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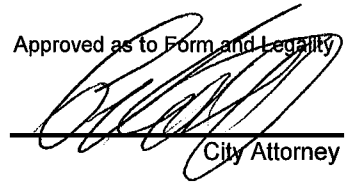
**OAKLAND CITY COUNCIL**

2017 NOV 21 PM 5:13

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

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

Approved as to Form and Legality



City Attorney

**RESOLUTION WAIVING THE RFP/Rfq COMPETITIVE SELECTION PROCESS REQUIREMENTS AND AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT WITH BIGGS CARDOSA ASSOCIATES, INC. FOR THE REPLACEMENT OF EMBARCADERO BRIDGE OVER LAKE MERRITT CHANNEL (PROJECT NO. G121810) INCREASING THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$575,000.00)**

**WHEREAS**, the Replacement of Embarcadero Bridge over Lake Merritt Channel was identified by the California Department of Transportation (Caltrans) for the need of seismic retrofit; and

**WHEREAS**, federal and state grant funding was approved for this project by Caltrans; and

**WHEREAS**, professional civil engineering services are needed to provide special inspection and material testing laboratory services to support the Replacement of Embarcadero Bridge Project (Project No. G121810)

**WHEREAS**, on April 2, 2014 Caltrans approved the construction phase of the project and obligated an additional grant of federal and state Proposition 1B funds in the amount of \$19,393,519.00 to cover the cost of the construction phase; and

**WHEREAS**, on July 9, 2014 the City issued a Request for Proposals (RFP) for special inspection and material testing laboratory services to support the Replacement of Embarcadero Bridge over Lake Merritt Channel Project (Project No. G121810), and seven firms responded to the RFP; and

**WHEREAS**, on January 20, 2015 the City Council approved the award of the professional services contract to Biggs Cardosa Associates, Inc. for a total not-to-exceed amount of \$500,000.00 by Resolution #85363 C.M.S.; and

**WHEREAS**, several unforeseen conditions have been encountered during construction triggering the need for additional special inspection and material testing laboratory services by Biggs Cardosa Associates, Inc.; and

**WHEREAS**, an Amendment to the contract with Biggs Cardosa Associates, Inc. is needed to allow the consultant to continue providing services during construction; and

**WHEREAS**, from a liability and practical perspective and based on the circumstances described in the Agenda Report that accompanies this resolution, it is in the City's best interest to waive the Request For Proposal/Request For Qualifications (RFP/RFQ) competitive selection requirements of Section 2.04.051.A of the Oakland Municipal Code (the "OMC"), pursuant to OMC Section 2.04.051.B, and have Biggs Cardosa Associates, Inc. resume and complete the services under this contract; and

**WHEREAS**, staff has requested additional grant funds from Caltrans to cover the cost and has received a positive response; and

**WHEREAS**, grant funding for the additional work under this contract will be available, pending Caltrans approval to increase the grant, in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001298; Award 21541; \$66,400.00; and

**WHEREAS**, the additional grant for this contract requires a local match of \$8,602.00 and funds are available from the following funding source:

- Measure BB Fund (2216); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1000819; Award 21542; \$8,602.00; and

**WHEREAS**, Oakland Municipal Code (O.M.C.) § 2.04.051.A. requires staff to conduct a competitive RFP/Q competitive selection process for professional services; and

**WHEREAS**, O.M.C. § 2.04.051.B permits the City Council to waive such RFP/Q requirement upon a finding that it is in the best interest of the City to do so; and

**WHEREAS**, staff believes that it is in the best interest of the City for the City Council to waive the RFP/Q requirement in this instance from a liability and practical perspective and based on the circumstances that Biggs Cardosa Associates, Inc. has the historical project knowledge to provide the required services during construction; and

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

**WHEREAS**, the City Council has determined that this contract is of a professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED:** That the City Council finds and determines that, pursuant to O.M.C. § 2.04.051A and for the reasons stated above and in the accompanying report, it is in the best interests of the City to waive the competitive RFP/Q competitive selection requirement of the O.M.C. for the award of a professional services agreement to Biggs Cardosa Associates, Inc., and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to amend the professional services contract with Biggs Cardosa Associates, Inc. extending the contract and increasing the scope of services and contract by Seventy-Five Thousand Dollars (\$75,000.00) contingent upon Caltrans approval of additional grant funds for a total contract amount not-to-exceed Five Hundred Seventy-Five Thousand Dollars (\$575,000.00); and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; 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.

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

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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