

[Signature]
Oakland City Attorney's Office

OFFICE OF THE CITY CLERK
OAKLAND

2006 APR 11 PM 1:18

OAKLAND CITY COUNCIL
79867

RESOLUTION NO: _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THE CHANGE ORDER LIMIT TO TWO HUNDRED DOLLARS (\$200,000.00) FOR THE CONSTRUCTION CONTRACT WITH BAY CONSTRUCTION FOR THE PERALTA HACIENDA HISTORICAL PARK PHASE IIIA LANDSCAPE IMPROVEMENT PROJECT (PROJECT NO. C196710) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION SEVENTY-FOUR THOUSAND FIVE HUNDRED DOLLARS (\$1,074,500.00)

WHEREAS, Council approved Resolution No. 79299 C.M.S. on June 21, 2005, authorizing the City Administrator to negotiate, award and execute a construction contract for the Peralta Hacienda Historical Park's Phase 3A improvements to Bay Construction for eight hundred seventy four thousand five hundred dollars (\$874,500.00); and

WHEREAS, the project specifications limit the cumulative increase to this construction contract to \$174,900 and any spending above the limit requires approval of the Council; and

WHEREAS, in order to negotiate and execute all pending change orders to complete the project, an increase to the change order limit by twenty five thousand one hundred dollars \$25,100.00 is necessary; and

WHEREAS, funds are allocated in 1) Measure K- Series C General Obligation Bond Fund (5006), Project No. C196720; 2) Measure K- Series D General Obligation Bond Fund (5014), Project No. C196710; 3) Measure I- General Obligation Bond Fund (5010), Project No. C85910; 4) State of California Department of Parks and Recreation Fund (2134), Proposition 12, Roberti-Z'berg-Harris Urban Open Space and Recreation Program, Project No. G230710; 5) Private Donation Fund (2190) from Owens Illinois Glass Containers North America, Project No. C196730; 6) State of California Department of Parks and Recreation Fund (2134), Proposition 40, Murray Hayden Program, Project No. C284520; 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 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 services; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is authorized to increase the change order limit by twenty five thousand one hundred dollars (\$25,100.00) on the construction contract for the Peralta Hacienda Historical Park Landscape Improvements, Phase 3A project with Bay Construction for a total contract amount not-to-exceed one million seventy-four thousand five hundred dollars (\$1,074,500.00); 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; and, be it

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

MAY 2 2006

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

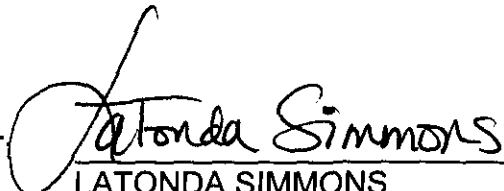
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, REID, QUAN,
AND PRESIDENT OF THE COUNCIL DE LA FUENTE — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



Latonda Simmons

LATONDA SIMMONS

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