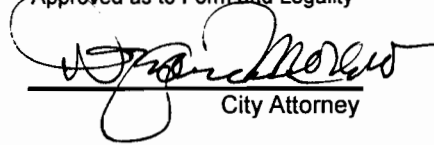


OFFICE OF THE CITY CLERK
2011 MAY 11 AM 10:13

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION No. 83381 C.M.S.

RESOLUTION WAIVING ADVERTISING AND BIDDING, AND AMENDING AND INCREASING THE EXISTING CONSTRUCTION CONTRACT WITH J & M, INC. (FOR REHABILITATION OF THE STORM DRAIN LINE ALONG SHEPHERD CANYON ROAD BETWEEN GUNN DRIVE AND PASO ROBLES DRIVE, PROJECT C336020) TO ADD: 1) REPLACEMENT OF GUARDRAILS ALONG SHEPHERD CANYON ROAD NORTH SIDE BETWEEN SHELTERWOOD DRIVE AND TIFFANY LANE, PROJECT C313810, AND 2) RESTORATION OF DRAINAGE SYSTEM CROSSING THE SHEPHERD CANYON TRAIL, PROJECT C336020, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), FOR A TOTAL CONTRACT AMOUNT OF SEVEN HUNDRED TWENTY-FOUR THOUSAND EIGHT HUNDRED FIFTY-THREE DOLLARS (\$724,853.00)

WHEREAS, the City Council awarded a contract to J&M, Inc. for Rehabilitation of the Storm Drain and Structures along Shepherd Canyon Road between Gunn Drive and Paso Robles Drive, Project Number C336020 (Resolution No. 82901, C.M.S.) in 2010 and commenced work in October, 2010; and

WHEREAS, a substandard guardrail exists in the close proximity of the project along the north side of Shepherd Canyon Road and substantial parts of these guardrails have been damaged by the construction activities, and a community representative requested that the damaged guardrails be replaced with upgraded, standard guardrails; and

WHEREAS, the contract with J&M requires replacement of in-kind guardrails, which are substandard, and J&M will discount the cost of replacement with upgraded guardrails by crediting the City for the cost of in kind guardrails; and

WHEREAS, staff solicited bids from J&M and another contractor for guardrail replacement and determined that J&M will provide a savings on the cost of upgraded guardrails in light of the credit for in-kind replacement they would otherwise be required to provide; and

WHEREAS, a portion of the existing storm drainage system crossing the Shepherd Canyon Trail was inundated and damaged with mud and debris during the recent series of storms; and

WHEREAS, funding for: 1) the guardrail replacement (\$125,000.00) is available in Measure B Fund (2211), Traffic Capital Project Organization (92246); Street Construction Account (57411); Project C313810, and 2) storm drain restoration (\$75,000.00) is available in Project C336020, Fund 5510, Organization 92242, Account 57411; and

WHEREAS, staff recommends that it is in the best interests of the City to waive advertising and the competitive bidding requirements of the Oakland Municipal Code ("OMC") for the new guardrail and storm drain work because J&M is currently working on a project at or near the new project site, and this will save time otherwise required to establish traffic control protocols and funds on the costs for the contractor to mobilize, and because J&M can offer a credit towards upgraded guardrails; 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 or better performance; and

WHEREAS, the City Council finds and determines that this contract is of a technical and temporary nature and 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 pursuant to OMC Section 2.04.050.I.5 and for the reasons stated above and in the City Administrator's report accompanying this Resolution, the City Council finds and determines that it is in the best interests of the City to waive advertising and the competitive bidding requirements for the new guardrail and storm drain work, and so waives the requirements; and be it

FURTHER RESOLVED: That the contract with J&M, Inc. is amended to add: 1) Replacement of Guardrails along Shepherd Canyon Road north side between Shelterwood Drive and Tiffany Lane, Project C313810, and 2) Restoration of the Drainage System Crossing the Shepherd Canyon Trail, Project C336020, and increased by \$200,000.00 to cover the cost of the additional work, for a total contract amount of \$724,853.00; and be it

FURTHER RESOLVED: That the plans and specifications for the additional work prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the new amount of the bond for faithful performance, \$649,853.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$649,853.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into a contract with J&M, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Attorney shall approve the amendment for form and legality and a copy shall be filed in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 7 2011, 20

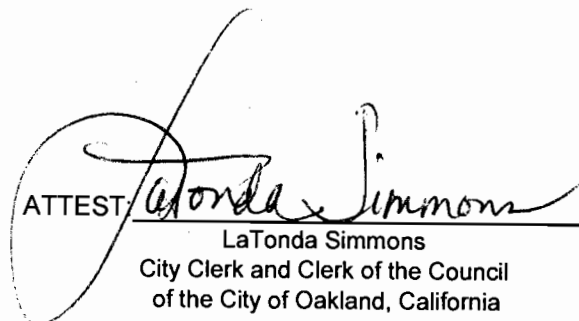
PASSED BY THE FOLLOWING VOTE:

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