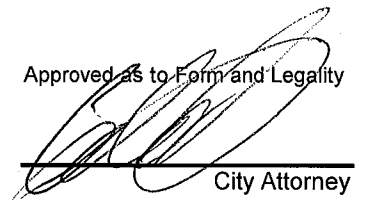


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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. ~~86758~~ 86758 C.M.S.

Introduced by Councilmember _____

RESOLUTION (1) WAIVING ADVERTISING AND COMPETITIVE BIDDING AND (2) AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE, TO AMEND THE 23RD AVENUE/ 29TH AVENUE RAIL CROSSING PROJECT CONSTRUCTION CONTRACT (NO. G381112) WITH MCGUIRE AND HESTER CONSTRUCTION INCREASING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED EIGHTY-SEVEN THOUSAND NINE HUNDRED FIFTY-FIVE DOLLARS (\$587,955.00) TO EIGHT HUNDRED SEVENTEEN THOUSAND NINE HUNDRED FIFTY-FIVE DOLLARS (\$817,955.00).

WHEREAS, on February 6, 2009, the City Council approved Resolution number 81783 C.M.S. authorizing the City Administrator to enter into a letter of understanding and cooperative agreement with the State of California Department of Transportation (CALTRANS) to provide certain railroad safety and community improvements around the Fruitvale Railroad Track in connection with the CALTRANS 5th Avenue Retrofit Project; and

WHEREAS, on March 20, 2009, the City entered into CALTRANS Cooperative Agreement No. 4-2265 to provide the City \$1,916,312.50 in Railroad Safety Improvements and \$1,242,500.00 in Community Improvements.; and

WHEREAS, \$250,000.00 of the Community Improvements were allocated to the Park Street Triangle which includes 23rd Avenue, 29th Avenue and Ford Street; and these funds were approved by CALTRANS for roadway resurfacing and repair under the Cooperative Agreement Addendum No. 4-2265; and

WHEREAS, the City Council approved Resolution number 84887 C.M.S awarding a construction contract to McGuire and Hester Construction for the 23rd Avenue /29th Avenue Rail Crossing Project (G381112) in the amount of \$470,364.00 for as part of the Railroad Safety Improvements of Agreement No. 4-2265 ; and

WHEREAS, staff now recommends awarding the scope of work for the Park Street Triangle Area roadway resurfacing and repair to McGuire and Hester Construction in an amount not to exceed \$230,000; and

WHEREAS, the City Administrator's authority to amend and increase the said McGuire and Hester Construction contract amount is limited to twenty-five percent (25%) in

Change Orders for a total contact limit of \$587,955.00, which will not accommodate the additional \$230,000 for the Park Street Triangle Area work; and

WHEREAS, Oakland Muni Code (OMC) Section 2.04.050.A requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination by the City in any one transaction that exceeds \$50,000.00; and

WHEREAS, OMC section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirement upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, the CALTRANS Cooperative Agreement No. 4-2265 will expire on June 30, 2017 and the Park Street Triangle roadway work is needed to be completed before the expiration date or the \$250,000.00 will be lost; and

WHEREAS, there are funds available in Project 10001015 (G381112), Fund 2140, Organization 92246, and Account 57412; now, therefore, be it

RESOLVED: That pursuant to OMC Section 2.04.050.I.5, the City Council finds and determines that it is in the best interest of the City to waive the advertising and competitive bidding in order to meet the requirements and deadline of CALTRANS Cooperative Agreement No. 4-2265 and award the roadway resurfacing and repair in the Park Street Triangle area of Oakland; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to execute an amendment of the construction contract (G3811112) with McGuire and Hester Construction to add the Park Street Triangle roadway resurfacing and repair to the scope of work, to increase the total contract amount by two hundred thirty thousand dollars (\$230,000) for a revised grand contract total not to exceed eight hundred seventeen thousand nine hundred fifty-five dollars (\$817,955.00), and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 06 2017

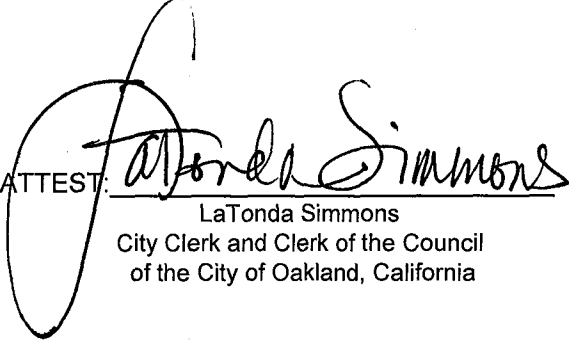
PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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