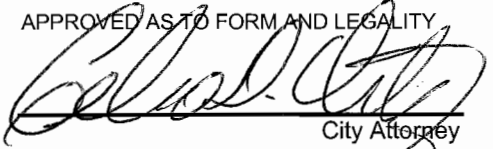


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 3:38

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81681 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO INCREASE THE CHANGE ORDER LIMIT BY TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000.00) ON THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER FOR THE OAKLAND BAY TRAIL: MANDELA PARKWAY PROJECT FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED SIXTY-NINE THOUSAND THREE HUNDRED SIX DOLLARS (\$1,569,306.00)

WHEREAS, the City Council approved Resolution No. 80925 C.M.S. in November 2007, awarding a construction contract for the Oakland Bay Trail: Mandela Parkway Project (Project No. G199010) to McGuire and Hester for \$1,074,422.00; and

WHEREAS, the project specifications limit the cumulative increase to this construction contract to \$214,884.00 and any spending above this limit requires the approval of the Council; and

WHEREAS, in order to construct additional improvements on 8th Street between Willow and Wood Streets and on Wood Street between 7th and 8th Streets, an increase to the change order limit by two hundred eighty thousand dollars (\$280,000.00) is necessary; and

WHEREAS, sufficient funds are available for the increased construction contract from existing construction contingency funding in the following sources:

1. \$46,767 State of California - Bay Trail (2159), Project No. G199040, Capital Project Management Organization (92270);
2. \$304,491 Congestion Mitigation and Air Quality (2164), Project No. G199050, Capital Project Management Organization (92270);
3. \$38,742 Measure B (2212), Project No. G199070, Capital Project Management Organization (92270); and

WHEREAS, due to the use of Federal grant funds, Department of Transportation (DOT) guidelines are used to administer this project and the City's Local Business Enterprise programs are not applicable to the contract; and

WHEREAS, McGuire and Hester will be required to maintain compliance with the federal Disadvantage Business Enterprise program; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that services under this contract will be temporary and the performance of this contract is in the public interest because of economy; 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 service; now, therefore, be it

RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to increase the change order limit by two hundred eighty thousand dollars (\$280,000.00) on the construction contract with McGuire and Hester for the Oakland Bay Trail: Mandela Parkway Project (Project No. G199010) and to execute any amendments or modifications of said contract, within the limitations of the project specifications without return to Council; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008, 2008

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, ~~REID~~, AND
PRESIDENT DE LA FUENTE - 7

NOES- 0
ABSENT- Reid - 1

ABSTENTION- 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California