

DRAFT

City Attorney

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE REQUEST FOR PROPOSAL / REQUEST FOR QUALIFICATIONS ("RFP/RFQ") COMPETITIVE SELECTION PROCESS REQUIREMENTS AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BKF ENGINEERS FOR LAMMPS STREETSCAPE (PROJECT NUMBER 1000634 ORIGINALLY SELECTED BY A FORMAL COMPETITIVE PROCESS), TO ADD WORK AND INCREASE THE CONTRACT BY AN AMOUNT NOT-TO-EXCEED SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) BRINGING THE TOTAL CONTRACT AMOUNT TO ONE MILLION FIFTEEN THOUSAND DOLLARS (\$1,015,000.00).

WHEREAS, BKF Engineers was awarded a professional services contract for an amount not to exceed \$750,000.00 by City Council Resolution 85886 C.M.S on November 17, 2015.; and

WHEREAS, additional engineering design was necessary to obtain Caltrans approval; and

WHEREAS, BKF Engineers was awarded a \$200,000.00 extension to their professional services contract for a total contract amount not to exceed \$950,000.00 by City Council Resolution 86916 C.M.S on October 3, 2017.; and

WHEREAS, various unforeseen and changed field conditions and policy directives, require additional consultant support during construction to successfully complete the project; and

WHEREAS, Oakland Municipal Code (O.M.C.) § 2.04.051.A. requires staff to conduct a competitive Request For Proposal / Request For Qualifications ("RFP/RFQ") competitive selection process for professional services; and

WHEREAS, O.M.C. §2.04.051.B permits the City Council to waive such RFP/RFQ requirement upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff believes that it is in the best interest of the City for the City Council to waive the RFP/RFQ requirement in this instance because BKF Engineers prepared and is the Engineer of Record on the LAMMPS Streetscape Project construction documents and has the historical project knowledge to provide construction services for the LAMMPS construction; now, therefore be it

WHEREAS, the City Council finds that this contract is for services of a professional nature; and

WHEREAS, the City Council finds that this services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

WHEREAS, sufficient funding is available in the project budget to cover the increase in the contract amount in the following source:

- Measure B: Local Streets & Roads Funds (2211); Engineer Design: Traffic / Parking (92246); Street Construction (57411); Local Streets & Roads Grant Matching Funds (1001512)

RESOLVED: That the City Council finds and determines that, pursuant to O.M.C. § 2.04.051B and for the reasons stated above and in the accompanying report, it is in the best interests of the City to waive the competitive RFP/RFQ competitive selection requirement of the O.M.C. for the award of a professional services agreement to BFK Engineers, and so waives the requirement; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee, to amend the professional services contract with BKF Engineers for providing engineering services for Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634) by Sixty-Five Thousand Dollars (\$65,000.00) for an amount not to exceed One Million Fifteen Thousand Dollars (\$1,015,000.00); and be it

FURTHER RESOLVED: That the City Council authorizes the appropriation up to \$65,000.000 from currently unappropriated fund balance of Fund 2211 (Measure B Grant Matching Funds) to the Complete Streets Design Organization (35212); Architectural and Engineering Services Account (54411); LAMMPS Project (1000634); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Contract with BKF Engineers with the exception of those related to an increase in total compensation or allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the BKF Engineers' contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California