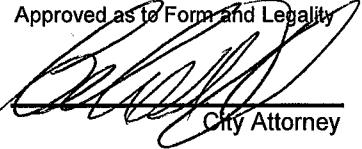


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OFFICE OF THE CITY CLERK
OAKLAND

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OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE RFP/RFQ COMPETITIVE SELECTION PROCESS REQUIREMENTS AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH T.Y. LIN INTERNATIONAL/AECOM JOINT VENTURE FOR THE REPLACEMENT OF EMBARCADERO BRIDGE OVER LAKE MERRITT CHANNEL (PROJECT NO. G121810) INCREASING THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED TWO MILLION SIX HUNDRED THIRTY THOUSAND TWO HUNDRED FORTY-FOUR DOLLARS (\$2,630,244.00)

WHEREAS, the Replacement of Embarcadero Bridge over Lake Merritt Channel was identified by the California Department of Transportation (Caltrans) for the need of seismic retrofit; and

WHEREAS, federal and state grant funding was approved for this project by Caltrans; and

WHEREAS, on October 25, 1999, the City issued a Request for Proposals (RFP) for professional civil engineering services for the Replacement of Embarcadero Bridge over Lake Merritt Channel Project (Project No. G121810), and five firms responded to the RFP; and

WHEREAS, on February 13, 2001 the City Council approved the award of the professional services contract to T.Y. Lin International/AECOM, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) for a total not-to-exceed amount of \$1,100,000.00 by Resolution #76282 C.M.S.; and

WHEREAS, the project was delayed several times due to the National Environmental Policy Act (NEPA) and San Francisco Bay Conservation and Development Commission (BCDC) permit approval process; and

WHEREAS, additional grant funding was approved by Caltrans to cover additional costs related to environmental coordination, scope changes, and project management; and

WHEREAS, on March 31, 2009 the City Council approved an increase to the contract amount for a total not-to-exceed amount of \$1,980,244.00 by Resolution #81888 C.M.S. to cover additional costs related to environmental coordination, scope changes, and project management; and

WHEREAS, on April 2, 2014 Caltrans approved the construction phase of the project and obligated an additional grant of federal and state Proposition 1B funds in the amount of \$19,393,519.00 to cover the cost of the construction phase; and

WHEREAS, on January 20, 2015 the City Council approved an increase to the contract amount for a total not-to-exceed amount of \$2,480,244.00 by Resolution #85362 C.M.S. to cover additional costs related to construction support and design services during construction; and

WHEREAS, several unforeseen conditions have been encountered during construction triggering the need for additional construction support services by T.Y. Lin International/AECOM, Joint Venture; and

WHEREAS, an Amendment to the contract with T.Y. Lin International/AECOM, Joint Venture is needed to allow the consultant to continue providing services during construction; and

WHEREAS, from a liability and practical perspective and based on the circumstances described in the Agenda Report that accompanies this resolution, it is in the City's best interest to waive the Request For Proposal/Request For Qualifications (RFP/RFQ) competitive selection requirements of Section 2.04.051.A of the Oakland Municipal Code (the "OMC"), pursuant to OMC Section 2.04.051.B, and have T.Y. Lin International/AECOM, Joint Venture resume and complete the services under this contract; 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 additional work under this contract will be available, pending Caltrans approval to increase the grant, in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001298; Award 21541; \$132,795.00; and

WHEREAS, the additional grant for this contract requires a local match of \$17,205.00 and funds are available from the following funding source:

- Measure BB Fund (2216); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1000819; Award 21542; \$17,205.00; 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 T.Y. Lin International/AECOM, Joint Venture prepared and is the Engineer of Record on the Replacement of Embarcadero Bridge over Lake Merritt Channel Project construction documents and has the historical project knowledge to provide construction services during construction; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council has determined that this contract is of a professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; 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 T.Y. Lin International/AECOM, Joint Venture, and so waives the requirement; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to amend the professional services contract with T.Y. Lin International/AECOM, Joint Venture extending the contract and increasing the scope of services and contract by One Hundred Fifty Thousand Dollars (\$150,000.00) contingent upon Caltrans approval of additional grant funds for a total contract amount not-to-exceed Two Million Six Hundred Thirty Thousand Two Hundred Forty-Four Dollars (\$2,630,244.00); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement, 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 prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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