

OAKLAND CITY COUNCIL

RESOLUTION NO. 90639 C.M.S.

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH DISNEY CONSTRUCTION INC., FOR THE SEISMIC RETROFIT OF LEIMERT BLVD. BRIDGE (PROJECT NO. 1000820) FROM TWENTY-FIVE PERCENT (25%) TO SIXTY-FIVE PERCENT (65%) OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED NINE MILLION ONE HUNDRED NINETY THOUSAND SIX HUNDRED NINETY-ONE DOLLARS (\$9,190,691.00).

WHEREAS, the City of Oakland was awarded federal and state Proposition 1B funds for the Seismic Retrofit of Leimert Blvd. Bridge (Project No. 1000820); and

WHEREAS, a contract for construction was awarded to Disney Construction Inc. on June 6, 2023 in the amount of \$5,570,116.25 and executed in accordance with Resolution No. 89767 C.M.S.; and

WHEREAS, construction is already underway by Disney Construction Inc.; and

WHEREAS, due to unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; and

WHEREAS, the City Council finds and determines that 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 that this contract is of a professional, scientific or technical nature; and

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

WHEREAS, staff is requesting additional grant funds of \$1,972,489 from Caltrans to cover the cost; and

WHEREAS, grant funding for the increase of construction contract contingencies of up to \$2,228,046 is available in the following accounts:

- Project 1000820, Funds 2218 and 5337; and

WHEREAS, Section 2.04.050.I.5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, waiving the advertising and competitive bidding requirements of OMC Section 2.04.050 remains in the best interest of the City because it will allow completion of the project as required by the federal grant, and avoid further costly delays and disruption during the middle of the ongoing project construction; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to OMC Section 2.04.051.B, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with Disney Construction Inc. for the Seismic Retrofit of Leimert Blvd. Bridge (Project No. 1000820) from twenty-five percent (25%) to Sixty-Five Percent (65%) of the original contract amount, because it will allow completion of the project as required by the federal grant, maintain continuity, and avoid further costly delays and disruption during the middle of ongoing project construction; and be it

FURTHER RESOLVED: That should additional grant funds from Caltrans be provided to the City to complete the project, that the City Administrator or designee is authorized to accept and appropriate said grant funds into Project 1000820; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to increase the change order limit for the contract with Disney Construction Inc. for the Seismic Retrofit of Leimert Boulevard Bridge (Project No. 1000820) from twenty-five percent (25%) to Sixty-Five Percent (65%) of the original contract amount for a total contract amount not-to-exceed Nine Million One Hundred Ninety Thousand Six Hundred Ninety-One Dollars (\$9,190,691.00).

FEB 18 2025

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER AND

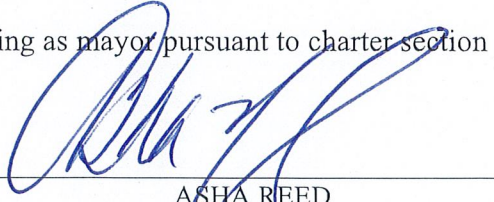
PRESIDENT PRO-TEMPORE GALLO -7

NOES -

ABSENT - COUNCIL PRESIDENT JENKINS (serving as mayor pursuant to charter section 303)

ABSTENTION

ATTEST:


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