

OAKLAND CITY COUNCIL
RESOLUTION NO. 78752 FILED
OFFICE OF THE CITY CLERK
OAKLAND
C.M.S.

INTRODUCED BY COUNCILMEMBER _____

2004 JUL - 1 PM 4:59

Requires the two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH SWINERTON BUILDERS FOR CONSTRUCTION MANAGER AT-RISK SERVICES TO INCLUDE THE CONSTRUCTION PHASE OF THE POLICE ADMINISTRATION BUILDING WEAK STORY SEISMIC RETROFIT PHASE 1 PROJECT AND TO EITHER (1) INCREASE THE CONTRACT COMPENSATION AMOUNT BY \$8 MILLION FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$8.5 MILLION IF THE FEDERAL GOVERNMENT APPROVES FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") GRANT FUNDS FOR THE PROJECT OR, (2) INCREASE THE CONTRACT COMPENSATION AMOUNT BY \$5.5 MILLION OF MEASURE I FUNDING (BOND FUNDING FOR PUBLIC SAFETY PURPOSES) FOR A TOTAL CONTRACT AMOUNT OF \$6 MILLION, IF FEMA GRANT FUNDS ARE NOT APPROVED

WHEREAS, the existing Police Administration Building ("PAB"), located at 455 Seventh Street is located in one of Oakland's most seismically active areas; and

WHEREAS, the PAB does not meet current seismic codes and was rated "POOR" in its seismic performance evaluation, which equates to significant structural and nonstructural damage and appreciable life hazards in a major seismic disturbance; and

WHEREAS, the PAB Weak Story Seismic Retrofit Project involves complex coordination issues such as the abatement of hazardous materials, major seismic construction, and interior modifications in a fully occupied facility; and

WHEREAS, the PAB is an essential services facility that serves the public on a round-the-clock basis, and that houses police functions crucial to the daily operations of the City and the well being of its citizens; and

WHEREAS, the PAB Weak Story Seismic Retrofit Project will correct the most significant structural weakness of the building -- the "weak stories" between the basement and the 3rd floor; and

WHEREAS, a project delivery method known as Construction Manager At-Risk is being used, and this method is also known as "CM/GC" (Construction Manager/General Contractor); and

WHEREAS, on June 17, 2003, Council authorized under Resolution No. 77891 C.M.S. a professional services contract with Swinerton Builders to provide CM/GC services for the seismic retrofit of the PAB; and

WHEREAS, Swinerton Builders has completed the Pre-Construction phase services and the Construction phase is ready to be implemented; and

WHEREAS, under the CM/GC arrangement, the CM/GC will advertise and solicit competitive bids for the construction work for the seismic retrofit project, and will pre-qualify pools of subcontractors by trade that will participate in this competitive bid process; and

WHEREAS, upon completion of the subcontractor bidding/negotiation process, the fixed price for subcontractor costs, as well as the fixed price for the entire project, will be established; and

WHEREAS, once the fixed price for the entire project has been established, a contract amendment to incorporate the CM/GC's commitment to deliver the project in accordance with the full construction price is necessary to transition to the construction phase; and

WHEREAS, funding for the contract amendment is available in Measure I (Org. 92290, Project No. C58690, Fund 5008); and

WHEREAS, the City has submitted a grant deadline extension request to the Federal Emergency Management Agency ("FEMA") for the Hazard Mitigation Grant, and if approved, the FEMA funding will be used first and the balance will be covered by the Measure I funds; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; 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 services under this 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 Council hereby authorizes the City Administrator, or her designee, to amend the professional services contract with Swinerton Builders to include the construction phase of the Police Administration Building Weak Story Seismic Retrofit Project for a total contract amount not to exceed \$8,500,000 contingent upon approval of the FEMA grant extension; alternatively if the FEMA grant extension is not approved, then the contract will be amended by only \$5,500,000 for a total contract amount not to exceed \$6,000,000 using Measure I funds; and, be it

FURTHER RESOLVED: That the City hereby finds and determines that pursuant to Chapter 2.04, Article I, section 2.04.050.I.5, it is in the best interests of the City to waive bidding requirements of 2.04.050; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to approve any subsequent amendments to or extensions of the CM/GC's 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.

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2004, 2004


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE — 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California