

OFFICE OF THE CITY CLERK  
1115 12TH STREET  
OAKLAND, CA 94612

2006 NOV 30 PM 6:50

Approved as to Form and Legality

  
Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No: 80343 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE CONTRACT WITH RAJAPPAN & MEYER CONSULTING ENGINEERS, INC. TO ADD ADDITIONAL DESIGN AND ENGINEERING SERVICES FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT AND TO INCREASE THE CONTRACT FROM FOUR MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$4,700,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000.00), AND WAIVE THE RFP REQUIREMENT FOR THE NEW WORK**

**WHEREAS**, 12<sup>th</sup> Street is an existing facility identified for reconstruction as outlined in the Lake Merritt Master Plan; and

**WHEREAS**, a professional services agreement was awarded to Rajappan & Meyer Consulting Engineers Inc. for design and engineering services and executed in accordance with Resolution No. 78405 C.M.S. ; and

**WHEREAS**, the City desires additional services to complete the above referenced project; and

**WHEREAS**, it is in the City's best interests to include the additional project services in the contract with Rajappan & Meyer Consulting Engineers, Inc. for continuity of the project, limit liability to one consultant, and to avoid schedule delays; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the project is designated in the Capital Improvement Plan for FY2003-2005, and funding exists in Bond Measure DD – Oakland Trust for Clean Water and Safe Parks Fund (5320), projects (C241610; C242310; C242110); and

**WHEREAS**, the funding for the contract amendment is available in Bond Measure DD, Oakland Trust for Clean Water and Safe Parks, Fund (5320); Street and Sidewalks Unit

(Organization 92242); Architectural and Engineering (Account 54411); Contract Contingencies (Account 54011); 12<sup>th</sup> Street Reconstruction project (C241610)

**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

**RESOLVED**: That the City Administrator, or her designee, is hereby authorized to amend the contract with Rajappan & Meyer Consulting Engineers to provide additional services for the 12<sup>th</sup> Street Reconstruction and to increase the contract from Four Million Seven Hundred Thousand dollars (\$4,700,000.00) to an amount not-to-exceed Five Million Five Hundred Thousand dollars (\$5,500,000.00); and, be it

**FURTHER RESOLVED**: That pursuant to Oakland Municipal Code Section 2.04.051 B, the City Council finds that a competitive request for proposal process for the additional environmental work and the construction support services needed would not be in the best interests of the City; and, be it

**FURTHER RESOLVED**: That it is in the best interests of the City to waive the RFP requirement for the new work to minimize any potential delays in the execution of the work and further fiscal impacts, and limit the City's exposure to liability by looking to hold only one consultant for professional services related to the project, by retaining the current engineer/designer (Rajappan & Meyer Consulting Engineers) professionally liable for this project instead of competitively soliciting, through a second RFP process, another engineer/designer and thereafter possibly having two such engineers/designers on this project; and be it

**FURTHER RESOLVED**: That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, provided that such amendments or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk.

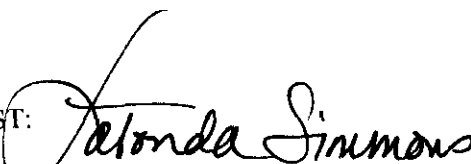
IN COUNCIL, OAKLAND, CALIFORNIA, DEC 19 2006, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES - Brooks - 1  
ABSENT - 0  
ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

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