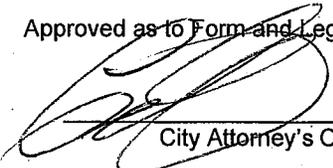


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 FEB 13 AM 10:50

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR
DESIGNEE, TO**

**1) WAIVE ADVERTISING AND COMPETITIVE BIDDING AND
INCREASE THE ON-CALL CONSTRUCTION SERVICE CONTRACT
WITH BELIVEAU ENGINEERING CONTRACTORS, INC. BY AN
AMOUNT OF SEVEN HUNDRED THIRTY THOUSAND DOLLARS
(\$730,000.00) FROM TWO HUNDRED FIFTY THOUSAND DOLLARS
(\$250,000.00) TO A TOTAL CONTRACT AMOUNT OF NINE HUNDRED
EIGHTY THOUSAND DOLLARS (\$980,000.00); AND**

**2) REALLOCATE ADDITIONAL FUNDS OF SIX HUNDRED THOUSAND
DOLLARS (\$600,000.00) AGGREGATED FROM MEASURE KK BOND
PROJECT FUNDS - FIRE STATION ROOF REPLACEMENT (PROJECT
NO. 1003437) IN THE AMOUNT OF ONE HUNDRED SEVENTY
THOUSAND DOLLARS (\$170,000.00) AND FIRE STATION
FEASIBILITY STUDY PROJECT (NO. 1003435) IN THE AMOUNT OF
FOUR HUNDRED THIRTY THOUSAND DOLLARS (\$430,000) TO THE
CITYWIDE FIRE STATIONS APRONS AND HARDSCAPE PROJECT
(NO. 1003436) FOR CONSTRUCTION AND PROJECT CONTINGENCY**

WHEREAS, The Citywide Fire Stations Aprons and Hardscape Project was identified as a priority project in the FY17-19 Capital Improvement Budget approved by Council under Resolution No. 83773 C.M.S. in June 2019; and

WHEREAS, The project scope of work consists of removing and replacing the fire stations asphalt concrete parking lot and with concrete driveway at citywide fire stations (in the priority of Stations #23, 27, 21, 16, 8, 5, 13, 19, 10 and 17); and

WHEREAS, The City has completed Station #23 and 27, and is in the process of completing Station #21, 16, and 8 through City self-performance or other existing contracts, leaving the remaining stations to be completed, and

WHEREAS, The City issued a request for bids for the Citywide Fire Stations Aprons and Hardscape Project on October 16, 2019 thought the On-call Construction Service Contract of which one bid was received on October 31, 2019; and

WHEREAS, Beliveau Engineering Contractors, Inc. is the only firm submitted a bid for the project; and

WHEREAS, Beliveau Engineering Contractors, Inc. has contract capacity to complete one of the five remaining stations but require increase in contract limit to allow the completion of the replacement of aprons and hardscape for Stations 13, 19, 10, and 17; and

WHEREAS, The project will address deteriorated and failing concrete aprons necessary for the Fire Department operation; and

WHEREAS, The City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, The City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, The additional scope will be funded utilizing balance of other Measure KK Fire Station projects, \$170,000.00 from the Fire Station Roof Replacement Project (No. 1003437), and \$430,000.00 from the Feasibility Study for Fire Station 4 & 29 project (No. 1003435); and

WHEREAS, Oakland Municipal Code ("OMC") section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.1.5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; 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: The City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.1.5 in order to complete the project to meet operational needs in a timely manner and the other reasons discussed in the staff report that accompanies this Resolution, and thus hereby waives these requirements; and be it

FURTHER RESOLVED: That the City Council approves and authorizes the City Administrator, or Designee, to increase the existing on-call construction service contract with Beliveau Engineering Construction, Inc., by an amount of seven hundred thirty thousand dollars (\$730,000.00) from two hundred fifty thousand dollars (\$250,000.00) to

a total contract amount of nine hundred eighty thousand dollars (\$980,000.00); and be it

FURTHER RESOLVED: That the City Council approves and reallocate total additional funds of six hundred thousand dollars (\$600,000.00 aggregated from Measure KK Bond project funds - Fire Station Roof Replacement Project (no. 1003437) in the amount of one hundred seventy thousand dollars (\$170,000.00) and Fire Station Feasibility Study Project (no. 1003435) in the amount of four hundred thirty thousand dollars (\$430,000.00) to the Citywide Fire Stations Aprons and Hardscape Project (no. 1003436) under Fund 5330, Award 23253, Capital Improvement Organization 92270 for construction and project contingency; and be it

FURTHER RESOLVED: That the contract amendment shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

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