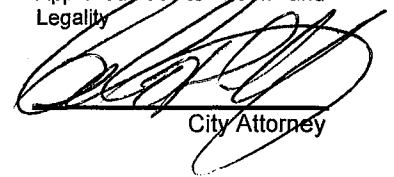


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and
Legality



City Attorney

2016 SEP 15 PM 1:57

RESOLUTION No. 86402 C.M.S

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AMEND THE ON-CALL CONSTRUCTION CONTRACT WITH DC CONSTRUCTION INCREASING THE TOTAL CONTRACT AMOUNT FROM SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) TO SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$725,000.00).

WHEREAS, the City Council approved Resolution No. 84487 C.M.S. awarding an on-call construction contract to DC Construction for an amount not-to-exceed \$500,000.00 on July 2, 2013; and

WHEREAS, on-call construction services are needed to facilitate the delivery of small and/or unexpected projects promptly and efficiently to support the City's Capital Improvement Program and to respond to emergencies; and

WHEREAS, within the City Administrator's authority to amend and increase the contract amount by twenty percent (20%) Change Order limit in accordance with the Contract Special Provision specifications Section 3-2.1, the City increased the contract amount by \$100,000.00 for a total amount not-to-exceed \$600,000.00 on March 14, 2016; and

WHEREAS, on March 2, 2106, the City Council approved Resolution No. 86029 C.M.S. to appropriate \$456,275 of Housing Related Parks Program ("HRPP") grant funds from California Department of Housing and Community Development for the design and construction of Saint Andrew's Plaza Renovation; and

WHEREAS, funds are available in State of California State Housing and Community Development Fund (2144), Project Management Capital Improvement Organization (92270), Landscaping, Grounds Improvement Account (57112), for the St. Andrew's Plaza Renovation project (No. P494610); and

WHEREAS, per the background and analysis presented in the City Administrator's Report accompanying this Resolution, an amendment to the on-call construction contract for DC Construction is needed to increase the contract amount by \$125,000 to a total contract amount of \$725,000 in order to complete the Saint Andrew's Plaza Renovation Project by April 30, 2017, the HRPP grant deadline for requesting reimbursements; and

WHEREAS, Oakland Municipal Code ("OMC") Section 2.04.050.A requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction that exceeds \$50,000; and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirement upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, it is in the City's best interest to waive advertising and competitive bidding and authorize the City Administrator, or designee, to execute a contract amendment to increase the contract capacity amount in order to ensure that the City completes the Saint Andrew's Plaza Renovation Project adhering to the HRPP grant timeline and avoid jeopardizing the grant funds; and

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

WHEREAS, the City Council finds and determines, based on the representations set forth in the City Administrator's report accompanying this Resolution, that services under the contract amendment will be temporary in nature and 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 pursuant to OMC Section 2.04.050.I.5, the City Council finds and determines that it is in the best interests of the City to waive the competitive bidding in order to meet the HRPP grant timelines and based on the reasons and circumstances set forth in the City Administrator's Report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby authorize the City Administrator, or designee, to amend the on-call construction contract with DC Construction increasing the total contract amount from Six Hundred Thousand Dollars (\$600,000.00) to Seven Hundred Twenty-Five Thousand Dollars (\$725,000.00); and be it

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

OCT 04 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and _____

_____ - 7

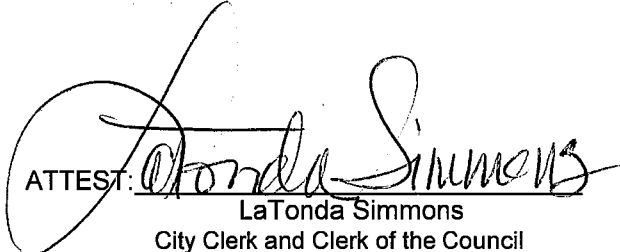
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Gibson McElhoney - 1

ATTEST: _____


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