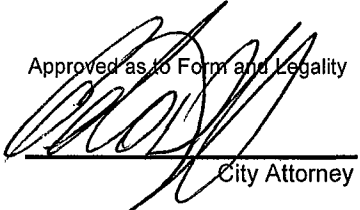


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Approved as to Form and Legality



City Attorney

# OAKLAND CITY COUNCIL

RESOLUTION No. 87086 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE, TO INCREASE THE CHANGE ORDER LIMIT FOR THE LAKESIDE GREEN STREET PROJECT CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER, INC. (PROJECT NO. C393910) FROM TEN PERCENT (10%) TO THIRTY PERCENT (30%) OF THE ORIGINAL CONTRACT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIFTEEN MILLION FOUR HUNDRED SIXTY-NINE THOUSAND FIVE HUNDRED FORTY DOLLARS (\$15,469,540.00) AND APPROPRIATION OF TWO HUNDRED FORTY-SIX THOUSAND DOLLARS (\$246,000.00) FROM FUND 2215 MEASURE F FUND BALANCE AND REALLOCATION OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FROM FUND 2216 CURB RAMP FUNDS (PROJECT NO. 1000981) TO THE LAKESIDE GREEN STREET PROJECT**

**WHEREAS**, on July 19, 2016, the City Council approved Resolution No. 86294 C.M.S. and authorized a construction contract with McGuire and Hester, Inc. in the amount of \$11,631,233.00 and executed in accordance with Resolution No. 86294 C.M.S.; and

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

**WHEREAS**, various change orders, including unforeseen and changed field conditions and policy directives, require additional change order capacity to successfully complete the project; 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.I5 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**, Staff recommends that it is in the City's best interests to waive advertising and competitive bidding and to approve the proposed change orders and increase the change order limit because construction is currently underway by McGuire and Hester, Inc. and it is vital to implement the changes and additional work in order to maintain continuity, minimize costly delays, and disruptions of ongoing construction for project completion; 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 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

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

- Measure DD: 2017C (5322); Engineering Design: Project Management (92270); Landscaping, Improving Grounds Account (57112); Snow Park-Lakeside Green St Project (1001163)
- Measure B LSR Fund (2211); Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)
- Measure BB LSR Fund (2216); Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)
- Currently unappropriated fund balance in Measure F LSR Fund (2215)
- Measure BB LSR Fund (2216); Curb Ramps Program (1000981)

**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.I5 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 authorizes the appropriation of \$246,000 from currently unappropriated fund balance of Fund 2215 (Measure F Local Streets and Roads Funds) to the Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)

**FURTHER RESOLVED:** That the City Council authorizes the reallocation of \$200,000 from Fund 2216 (Measure BB) Curb Ramps Program (Project 1000981) to the Complete Streets Design Organization (35212); Street Construction Account (57411); Snow Park-Lakeside Green St Project (1001163)

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the Lakeside Green Street Project construction contract with McGuire and Hester, Inc. (Project no. C393910) from ten percent (10%) to thirty percent (30%) of the original contract for a total contract amount not-to-exceed fifteen million four hundred sixty-nine thousand five hundred forty dollars (\$15,469,540.00).

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

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 06 2018

**PASSED BY THE FOLLOWING VOTE:**

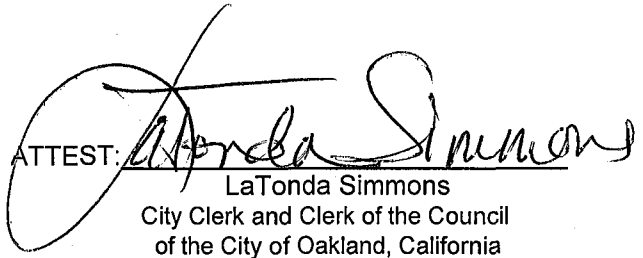
AYES - ~~Brooks, Campbell Washington, Gallo, [unclear]~~, GUILLEN, KALB, KAPLAN, ~~[unclear]~~ -5

NOES -

ABSENT -

ABSTENTION -

Excused - Brooks, Campbell Washington,  
Reid -3

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