

2018 JUN 14 PM 5:28


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 87263 7 C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO INCREASE THE CONSTRUCTION CHANGE ORDER CAPACITY LIMIT FOR THE EMBARCADERO COVE AND LIVINGSTON PIER WATERFRONT TRAILS PROJECT (NUMBER 1000683) WITH D-LINE CONSTRUCTORS, INC FROM APPROXIMATELY SEVEN PERCENT (7%) TO TWENTY-FIVE PERCENT (25%) FOR A TOTAL CHANGE ORDER LIMIT AMOUNT OF FIFTY-EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$58,400.00)

WHEREAS, Embarcadero Cove and Livingston Pier Waterfront Trails Project is an element of the Measure DD Program - Oakland Trust for Clean Water and Safe Parks under the category of Estuary Waterfront Access; and

WHEREAS, the intent of the project and the Estuary Waterfront Access program is to provide continuous and improved accessible pedestrian and bicycle public trails along the Oakland Estuary shorelines; and

WHEREAS, Embarcadero Cove and Livingston Pier sites are within the Port of Oakland jurisdiction and in Council District 2; and

WHEREAS, the Port of Oakland Board of Commissioners approved the temporary right of entry agreements for the construction of Embarcadero Cove and Livingston Pier waterfront trails with the passing of Port Ordinance No. 4368 on April 14, 2016; and

WHEREAS, the Temporary Right of Entry and Construction Access Agreements were executed between the City, the Port, and the Port tenants on June 1, 2016; and

WHEREAS, the Port and commercial tenants shall accept the maintenance responsibilities once the trail improvements are completed; and

WHEREAS, the project was advertised for bid on March 2, 2018, and four bids were received by the Office of the City Clerk on March 29, 2018; and

WHEREAS, D-Line Constructors, Inc. was deemed the lowest responsive and responsible bidder for the project, and the City Administrator authorized a construction contract of \$233,633.00 for the Embarcadero Cove and Livingston Pier Trails Project (No. 1000683); and

WHEREAS, the City Administrator has the authority to execute supplies and services contracts up to \$250,000.00 in any single transaction without previous specific action by the City Council per the Oakland Municipal Codes Section 2.04.020. A.1.; and

WHEREAS, the \$250,000.00 contracting authority threshold leaves the change order capacity of the project at 7% of the contract amount (\$16,367.00) based on the award of \$233,633.00.

WHEREAS, the Oakland Public Works Standard Specifications for construction allow the City Administrator or designee to increase the change order capacity up to 25% of the contract amount for contracts; and

WHEREAS, up to 25% increase to the contract amount is advisable to address and negotiate any unforeseen field and contract issues with the contractor without incurring significant delays or disruptions to the project; and

WHEREAS, there are sufficient funds in the project budget for the work under the following source:

Oakland Port Waterfront Trails Project (1000683); Capital Projects Organization (92270); Capital Landscaping Improvements Account (57112); and Estuary Waterfront Access Award (23145); and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, and 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 that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, D-Line Constructors, Inc. shall comply with Local Business Enterprise/Small Local Business Enterprise requirements and all other City programs and policies; now therefore be it

RESOLVED: That the City Council authorize the City Administrator or designee to increase the construction change order capacity limit for the Embarcadero Cove and Livingston Pier Waterfront Trails with D-Line Constructors, Inc. from approximately 7% to 25% for a total change order limit amount of \$58,400.00; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of the said project without return to the City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, will be reviewed and adopted by the Director, or designee, are hereby approved; 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, JUL 1 0 2018

PASSED BY THE FOLLOWING VOTE:

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

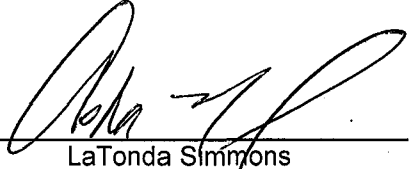
NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Brooks

ATTEST: _____


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