

OAKLAND CITY COUNCIL
RESOLUTION No. 79394 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN 16 PM 6:31

INTRODUCED BY COUNCILMEMBER _____

2/3 Vote Required

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) INCREASE THE SCOPE OF WORK AND CONTRACT AMOUNT FOR THE ROCKRIDGE GREENBELT PHASE II PROJECT DESIGN-BUILD CONTRACT WITH BBI CONSTRUCTION, INC., BY AN AMOUNT NOT-TO-EXCEED \$212,000.00, (FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$635,081.00), FOR ADDITIONAL ADA IMPROVEMENTS, PLANTING AND IRRIGATION, 2) WAIVE COMPETITIVE BIDDING OR RFP/RFQ REQUIREMENTS, AND 3) ACCEPT A GIFT-IN-PLACE OF ADDITIONAL SWINGS, BENCHES AND OTHER IMPROVEMENTS WITH AN ESTIMATED VALUE OF \$45,000.00 FROM THE FRIENDS OF THE ROCKRIDGE GREENBELT AND FRIENDS OF PARKS AND RECREATION

WHEREAS, the Rockridge Greenbelt Phase II project will improve access and replace approximately 350 linear feet of landscaping along Temescal Creek; and

WHEREAS, on September 25, 2001, the City Council approved Resolution No. 76723 C.M.S. which authorized the City Administrator to enter into a master agreement with the Friends of Oakland Parks and Recreation to manage the funds, provide project management and deliver design and construction for the Rockridge Greenbelt Phase II project; and

WHEREAS, Friends of Park and Recreation has performed fund and project management services for the Rockridge Greenbelt Phase II improvements; and

WHEREAS, the Friends of Oakland Parks and Recreation selected BBI Construction, Inc., a licensed contractor, to provide design and construction services and negotiated a contract for an amount not-to-exceed four hundred twenty three thousand eighty one dollars (\$423,081.00); and

WHEREAS, in accord with the City Council's fund and project management directive and to satisfy state requirements for obtaining public works of improvement directly from licensed contractors, the City executed a contract with BBI Construction, Inc. in an amount not-to-exceed four hundred twenty three thousand eighty one dollars (\$423,081.00) for design and construction of the Rockridge Greenbelt Phase II project; and

WHEREAS, staff is requesting authorization to execute a change order to the design-build contract with BBI Construction, Inc., to add ADA improvements, planting and irrigation and to increase the contract in the amount of two hundred twelve thousand dollars (\$212,000.00), for a total amount not-to-exceed six hundred thirty five thousand eighty one dollars (\$635,081.00) to cover the additional improvements; and

WHEREAS, funding is available in the Measure DD Bond and the City Administrator's ADA Transition Plan to pay for the ADA improvements to the play areas and pathways and planting and irrigation for the project; and

WHEREAS, the Friends of the Rockridge Greenbelt and Friends of Oakland Parks and Recreation wish to make a gift-in-place to the City in an estimated value of forty five thousand dollars (\$45,000.00) of swings, benches and other improvements to the Rockridge Greenbelt Phase II project; and

WHEREAS, the gift-in-place improvements will be delivered installed/constructed under a no-cost change order to the existing design-build contract with BBI Construction, Inc. and the improvements will be paid for from Friends and Rockridge Greenbelt and Friends and Parks and Recreation; and

WHEREAS, staff recommends that competitive bidding or RFP/RFQ requirements be waived to maintain the project timeline and budget and reduce administrative burden; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of this contract is in the public interest because of economy and 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 Administrator is hereby authorized to execute a change order to the design-build contract with BBI Construction, Inc. to add ADA improvements, planting and irrigation to the Rockridge Greenbelt Project Phase II, and to increase the contract by an amount of two hundred twelve thousand dollars (\$212,000.00), for a total amount not-to-exceed six hundred thirty five thousand eighty one dollars (\$635,081.00); and, be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to accept a gift-in-place of improvements, which include new benches, swings, boulders, a picnic table, seats and Kiosk wall, foundation and pavers, from Friends of the Rockridge Greenbelt and Friends of Oakland Parks and Recreation with an estimated value of forty five thousand dollars (\$45,000.00) for the Rockridge Greenbelt Phase II project; and, be it

FURTHER RESOLVED: That pursuant to Title 2, Chapter 2.04, Article I, Sections 2.04.050.I.5 and 2.04.051.B, the City Council finds and determines that it is in the best interests of the City to waive, and does waive, competitive bidding and RFP/RFQ requirements for the proposed work because it is most cost, time and administratively efficient to complete the work under the existing design-build contract with BBI Construction, Inc.; and

FURTHER RESOLVED: That funds are available to cover the additional scope of work - \$112,000 is available from the City Administrator's ADA Transition Plan, Municipal Improvement Capital Fund (Fund 5500, Project Nos. C88850, and C209120) and \$100,000 is available from the Measure DD Bond Measure (Fund 5320, Project No. C244810); and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the revised project specifications; and, be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2005, 2005

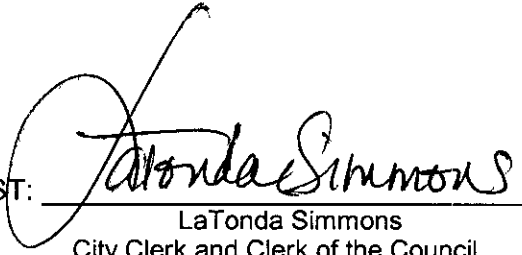
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- BRUNNER - 1

ABSTENTION- 0

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