

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUL 14 PM 4:48

APPROVED AS TO FORM AND LEGALITY

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81418 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE TO, 1) AWARD A CONSTRUCTION MANAGER AT RISK CONTRACT TO TURNER CONSTRUCTION COMPANY FOR AN AMOUNT NOT TO EXCEED ELEVEN MILLION NINE HUNDRED THOUSAND DOLLARS (\$11,900,000.00) FOR THE EAST OAKLAND SPORTS CENTER PROJECT; AND 2) APPROPRIATE \$8,415,000.00 OF MEASURE DD SERIES B FUNDS IN THE OAKLAND SPORTS CENTER PROJECT (C244610)

WHEREAS, the East Oakland Sports Center is a much needed project to provide the community with a variety of year-round recreational opportunities; and

WHEREAS, East Oakland Sports Center Project was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects, which was certified April 1, 2008, and no additional supplemental environmental clearance is required; and

WHEREAS, the East Oakland Sport Center is being expedited for completion in March 2010 in order to qualify for \$2,400,000.00 in State Urban Park Act of 2001 (Proposition 40) funding; and

WHEREAS, in November 2007, the City of Oakland issued a Request for Qualifications/Proposals for Construction Manager At Risk (CMAR) services for the East Oakland Sports Center project; and

WHEREAS, five proposals were received by the Department of Contract and Purchasing and the top four firms were short-listed for interviews based the quality and content of their proposals; and

WHEREAS, the short-listed firms were then interviewed and evaluated based on their relevant experience, organization, qualifications of the project team, and responses to the interview questions; and

WHEREAS, the top ranked firm was Turner Construction Company, an Oakland firm, which has the technical expertise to perform the work required, and clearly demonstrated their understanding of the technical complexities and regulatory issues involved in the design and construction of the East Oakland Sports Center; 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 that 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; and

WHEREAS, approval of this resolution will authorize a CMAR contract in an amount not to exceed \$11,900,000.00 for the East Oakland Sports Center Project by Turner Construction Company with funds from the following sources:

- \$2,400,000.00 from State Proposition 40, 2002 Resources Bond Act (Fund 2134, East Oakland Sports Center, Project No. C268010, Capital Project Management Organization 92270)
- \$1,085,000.00 from Measure I, Oakland General Obligation Bonds for Parks (Fund 5010, East Oakland Sports Center, Project No. C83213, Capital Project Management Organization 92270).
- ~~\$8,415,000.00 from Measure DD the Oakland Trust for Clean Water and Safe Parks (Fund 5320, East Oakland Sports Center Project No. C244610, Capital Project Management Organization 92270). Approval of this resolution will authorize and direct the City Administrator to appropriate \$8,415,000.00 from the fund balance (Measure DD Series A); and~~

~~**WHEREAS**, approval of this resolution will authorize the City Administrator or her designee to appropriate \$8,415,000.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center (C244610), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; now, therefore be it~~

RESOLVED: That this contract is awarded pursuant to the authority provided in Section 2.04.190 whereby the City may use the alternative project delivery method commonly known as Construction Manager At-Risk with or without formal bidding when the Council finds and determines that it is in the best interests of the City based on the reasons and circumstances set forth in the report accompanying this Resolution to waive the formal bidding requirements of Section 2.04.050 pursuant to Section 2.04.050 I of the Oakland Municipal Code; and be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to award a CMAR contract on behalf of the City of Oakland for the East Oakland Sports Center Project to Turner Construction Company in an amount not to exceed Eleven Million Nine Hundred Thousand Dollars (\$11,900,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That the City Administrator ~~City Administrator~~ is authorized to appropriate \$8,415,000.00 in the Measure DD Series B the Oakland Trust for Clean Water and Safe Parks Fund (5320), East Oakland Sports Center Project (C244610), in anticipation of additional Series B Funds that will become available in the 2008/2009 fiscal year; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 1 2008, 2008

PASSED BY THE FOLLOWING VOTE:

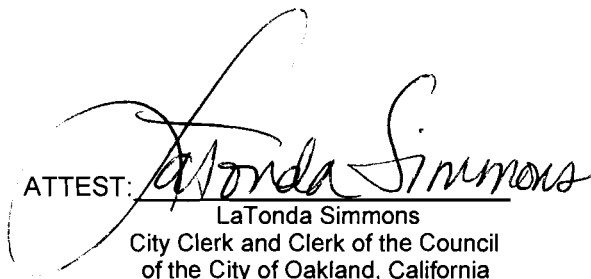
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE, - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


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