

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL
RESOLUTION No. 83617 C.M.S.

Approved as to Form and Legality


City Attorney

2011 OCT 27 PM 1:03

Introduced by Councilmember _____

RESOLUTION WAIVING THE REQUEST FOR PROPOSAL (“RFP”) COMPETITIVE SELECTION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC. TO ADD ADDITIONAL DESIGN AND ENGINEERING SERVICES FOR THE 10th STREET BRIDGE PROJECT AND TO INCREASE THE CONTRACT FROM ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION SIX HUNDRED THOUSAND DOLLARS (\$1,600,000.00)

WHEREAS, Measure DD, the Oakland Trust for Clean Water and Safe Parks Fund 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 the 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 and executed in accordance with Resolution No. 79414 C.M.S.; and

WHEREAS, in January 2009, the contract was amended (Amendment No. 1) to extend the contract time from March 31, 2009 to March 31, 2012 to provide design and engineering revisions to the construction documents due to property boundary line changes and the on-going value engineering effort to reduce construction costs were necessary to complete design for bidding; and

WHEREAS, the revisions addressed property boundary line changes to the adjacent Oakland Unified School District (O.U.S.D.) and new construction by Peralta Community College District (New Art Building for Laney College) that impacted the original design; 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, Rajappan & Meyer Consulting Engineers, Inc. complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

WHEREAS, an amendment is needed to the professional services contract with Rajappan & Meyer Consulting Engineers Inc. to provide engineering services during bidding and construction phases of this project;

WHEREAS, funding is available to amend the agreement using Bond Measure DD, Oakland Trust for Clean Water and Safe Parks funds that have been approved and appropriated for the 10th Street Bridge project in the following account:

- Measure DD: 2009 Series B Clean Water, Safe Parks & Open Space Trust Fund (5321); Engineering Design: Street and Structures Organization (92242); Architectural and Engineering Services Account (54411); Lake Merritt Channel 10th Street - Series B Project (C395610); \$400,000.00; 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 her designee, to negotiate and amend the professional services contract with Rajappan & Meyer Consulting Engineers Inc., to add additional design and engineering services for the 10th Street Bridge project and to increase the contract by four hundred thousand dollars (\$400,000.00) from one million two hundred thousand dollars (\$1,200,000.00) to a total contract amount not-to-exceed one million six hundred thousand dollars (\$1,600,000.00), and waive the Request for Proposal (RFP) requirement for the new work; and be it

FURTHER RESOLVED: That it is in the best interest of the City to waive the RFP requirement (per Oakland Municipal Code Section 2.04.051 B) because Rajappan & Meyer Consulting Engineers, Inc. is the “Engineer of Record” for this project and will provide needed professional services to minimize delays and disruption during bidding and construction; and be it

FURTHER RESOLVED: That approval of this amendment will enable staff to retain the “Engineer of Record” to respond and resolve potential design conflicts, and will ensure continuity of the original professional liability and minimize costly delay claims during construction; and be it

FURTHER RESOLVED: That the contract be extended from March 31, 2012 to December 31, 2014; and be it

FURTHER RESOLVED: That the City Administrator or her 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.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 15 2011, 20

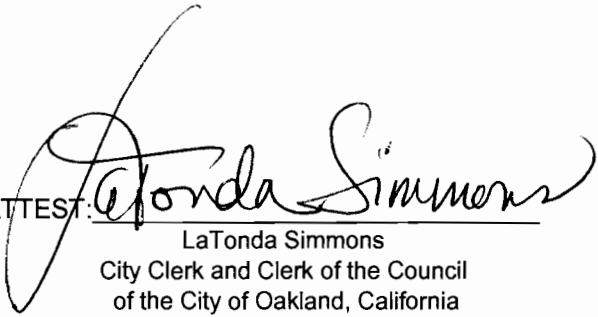
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, 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