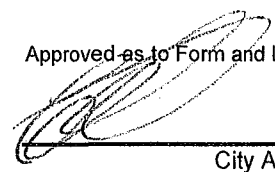


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2018 SEP 27 PM 2:24 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING FURTHER REQUEST FOR PROPOSAL/QUALIFICATION COMPETITIVE SELECTION PROCESS REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AMEND THE PROFESSIONAL SERVICES CONTRACT WITH URS CORPORATION FOR BRIDGE SEISMIC RETROFIT PROJECTS BY INCREASING THE SCOPE OF WORK AND THE CONTRACT AMOUNT BY FOUR HUNDRED TWENTY THOUSAND SIX HUNDRED DOLLARS (\$420,600.00) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000.00)

WHEREAS, the 23rd Avenue Bridge over Union Pacific Railroad (UPRR) was identified by the California Department of Transportation (Caltrans) for need of seismic retrofit; and

WHEREAS, URS Corporation was selected through a competitive process by Caltrans to prepare design structural upgrades and prepare preliminary construction documents for the seismic retrofit of several Oakland bridges including the 23rd Avenue Bridge; and

WHEREAS, Caltrans provided funding to the City for obtaining environmental approvals, securing permits, and finalizing the construction documents; and

WHEREAS, in 2003, the City entered into a sole source contract with URS Corporation (Council Resolution No. 77815 C.M.S.) for a not-to-exceed amount of \$229,400.00 to start the design process and obtain necessary permits and environmental approvals for bridge projects; and

WHEREAS, in 2012, the contract was amended by City Council Resolution 83699 C.M.S. for a not-to-exceed amount of \$829,400.00 in order to finalize the design and proceed with construction support; and

WHEREAS, on April 24, 2018, Caltrans approved the construction phase of the project and obligated a grant of federal and state Proposition 1B funds in the amount of \$10,025,000.00 to cover the cost of the construction phase; and

WHEREAS, due to several unforeseen conditions and needed re-design work that were not included in the original scope of work with URS Corporation, the duration of the contract needs to be extended and the contract amount needs to be increased by \$420,600.00 for a total contract amount not to exceed \$1,250,000.00 to provide the necessary construction support services for the Seismic Retrofit of 23rd Avenue Bridge; and

WHEREAS, the increase in the contract amount will be fully reimbursed by the project grant of federal and state funding; and

WHEREAS, the federal Disadvantaged Business Enterprise (DBE) Program is being used in lieu of the City's Local/Small Local Business Enterprise (LBE/SLBE) Program since the project is funded by federal funds; and

WHEREAS, the original contract with URS Corporation did not require DBE participation and in consultation with Caltrans staff, DBE participation is not required for this amendment; and

WHEREAS, URS Corporation, the Engineer-of-Record on this project, was acquired by AECOM USA, Inc. in October 2014 while the design phase for the 23rd Avenue Bridge project was still underway; and

WHEREAS, AECOM USA, Inc. itself is not a Nuclear Weapons maker, however, it is *not* in compliance with the Nuclear Free Zone Ordinance 11474 C.M.S. because it is an affiliate of companies that fit the definition of a Nuclear Weapons Maker under the ordinance; and

WHEREAS, it is in the City's best interest to waive the Nuclear Free Zone requirements because AECOM USA, Inc. itself is not a Nuclear Weapons maker and based on the Council's finding that there is no reasonable alternative product or service exists per section 6 (d) (1) of the Ordinance and to waive the Request For Proposal/Request For Qualifications (RFP/RFQ) competitive selection requirement pursuant to Oakland Municipal Code (OMC) Section 2.04.051.B and have URS Corporation resume and complete the services under this contract because it is in the best interests of the City to do so based on the reasons and circumstances cited in this Resolution and the Report that accompanies it; and

WHEREAS, funds for the additional services under this Amendment will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Architectural and Engineering Services Account (54411); Project 1001681; Award 23494; \$420,600.00; 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 hereby finds and determines that, from a liability and practical perspective and based on the circumstances set forth in the Agenda Report which accompanies this Resolution, to waive the Nuclear Free Zone requirements because there is no reasonable alternative product or service exists and the competitive RFP/RFQ selection requirements of OMC Section 2.04.051A, pursuant to OMC Section 2.04.051B because it is in the best interests of the City, and have URS Corporation resume and complete the services under this contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to execute an Amendment to the contract with URS Corporation extending the contract and increasing the scope of services and contract by an amount not-to-exceed Four Hundred Twenty Thousand Six Hundred Dollars (\$420,600.00) for a total contract amount not-to-exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) contingent upon the availability of funding; 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 and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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