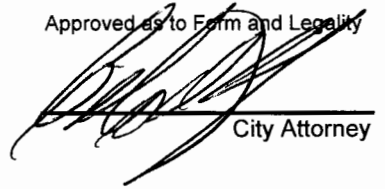


FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney

2014 DEC 30 AM 10:14

OAKLAND CITY COUNCIL

RESOLUTION No. 85362 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO WAIVE THE RFP/RFQ COMPETITIVE SELECTION PROCESS REQUIREMENTS AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH T.Y. LIN INTERNATIONAL/AECOM, JOINT VENTURE FOR THE REPLACEMENT OF EMBARCADERO BRIDGE OVER LAKE MERRITT CHANNEL (PROJECT NO. G121810) INCREASING THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED TWO MILLION FOUR HUNDRED EIGHTY THOUSAND TWO HUNDRED FORTY-FOUR DOLLARS (\$2,480,244.00)

WHEREAS, the Replacement of Embarcadero Bridge over Lake Merritt Channel was identified by the California Department of Transportation (Caltrans) for the need of seismic retrofit; and

WHEREAS, federal and state grant funding was approved for this project by Caltrans; and

WHEREAS, on October 25, 1999, the City issued a Request for Proposals (RFP) for professional civil engineering services for the Replacement of Embarcadero Bridge over Lake Merritt Channel Project (Project No. G121810), and five firms responded to the RFP; and

WHEREAS, on February 13, 2001 the City Council approved the award of the professional services contract to T.Y. Lin International/AECOM, Joint Venture (previously known as CCS Planning and Engineering/J. Muller International, Joint Venture) for a total not-to-exceed amount of \$1,100,000.00 by Resolution #76282 C.M.S.; and

WHEREAS, the project was delayed several times due to the National Environmental Policy Act (NEPA) and San Francisco Bay Conservation and Development Commission (BCDC) permit approval process; and

WHEREAS, additional grant funding was approved by Caltrans to cover additional costs related to environmental coordination, scope changes, and project management; and

WHEREAS, on March 31, 2009 the City Council approved an increase to the contract amount for a total not-to-exceed amount of \$1,980,244.00 by Resolution #81888 C.M.S. to cover additional costs related to environmental coordination, scope changes, and project management; and

WHEREAS, the contract was amended to extend the duration and increase the cost to cover additional design services, such as additional environmental coordination, additional scope changes and project management; and

WHEREAS, on April 2, 2014, Caltrans approved the construction phase of the project and obligated an additional grant of federal and state Proposition 1B funds in the amount of \$19,393,519.00 to cover the cost of the construction phase; and

WHEREAS, Staff is working with Caltrans to obtain additional grant funding in the amount of \$489,948.00 for the project and expecting timely approval of the request for a total grant amount of \$19,883,467.00; and

WHEREAS, an Amendment to the contract with T.Y. Lin International/AECOM, Joint Venture is needed to provide support during construction; and

WHEREAS, the grant for this Amendment requires a local match of \$14,911.00 and will be available using Measure B funds; and

WHEREAS, from a liability and practical perspective and based on the circumstances described in the Agenda Report that accompanies this resolution, it is in the City's best interest to waive the Request For Proposal/Request For Qualifications (RFP/RFQ) competitive selection requirements of Section 2.04.051 A. of the Oakland Municipal Code (the "OMC"), pursuant to OMC Section 2.04.051 B, and have T.Y. Lin International/AECOM, Joint Venture resume and complete the services under this contract; and

WHEREAS, funds for the additional services under this Amendment will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project G121810; \$485,089.00
- Measure B-ACTIA Fund (2211); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project G121810; \$14,911.00; and

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

RESOLVED: That the City Council hereby finds and determines that, from a liability and practical perspective and based on the circumstances set forth in the Agenda Report which accompanies this Resolution, it is in the best interest of the City to waive the competitive RFP/RFQ selection requirements of OMC Section 2.04.051 A, pursuant to OMC Section 2.04.051 B, and have T.Y. Lin International/AECOM, Joint Venture resume and complete the services under this contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to execute an Amendment to the contract with T.Y. Lin International/AECOM, Joint Venture extending the contract and increasing the scope of services and contract by an amount not to exceed five hundred thousand dollars (\$500,000.00), for a total contract amount not to exceed Two Million Four Hundred Eighty Thousand Two Hundred Forty-Four Dollars (\$2,480,244.00); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the 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.

JAN 20 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____.


PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 

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