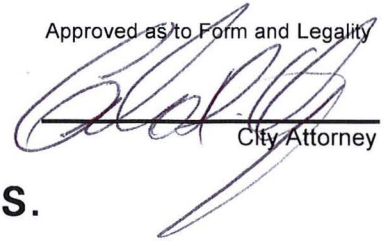


OAKLAND CITY COUNCIL



City Attorney

2016 FEB 25 PM 3:38 RESOLUTION No. 86048 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE INCREASE OF THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH MCGUIRE AND HESTER, INC. FOR CONSTRUCTION OF THE LATHAM SQUARE STREETScape IMPROVEMENT PROJECT (NO. C464560) FROM FIFTEEN PERCENT OR SIX HUNDRED TWENTY-EIGHT THOUSAND FIVE HUNDRED TWENTY-THREE DOLLARS (15% OR \$628,523.00) TO FORTY PERCENT OR ONE MILLION SIX HUNDRED SEVENTY-SIX THOUSAND SIXTY-TWO DOLLARS (40% OR \$1,676,062.00) OF THE ORIGINAL CONTRACT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIVE MILLION EIGHT HUNDRED SIXTY SIX THOUSAND TWO HUNDRED EIGHTEEN DOLLARS (\$5,866,218.00)

WHEREAS, on March 17, 2015, the City Council approved Resolution No. 85455 C.M.S. and authorized a construction contract with McGuire and Hester, Inc. in the amount of \$4,190,156.00 and executed in accordance with Resolution No. 85455 C.M.S.; and

WHEREAS, various change orders, including unforeseen conditions and essential field modifications for the replacement of telecommunication vaults and water main relocations, require additional change order capacity to successfully complete the project; and

WHEREAS, the City of Oakland received state grant and local funds for the Latham Square Streetscape Improvements (Project No. C464560); and

WHEREAS, construction is currently underway by McGuire and Hester, Inc.; and

WHEREAS, it is vital to implement the changes and additional work and to maintain continuity and minimize costly delays and disruption of ongoing project construction and completion; 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.I 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 lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy, efficiency and better performance; and

WHEREAS, sufficient funding is available in the project budget to cover the increase change order limit in the following sources:

- Fund 2214 – ACTIA Reimbursable Grants, Organization No. 92260 – Capital Project Transportation Planning and Funding, Account 57311 – Structures and Improvements, Project No. C194922 – Telegraph Streetscape
- Fund 2999 – Miscellaneous Grants, Organization No. 92260 – Capital Project Transportation Planning and Funding, Account 57311 – Structures and Improvements, Project No. C194925 – Latham Square –EBMUD
- Fund 2215 – Measure F - Vehicle Registration Fee, Organization No. 92260 – Capital Project Transportation Planning and Funding, Account 57311 – Structures and Improvements, Project No. C458820 – Paving and Striping
- Fund 2216 – Measure BB - Alameda County Transportation, Organization No. 92260 – Capital Project Transportation Planning and Funding, Account 57311 – Structures and Improvements, Project No. C491142 – Traffic Signal Management-Measure BB; 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; now, therefore, be it

RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding in accord with OMC section 2.04.050.I 5 because of the reasons set forth above and in the staff Report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to increase the change order limit for the contract with McGuire and Hester, Inc. for construction of the Latham Square Streetscape Improvements (Project No. C464560) from fifteen percent or six hundred twenty-eight thousand five hundred twenty-three dollars (15% or \$628,523.00) to forty percent or one million six hundred seventy-six thousand sixty two dollars (40% or \$1,676,062.00) of the original contract amount for a total contract amount not-to-exceed Five Million Eight Hundred Sixty Six Thousand Two Hundred Eighteen Dollars (\$5,866,218.00); and be it

FURTHER RESOLVED: that the plans and specifications prepared for this project, including any subsequent changes during construction that will be reviewed and adopted by the Director, Public Works Department, or designee, are hereby approved.

MAR 15 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

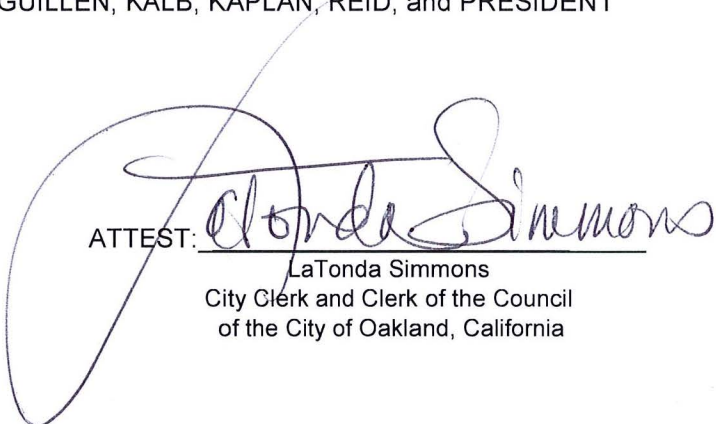
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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