and Two Hundred Thousand Dollars (\$200,000.00) contingent upon the availability of funding for an amount not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Contract with the exception of those related to an increase in total compensation or allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 03 2017

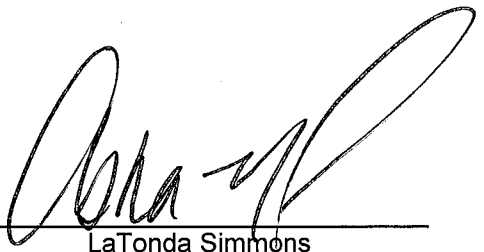
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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