

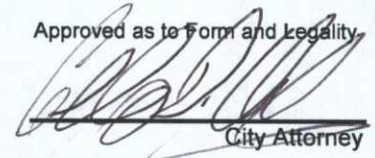
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2014 MAY -1 PM 1:33

# OAKLAND CITY COUNCIL

RESOLUTION No. 84987 C.M.S.

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

  
City Attorney

**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE INCREASE OF THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH GALLAGHER & BURK, INC. FOR CONSTRUCTION OF 7<sup>TH</sup> STREET WEST OAKLAND TRANSIT VILLAGE STREETScape (PROJECT NO. G313110) FROM FIFTEEN PERCENT (15%) TO TWENTY PERCENT (20%) OF THE ORIGINAL CONTRACT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED THREE MILLION EIGHT HUNDRED SIXTY THOUSAND NINE HUNDRED FIFTY-FOUR DOLLARS (\$3,860,954.00)**

**WHEREAS**, the City of Oakland was awarded federal funds for 7<sup>th</sup> Street, West Oakland Transit Village (Project No. G313110); and

**WHEREAS**, a contract for construction of the project was awarded to Gallagher & Burks, Inc. on December 8, 2009 in the amount of Three Million Two Hundred Seventeen Thousand Four Hundred Sixty-Two Dollars (\$3,217,462.00) and executed in accordance with Resolution No. 82426 C.M.S.; and

**WHEREAS**, construction is currently underway by Gallagher & Burk, Inc.; and

**WHEREAS**, due to many unforeseen and changed field conditions, including fabrication and installation of Blues Walk of Fame plaques and settling Contractor's claim, additional change order capacity is needed to successfully complete the project; 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**, sufficient funding is available in the project budget to cover the original contract amount and to increase the change order limit in the following accounts:

- MTC: Program Grant Fund (2163); Engineering Design: Street & Structures Organization (92242); Street Construction Account (57411); Project G313110 in the amount of (\$159,490.00)
- West Oakland Projects Fund (5660); Engineering Design: Street & Structures Organization (92242); Street Construction Account (57411); Project G313130 in the amount of (\$43,868.00)

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

**WHEREAS**, Section 2.04.050 I. 5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; now, therefore, be it

**RESOLVED:** That the City Council hereby finds and determines that pursuant to OMC Section 2.04.051 I.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with Gallagher & Burk Inc. for construction of 7<sup>th</sup> Street, West Oakland Transit Village (Project No. G313110) from fifteen percent (15%) to twenty percent (20%) of the original contract amount, because it is vital to the project to do so in order to: (1) allow staff to implement additional enhancements along with the original work, and (2) maintain continuity and minimize costly delays and disruption of ongoing project construction and completion; and be it

**FURTHER RESOLVED:** that the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or his designee, to increase the change order limit for the contract with Gallagher & Burk Inc. for construction of 7<sup>th</sup> Street, West Oakland Transit Village (Project No. G313110) from fifteen percent (15%) to twenty percent (20%) of the original contract amount for a total contract amount not-to-exceed Three Million Eight Hundred Sixty Thousand Nine Hundred Fifty-Four Dollars (\$3,860,954.00).

= MAY 20 2014

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_.

**PASSED BY THE FOLLOWING VOTE:**

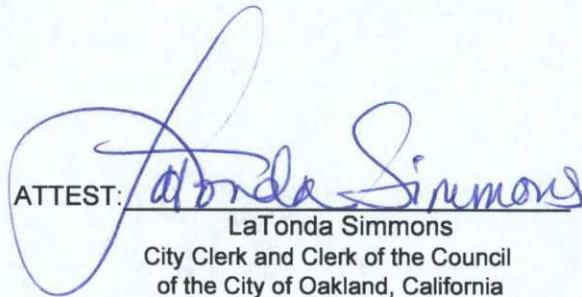
AYES - BROOKS, GALLO, GIBSON, MCLEHANEY, KALB, KAPLAN, ~~REID~~, SCHAAF, and  
PRESIDENT KERNIGHAN

NOES - 0

ABSENT

ABSTENTION - 0

ATTEST:

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