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OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL

City Attorney

2017 NOV 21 PM 5:13

RESOLUTION NO. 87013 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND INCREASING THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH FLATIRON WEST, INC. FOR THE REPLACEMENT OF EMBARCADERO BRIDGE OVER LAKE MERRITT CHANNEL (PROJECT NO. G121810) FROM TWENTY-FIVE PERCENT (25%) TO EIGHTY PERCENT (80%) OF THE ORIGINAL CONTRACT AMOUNT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED TWENTY-NINE MILLION FIVE HUNDRED NINETEEN THOUSAND ONE HUNDRED FIFTY DOLLARS (\$29,519,150.00)

WHEREAS, the City of Oakland was awarded federal and State Proposition 1B funds for the Replacement of Embarcadero Bridge (Project No. G121810); and

WHEREAS, a contract for construction was awarded to Flatiron West, Inc. on January 20, 2015 in the amount of \$16,399,527.10 and executed in accordance with Resolution No. 85361 C.M.S.; and

WHEREAS, construction is currently underway by Flatiron West, Inc.; and

WHEREAS, due to many unforeseen and changed field conditions, additional change order capacity is needed to successfully complete the project; 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, 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); Street Construction Account (57411); Project 1001298; Award 21541; \$8,020,818.00; and

WHEREAS, the additional grant for this contract requires a local match of \$1,039,182.00 and funds are available from the following funding sources:

- Measure B Fund (2211); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1001512; Award 21542; \$500,000.00

- Measure B Fund (2211); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1001512; Award 21542; \$365,000.00
- Measure BB Fund (2216); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000819; Award 21542; \$174,182.00; 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 OMC Section 2.04.051.B, that it is in the best interests of the City to waive the advertising and competitive bidding requirements of the OMC and increase the change order limit for the contract with Flatiron West, Inc. for the Replacement of Embarcadero Bridge (Project No. G121810) from twenty-five percent (25%) to Eighty percent (80%) of the original contract amount, because it is vital to the project to do so in order to allow staff to complete the project as required by the federal grant, maintain continuity, and minimize costly delays and disruption during the middle of ongoing project construction; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to increase the change order limit for the contract with Flatiron West, Inc. for the Replacement of Embarcadero Bridge (Project No. G121810) from twenty-five percent (25%) to eighty percent (80%) of the original contract amount contingent upon Caltrans approval of additional grant funds for a total contract amount not-to-exceed Twenty Nine Million Five Hundred Nineteen Thousand One Hundred Fifty Dollars (\$29,519,150.00).

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 18 2017, 20

PASSED BY THE FOLLOWING VOTE:

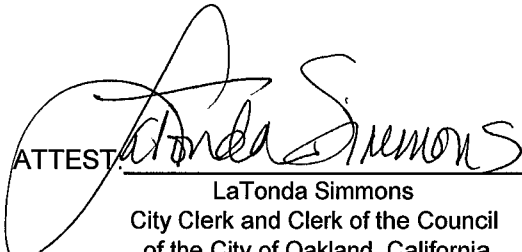
AYES - ~~7~~ GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, CAMPBELL WASHINGTON, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Quasar-Brooks - 1

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