

FILED
OFFICE OF THE CITY CLERK
OAKLAND

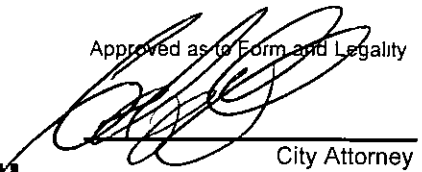
2013 OCT 31 PM 3:36

OAKLAND CITY COUNCIL

RESOLUTION No. 84722 C.M.S.

Introduced by Councilmember _____

Approved as to Form and Legality



City Attorney

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH DISNEY CONSTRUCTION, INC. FOR THE SEISMIC RETROFIT OF COLISEUM WAY BRIDGE (PROJECT NO. C346810) FROM FIFTEEN PERCENT (15%) TO THIRTY PERCENT (30%) OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED THREE MILLION SIX HUNDRED FIFTY-NINE THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS (\$3,659,388.00)

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810); and

WHEREAS, a contract for construction was awarded to Disney Construction, Inc. on March 5, 2013 in the amount of Two Million Eight Hundred Fourteen Thousand Nine Hundred Fourteen Dollars (\$2,814,914.00) and executed in accordance with Resolution No. 84229 C.M.S.; and

WHEREAS, construction is currently underway by Disney Construction, Inc.; and

WHEREAS, the project currently has a total construction grant amount of \$3,518,642; and

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; and

WHEREAS, staff successfully sought and secured preliminary approval from the California Department of Transportation (Caltrans) for additional federal and state Proposition 1B funds in the amount of \$1,011,343.00 for the Cohseum event mitigation, additional construction management, and contingencies; 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 or better performance; and

WHEREAS, sufficient funding will be available (by approval of the second, attached acceptance and appropriation resolution) in the project budget to cover the original contract amount and to increase the change order limit in the following accounts:

- \$3,518,642.00: Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project C346810; 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; and

WHEREAS, Section 2.04.050 I. 5 of the Oakland Municipal Code (the "OMC") authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that pursuant to CMC Section 2.04.051 1.5, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the CMC and increase the change order limit for the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) from fifteen percent (15%) to thirty percent (30%) of the original contract amount, because it is vital to the project to do so in order to: (1) allow staff to implement additional enhancements along with the original work as required by the federal grant, and (2) maintain continuity and minimize costly delays and disruption during the middle of ongoing project construction and completion; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the contract with Disney Construction, Inc. for the Seismic Retrofit of Coliseum Way Bridge (Project No. C346810) from fifteen percent (15%) to thirty percent (30%) of the original contract amount for a total contract amount not-to-exceed Three Million Six Hundred Fifty-Nine Thousand Three Hundred Eighty-Eight Dollars (\$3,659,388.00).

NOV 19 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

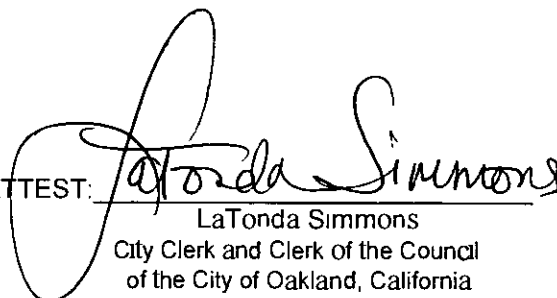
AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~WELLS~~, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

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