

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

RESOLUTION No. 86123 C.M.S.

  
City Attorney

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN ON-CALL CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER, INC. INCREASING THE CONTRACT AMOUNT FROM SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) TO SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$775,000.00)**

**WHEREAS**, on July 2, 2013, the City Council approved Resolution No. 84487 C.M.S. and authorized an on-call construction contract with McGuire and Hester, Inc. in the amount of \$500,000.00; and

**WHEREAS**, on March 5, 2016 the City amended a \$100,000.00 (20%) Change Order to the on-call Contract with McGuire and Hester, Inc. per general specification-Section 3-2-1; and

**WHEREAS**, on February 6, 2014, the City Council approved Resolution No. 84831 C.M.S. and authorized the acceptance and appropriation grant funds from the California Department of Housing and community Development, Housing Related Parks Program (HRPP) in the amount of \$928,530 for the Begin Plaza Renovation Project (No. C464580); and

**WHEREAS**, the City of Oakland received executed agreement for the Housing-Related Parks Program (HRPP) Grant of \$928,530 in December 2014, requiring the City to complete the project by June 2016 grant end date, which is approximately 18 months; and

**WHEREAS**, the design phase was not completed until October 2015, due to the extensive community outreach process required during the design phase; and

**WHEREAS**, it was determined to utilize an on-call contract to expedite construction phase to meet grant timeline of June 30, 2016; and

**WHEREAS**, it is vital to implement the increase for the on-call contract amount in order to maintain the continuity of the Project construction and to meet the grant deadline; and

**WHEREAS**, Oakland Municipal Code (“OMC”) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

**WHEREAS**, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.I 5 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy, efficiency and better performance; and

**WHEREAS**, sufficient funding is available in the project budget to cover the increase change order limit for the Begin Plaza project in the following source:

Fund 2144 – California Housing and Community Develop, Organization No. 92270 – Project Management Capital Improvement and Funding, Account 57112 – Landscaping, Grounds Improvement, Project No. C464580 – Begin Plaza Renovation Project; and

**WHEREAS**, the City Council has determined that this contract is temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the City Council finds and determines that the performance of this additional work 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 Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding in accord with OMC section 2.04.050.I 5 because of the reasons set forth above and in the staff Report that accompanies this Resolution; and be it

**FURTHER RESOLVED**: That the City Council hereby authorizes the City Administrator, or designee, to increase the change order limit for the on-call construction contract with McGuire and Hester, Inc. from Six Hundred Thousand Dollars (\$600,000.00) to a total contract amount not-to-exceed Seven Hundred Seventy-Five Thousand Dollars (\$775,000.00); and be it

**FURTHER RESOLVED**: That the contract and amendments 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.

APR 19 2016

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

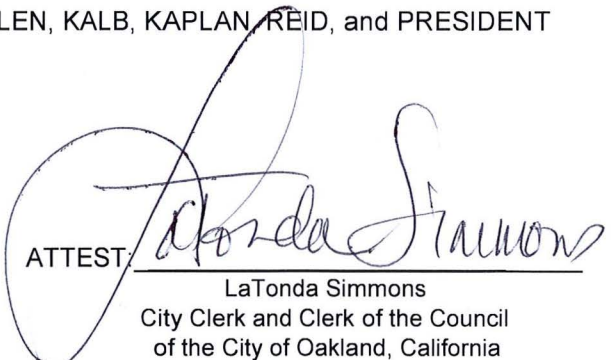
**PASSED BY THE FOLLOWING VOTE:**

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

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