

APPROVED AS TO FORM AND LEGALITY

*Farrah Hussein*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH BIGGS CARDOSA ASSOCIATES, INC. (BCA) FOR LEIMERT BRIDGE SEISMIC RETROFIT PROJECT (PROJECT NO. 1000820) BY INCREASING THE CONTRACT AMOUNT BY ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION EIGHT HUNDRED FORTY THOUSAND TWO HUNDRED SEVENTY-NINE DOLLARS AND TWENTY CENTS (\$1,840,279.20)**

**WHEREAS**, the Leimert Bridge over Sausal Creek was identified by the California Department of Transportation (Caltrans) for need of seismic retrofit; and

**WHEREAS**, Caltrans provided funding to the City for obtaining environmental approvals, securing permits, and finalizing the construction documents; and

**WHEREAS**, BCA was selected through a competitive request for proposals (RFP) process by the City of Oakland to prepare the design for Leimert Boulevard Bridge Seismic Retrofit; and

**WHEREAS**, the City completed the construction documents for the Leimert Boulevard Bridge Seismic Retrofit Project (Project No. 1000820) and requested authorization to proceed with construction from the Caltrans; and

**WHEREAS**, on June 28, 2022, Caltrans approved the construction phase of the project and obligated a grant of federal and state funds in the amount of \$4,184,715.00; and

**WHEREAS**, on June 6, 2023, the City awarded a construction contract to Disney Construction, Inc. for the Leimert Bridge Seismic Retrofit; and

**WHEREAS**, due to unforeseen and changed field conditions, additional BCA design services assistance was needed to successfully complete the project; and

**WHEREAS**, the increase in the contract amount will pay for BCA support until the end of construction; and

**WHEREAS**, the increase in the contract amount will be reimbursed by the project grant of federal and state funding and other local matching funding; and

**WHEREAS**, staff is requesting additional grant funds from Caltrans to cover the cost; and

**WHEREAS**, grant funding for the increase of the contract of up to \$1,840,279.20 is available in the following accounts: Project 1000820, Funds 2218 and 5337

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and 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 has determined that this contract is of a professional, scientific, or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**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; therefore, be it

**RESOLVED:** That the City Administrator is authorized to execute an amendment to the contract with BCA extending the contract and increasing the scope of services and contract by an amount not-to-exceed One Hundred Fifty Thousand Dollars (\$150,000.00) for a total contract amount not-to-exceed One Million Eight Hundred Forty Thousand Two Hundred Seventy-Nine Dollars and Twenty Cents (\$1,840,279.20) contingent upon the availability of funding; and be it

**FURTHER RESOLVED:** That the City Council finds it is in the best interest of the City to waive the advertising and competitive bidding process in OMC 2.04; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to approve any subsequent amendments to or extensions of said agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California