

Approved as to Form and Legality


Oakland City Attorney's Office

05 MAR 16 12:19:11

OAKLAND CITY COUNCIL

79822

Resolution No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER, INC., FOR AS-NEEDED HYDROLOGY AND CREEK RESTORATION DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000), BRINGING THE TOTAL CONTRACT AMOUNT TO SIX HUNDRED THOUSAND DOLLARS (\$600,000)

WHEREAS, on March 9, 2004, City Council approved Resolution No. 78408 C.M.S. awarding a professional services contract to Kleinfelder, Inc., to provide professional hydrology and creek restoration design services for various city projects related to creeks, storm drains, wetland, and Lake Merritt for an amount not to exceed \$200,000; and

WHEREAS, on June 23, 2005, Amendment No. 1 to the professional services contract with Kleinfelder, Inc., was entered into to replace the contract's indemnification article; and

WHEREAS, additional technical assessment is now required as the result of unforeseen technical issues that need to be resolved to create an appropriate restoration design; and

WHEREAS, the additional technical assessment resulted in a delay in the project implementation timeline; and

WHEREAS, Kleinfelder, Inc., can provide the most efficiency and cost effectiveness in completing the work by incorporating the additional work into the already established hydrological models and creating the most appropriate design solutions; and

WHEREAS, funding for the work to be performed by Kleinfelder, Inc., is budgeted from a \$500,000 grant from the California State Parks Foundation, Habitat Conservation Fund (Org 92280, Fund 2134), and \$500,000 in designated funding from Measure DD (Fund 5320) Creek Restoration Projects (C244810); and

WHEREAS, the City Council finds that the professional design services are exempt from competitive bidding pursuant to Section 2.04.050 I of the Oakland Municipal Code; and

WHEREAS, 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 finds that this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under contract will be temporary; 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 service; now therefore be it

RESOLVED: that the City Administrator, or her designee, is hereby authorized to amend the existing agreement with Kleinfelder, Inc., to provide additional hydrology and creek restoration design services for the Lion Creek Restoration Project for an amount not to exceed \$400,000, bringing the total contract amount to \$600,000; and be it

FURTHER RESOLVED: that the City Administrator, or her designee, is hereby 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 and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 4 2006, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRÉSIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS

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