

2016 FEB 25 PM 2:30 RESOLUTION No. 86050 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A REIMBURSEMENT AGREEMENT WITH AT&T, INC. ("AT&T") IN THE AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00) AND TO ACCEPT AND APPROPRIATE THE FUNDS FOR CONSTRUCTION, PROFESSIONAL SERVICE AGREEMENTS AND CITY STAFF COSTS ASSOCIATED WITH AT&T'S VAULT RECONSTRUCTIONS FOR THE LATHAM SQUARE STREETSCAPE IMPROVEMENTS PROJECT (NO. C464560) WITHOUT RETURN TO COUNCIL

WHEREAS, on March 17, 2015 the Council passed Resolution No. 85455 C.M.S. awarding a construction contract to McGuire and Hester, Inc. in accordance with project plans and specifications for the Latham Square Streetscape Improvements Project (Project No. C464560) located on Broadway and Telegraph Avenue in the City of Oakland, hereinafter called the "PROJECT"; and

WHEREAS, on March 17, 2015 the Council passed Resolution No. 85456 C.M.S. authorizing the City Administrator or designee to negotiate and execute a reimbursement agreement with East Bay Municipal Utilities District ("EBMUD") in the amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) and to accept and appropriate these funds for the construction and City staff costs associated with the construction of EBMUD water main relocation for the Latham Square Project (No. C464560).

WHEREAS, post commencement of construction AT&T approached the City with the intent to replace their aging subterranean vaults in Broadway during the Latham Square Project; and

WHEREAS, AT&T's work significantly impacted the Project and necessitated the relocation of EBMUD's existing 8-inch and 12-inch diameter mains ("MAIN") in Broadway; and

WHEREAS, the City and AT&T recognize that the most timely, mutually-beneficial and cost-effective way for execution of the PROJECT and reconstruction of the vaults was for the City to require its construction contractor to coordinate with AT&T and EBMUD to modify and install the MAIN as a component of completing the PROJECT, in coordination with and subject to inspection and approval by EBMUD; and

WHEREAS, construction is currently underway by McGuire and Hester, Inc.; and

WHEREAS, construction costs associated with AT&T's vault modifications, including construction costs, City professional services costs, City contract administration costs, City inspection costs, City project management costs, and associated change orders, shall be reimbursed by AT&T; now therefore, be it

RESOLVED: That the City Administrator or designee is hereby authorized and directed to take any and all actions necessary to implement the AGREEMENT, including but not limited to: conduct all negotiations, execute any and all agreements, amendments, modifications, change orders, payment requests, procure all requisite permits and to conduct all related actions that may be necessary for the completion of the delivery of the construction of the project in the amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) for the reimbursement to the City for associated City staff, professional services agreements, and construction costs and appropriate funds without return to Council associated with the construction of AT&T's vault modifications; and be it

FURTHER RESOLVED: That the Council shall appropriate and allocate funds under: Miscellaneous Grants Fund (No. 2999); Capital Project – Transportation Planning and Funding Organization (No. 92260); Structures and Improvements Account (No. 57311); in a Project Number to be determined; 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.

MAR 15 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

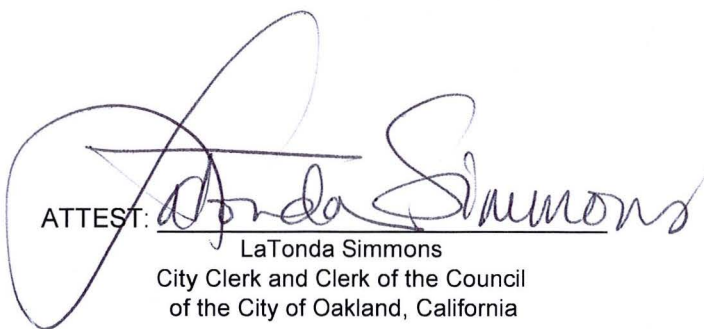
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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