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OFFICE OF THE CITY CLERK
OAKLAND

2019 MAR -7 AM 10: 24

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: LAMMPS - Contingency Extension &
Adding Consultant Work

DATE: January 24, 2019

City Administrator Approval

Date:

3/6/19

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Legislation:

- 1) **Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator Or Her Designee, To Increase The Change Order Limit For The Contract with Ray's Electric, Inc. For The Laurel Access To Mills, Maxwell Park & Seminary (LAMMPS) Streetscape Project (Project No. 1000634) From Ten Percent (10%) To Twenty-Five Percent (25%) Of The Original Contract For A Total Contract Amount Not-To-Exceed Eight Million Ninety-Six Thousand Two Hundred Fifty Dollars and Fifty Cents (\$8,096,250.50); And**
- 2) **Resolution Waiving The Request For Proposal / Request For Qualifications ("RFP/RFQ") Competitive Selection Process Requirements And Authorizing An Amendment To The Professional Services Contract With BKF Engineers For LAMMPS Streetscape (Project Number 1000634 Originally Selected By A Formal Competitive Process), To Add Work And Increase The Contract By An Amount Not-To-Exceed Sixty-Five Thousand Dollars (\$65,000.00) Bringing The Total Contract Amount To One Million Fifteen Thousand Dollars (\$1,015,000.00).**

EXECUTIVE SUMMARY

Approval of the Resolution to contract with Ray's Electric will authorize the City Administrator or her Designee to increase and execute change orders from ten percent (10%) to twenty-five percent (25%) of the original construction contract with Ray's Electric, Inc. for construction of the Laurel Access To Mills, Maxwell Park & Seminary (LAMMPS) Streetscape Project (Project No. 1000634) for a total contract amount not-to-exceed \$8,096,250.50.

Approval of the Resolution to amend the Professional Service Agreement will authorize the City Administrator to amend the existing professional services contract and increase the contract amount by \$65,000 for a new overall amount not to exceed \$1,015,000, to provide engineering services for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape project, Phase 1.

Item: _____
Public Works Committee
March 19, 2019

During construction, the project encountered contaminated soils at shallow depths. The project also has experienced increased steel and asphalt costs due to recent changes in global trade. An increase to the construction contract change order capacity allows for payment of the additional unforeseen change orders and escalation to construction materials.

The increase to the professional services contract is required due to the additional unforeseen construction work. In addition, BKF Engineers maintains knowledge, consistency, and responsibility of the original project to remain through completion. Construction of the project began in April 2018 and is estimated to be completed by late Fall 2019.

The work is in Council Districts 4 and 6 as shown in **Attachment A**.

BACKGROUND/LEGISLATIVE HISTORY

The LAMMPS Streetscape Project (Number 1000634) is the first phase (Phase I) of the LAMMPS Plan. LAMMPS Plan is a community-driven and community-based plan designed to improve access and safety for pedestrians and bicyclists along MacArthur Boulevard between High Street and Seminary Avenue. The Plan seeks to improve pedestrian and bike facilities, traffic flow, lighting, and landscaping along 1.5 miles of MacArthur Boulevard from High Street to Seminary Avenue, traveling under the I-580 freeway.

The LAMMPS Phase I Project will install various multi-purpose improvements from High Street to Richards Road along MacArthur Boulevard. It achieves the community vision by installing a 1,500-foot multi-use path, upgrading existing traffic signals, installing a new traffic signal at MacArthur Boulevard and Pierson Street, and installing new pedestrian-scale lighting and green infrastructure. The City received two grants for the construction of the Project.

A \$3,598,000.00 federal Active Transportation Program (ATP) grant was awarded to the City of Oakland, approved by City Council Resolution No. 85106 C.M.S. on July 15, 2014, for the LAMMPS Phase I Project with the City providing matching Measure B funds for the design phase. Most recently, the City was awarded \$2,500,000.00 from the Alameda County Transportation Commission (ACTC) Capital Improvements Program (CIP) to fund the LAMMPS Phase I Project; approved by City Council Resolution No. 86984 C.M.S. on September 19, 2017.

After a competitive bid process, BKF Engineers was awarded a professional services contract to provide engineering services by City Council (Resolution No. 85886 C.M.S.) on November 17, 2015. An extension by City Council (Resolution No. 86916 C.M.S.) on October 3, 2017 allowed BKF Engineers to make design changes required during the permitting process for a California Department of Transportation (Caltrans) encroachment permit.

On November 28, 2017, the City Council approved a construction contract with Ray's Electric, Inc., under Resolution No. 86977 C.M.S. for an amount of \$6,476,995.50 with a 10% change order capacity of \$647,700.00 for a total amount of \$7,124,695.50.

See **Attachment B** for an approved copy of the Resolution No. 86977 C.M.S.
See **Attachment C** for an approved copy of the Resolution No. 85886 C.M.S.

Item: _____
Public Works Committee
March 19, 2019

See **Attachment D** for an approved copy of the Resolution No. 86916 C.M.S.

ANALYSIS / POLICY ALTERNATIVE

The requested increase to the change order limit will allow completion of the project, and help to prevent a costly stop work order to the contractor. Furthermore, the community-driven project provides safety benefits through pedestrian and bike facilities, traffic flow, lighting, and landscaping. Delays to the project will prolong these improvements and safety features. The current project is in construction, at approximately 40% completion.

Following the award of the construction contract, several unforeseen conditions were encountered which have resulted in additional costs to the project.

Unforeseen Conditions and Costs Encountered:

Within the construction worksite, Class II contaminated hazardous materials were found. The ongoing expense to dispose of this material is currently at \$160,000.00 and is estimated to reach \$380,000.00. The rarity of finding such material has exhausted the conventional contingency funds. The extent of excavation is up to 2.25 feet for this project, while Class II material is typically found by costly excavation sampling in which the project did not expect.

Per the project Geotechnical Report, a representative sample of the pavement section was taken on MacArthur. The existing roadway pavement section was composed of a top layer of 5 inches of asphalt pavement with an underlying 5 inches of concrete. During demolition, the existing section was found but unfortunately, majority of the roadway was composed of 5 inches of asphalt pavement with an underlying 8 inches of concrete. The differing section thickness has forced additional excavation with expenses currently at \$60,000.00 but could potentially reach \$120,000.00. Additional excavation costs to meet design plans are forecasted.

There is currently a price increase for steel due to the dynamic relation of global trade from our local suppliers. The influence of the steel industry is greatly impacting our construction costs that could potentially amount to \$30,000.00.

In addition, the volatility in oil prices has also impacted the cost of asphalt paving during construction. The escalation in oil and construction materials are projected to cost \$25,000.00.

The stated unforeseen expenses have a potential of costing the project \$555,000.00. With the project construction at approximately 40%, it is projected that the 10% contingency of \$647,000.00 will be expended before project completion. Therefore, staff requests to increase the contingency to 25% which is the standard practice for the City adopted "Standard Specifications for the Public Works Construction, 2015" (Greenbook) (Resolution No. 13455 C.M.S.).

Professional Services Contract Increase (BKF Engineers):

The requested increase to the contract amount and time with BKF Engineers is due to the additional construction support provided when the project incurred these extra unforeseen construction expenses. Since BKF Engineers prepared and is the Engineer of Record on the LAMMPS construction plans and specifications, it would be in the project's best interest to continue to use BKF Engineers for construction support. The use of BKF Engineers through this phase ensures a single point of accountability for the project design. Furthermore, the alternative of requesting consulting services through a request for qualifications/proposal (RFP/RFQ) has a potential of delaying the project.

Waiver of Advertising and Competitive Bidding Requirements

Oakland Municipal Code ("OMC") Section 2.04.050 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 the award of the contract to the lowest responsible, responsive bidder if award is made. OMC Section 2.04.050 I.5 provides an exception to the advertising and competitive bidding requirement of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so.

Staff recommends that it is in the City's best interests to waive advertising and competitive bidding and to approve the proposed change orders and increase the change order limit since construction is currently underway by Ray's Electric, Inc. and it is vital to extend the construction contingency and additional work in order to maintain continuity, minimize costly delays, and disruptions of ongoing construction for project completion.

Waiver of Competitive Request for Proposals/Qualifications Selection Requirement

OMC Title 2, Chapter 2, Article I, Section 2.04.051.A requires the City to conduct a competitive Request for Proposal or Request for Qualifications (RFP/RFQ) selection process for the procurement of professional services. OMC Section 2.04.051.B permits the City Council to waive the competitive RFP/RFQ competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so.

Staff recommends that the Council find and determine that it is in the best interests of the City to waive the RFP/RFQ competitive selection requirement and amend and increase the amount of the City's agreement with BKF Engineers, because BKF Engineers prepared and is the Engineer of Record on the LAMMPS construction plans and specifications. BKF Engineers has years of background and intimate knowledge on the LAMMPS project and a thorough understanding of the engineering decisions made behind the design; BKF Engineers is well suited to provide quality construction support services on the LAMMPS improvements.

FISCAL IMPACT

The existing Ray's Electric, Inc. construction contract and change order capacity total is \$7,124,695.50. The necessary additional work requires an increase in change order capacity from ten percent (10%) to twenty-five percent (25%). The total contract capacity will be increased by nine hundred seventy-one thousand five hundred fifty (\$971,550.00) for a total change order capacity of twenty-five percent (25%) and a revised contract maximum amount of \$8,096,245.50. Funds are available for this change order from Measure B Grant Matching Fund

The proposed not-to-exceed contract with BKF Engineers is increased by \$65,000 for a total not-to-exceed amount of \$1,015,000. The additional \$65,000 is funded by Measure B Grant Matching Fund.

Funds Available for Increased Change Orders Capacity on Ray's Electric Construction Contract

Funding Source	Amount
Measure B Grant Matching Funds (Fund 2211); Engineering Design: Traffic / Parking (92246); Street Construction Account (57411); Grant Matching Fund (No. 1001512); Award (23234)	\$971,550.00

Funds Available for Increased Contract Amount on BKF Engineers' Consultant Contract

Funding Source	Amount
Measure B Grant Matching Funds (Fund 2211); Engineering Design: Traffic / Parking (92246); Street Construction Account (57411); Grant Matching Fund (No. 1001512); Award (23234)	\$65,000.00

PUBLIC OUTREACH / INTEREST

The development of the LAMMPS plan included community outreach and visioning sessions, traffic analysis, engineering studies/surveys, and landscaping studies, which culminated in a comprehensive plan for street improvements and bicycle/ pedestrian pathways along MacArthur Boulevard from High Street to Seminary Avenue.

The LAMMPS preferred concept plan was developed over the course of four widely-attended community outreach meetings where residents, employees, Mills College administrators and students, business owners, passers-by, and advocates were given the opportunity to voice their concerns and contribute to a vision of a better corridor with improved safety and access.

The project's concept was reviewed and endorsed by the City's Bicycle and Pedestrian Advisory Committee (BPAC) on May 15, 2014. Also, OPW staff met with representatives from Maxwell Park Neighborhood Crime Prevention Council (MPNCPC) and Mills College.

Furthermore, during the engineering design phase, staff met with Mills College staff, the Maxwell Park Neighborhood Association, and the Laurel District Association to present the revised project design required to obtain Caltrans approval. Overall the new design was well received.

COORDINATION

LAMMPS Phase I project development, scoping and design were in coordination with the following agencies/groups:

- The California Department of Transportation (Caltrans)
- Alameda County Transit (AC Transit)
- Transportation Services Division of the OPW
- Transportation Planning and Funding Division of OPW
- Infrastructure Maintenance Division of the OPW
- Electrical Services Division of the OPW
- Bicyclist and Pedestrian Advisory Commission (BPAC)
- Maxwell Park Blight and Beautification Neighborhood Action Team (B&BNAT)
- Mills College
- Civicorps: a non-profit organization that will perform planting work during the construction phase of the project as a requirement of the grant.

This report and legislation have been reviewed by the office of the City Attorney and the Controller's Bureau.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Ray's Electric from a previously completed project was satisfactory and is included as **Attachment E**.

The Performance Evaluations for BKF Engineers is not available for past projects. BKF Engineers are a certified local firm and has worked with the City through past or existing on-call contracts or have been selected through RFP process for different City projects.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve transportation conditions and make the MacArthur corridor safer, easier to navigate, and more attractive. The project improvements will enhance the efficiency and affordability of the transportation network and increase the potential for economic and housing development in the neighborhood.

Environmental: The project will provide a safer route for bicyclists and pedestrians in the MacArthur corridor and therefore reduce the use of automotive mode of transport that causes air pollution. The project will implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

Social Equity: This project is intended to provide maximum mobility for those without access to vehicles by improving the bicycle and pedestrian infrastructure, including Americans with Disability Act ("ADA") accessibility.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt:

- 1) Resolution Waiving Advertising And Competitive Bidding And Authorizing The City Administrator Or Her Designee, To Increase The Change Order Limit For The Contract with Ray's Electric, Inc. For The Laurel Access To Mills, Maxwell Park & Seminary (LAMMPS) Streetscape Project (Project No. 1000634) From Ten Percent (10%) To Twenty-Five Percent (25%) Of The Original Contract For A Total Contract Amount Not-To-Exceed Eight Million Ninety-Six Thousand Two Hundred Forty-Five Dollars And Fifty Cents (\$8,096,245.50); And**

- 2) Resolution Waiving The RFP/RFQ Competitive Selection Process Requirements And Authorizing An Amendment To The Professional Services Contract With BKF Engineers For LAMMPS Streetscape (Project Number 1000634 Originally Selected By A Formal Competitive Process), To Add Work And Increase The Contract By An Amount Not-To-Exceed Sixty-Five Thousand Dollars (\$65,000.00) Bringing The Total Contract Amount To One Million Fifteen Thousand Dollars (\$1,015,000.00).**

For questions regarding this report, please contact Mohamed Alaoui, P.E., Department of Transportation, Great Streets Delivery Division Manager, at (510) 238-3469.

Respectfully submitted,



RYAN RUSSO
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E. Assistant Director
Department of Transportation

Reviewed by:
Mohamed Alaoui, P.E., T.E., Division Manager
Great Streets Delivery Division

Prepared by:
Si Lau, P.E., T.E., Supervising Civil Engineer
Complete Streets Design

Attachments (4):

- A: Project Location Map*
- B: City Council Resolution 86977 C.M.S.*
- C: City Council Resolution 85886 C.M.S.*
- D: City Council Resolution 86916 C.M.S.*
- E: Contractor Performance Evaluation*

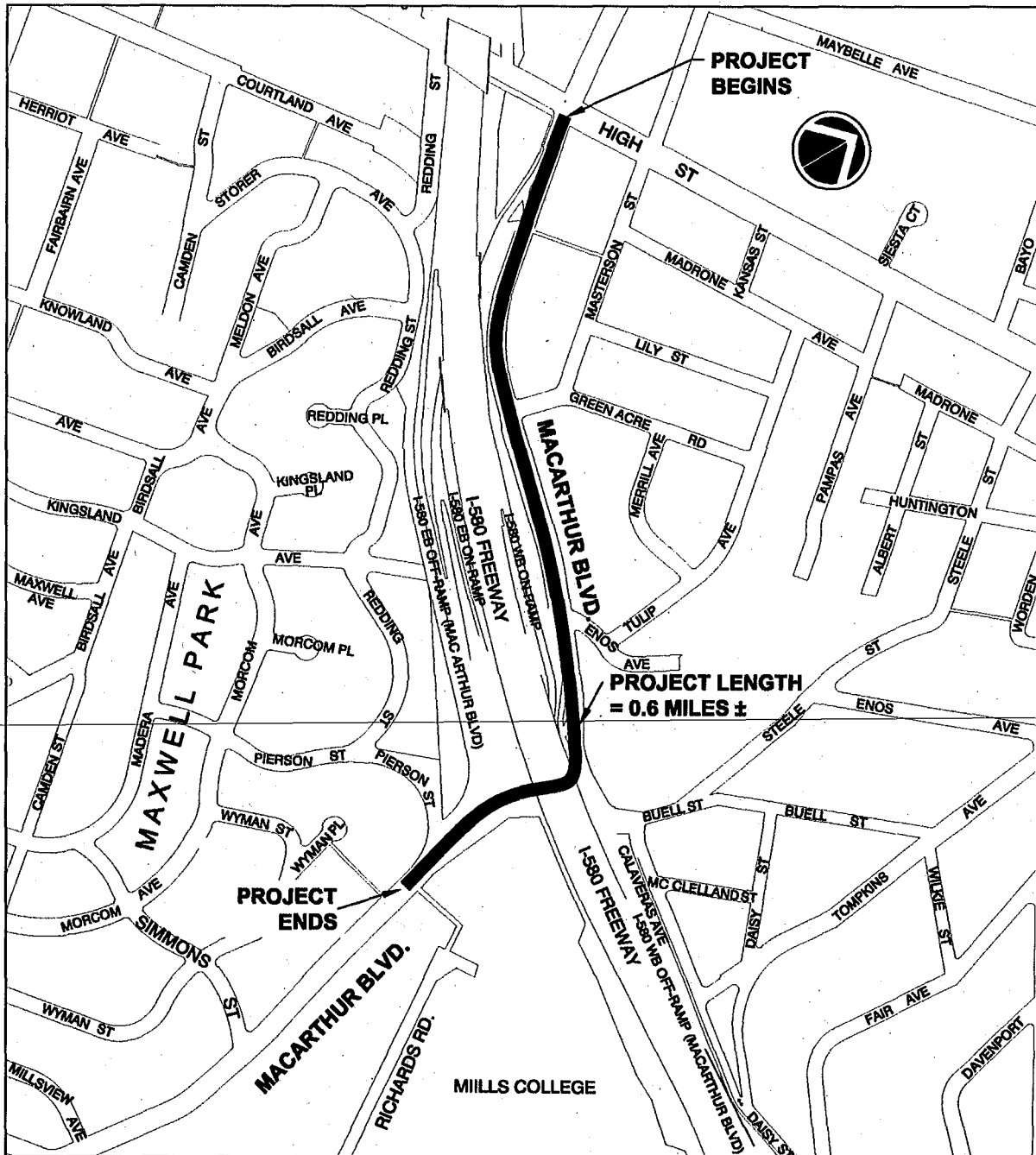
Item: _____
Public Works Committee
March 19, 2019

Attachment A

Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape
(Project No. 1000634)

Location Map

Not to Scale



Attachment B

City Council Resolution 86977 C.M.S.

DEC 14 PM 12:43

OAKLAND CITY COUNCIL

RESOLUTION No. 86977 - C.M.S.

Approved as to Form and Legality

[Signature] City Attorney

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY ("LAMMPS") STREETScape PROJECT (PROJECT NUMBER 1000634) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX MILLION FOUR HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND FIFTY CENTS (\$6,476,995.50).

WHEREAS, the City of Oakland applied for and received an Active Transportation Program (ATP) grant in the amount of \$3,598,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

WHEREAS, the City of Oakland applied for and was recommended for award of an Alameda County Transportation Commission (ACTC) Comprehensive Investment Program (CIP) grant in the amount of \$2,500,000.00 for the LAMMPS Streetscape Project; and

WHEREAS, the LAMMPS Streetscape Project has completed engineering design, has bid documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

WHEREAS, this project was advertised on July 14, 2017 and three bids were received by the Office of the City Clerk of the City of Oakland on August 31, 2017 for the LAMMPS Streetscape Project; and

WHEREAS, Ray's Electric, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$6,476,995.50; and

WHEREAS, funds totaling \$5,435,000 for the work are available in the following funding sources:

- Active Transportation Program (ATP) Grant; and
- Alameda County Transportation Commission (ACT) Comprehensive Investment Program (CIP) Grant

WHEREAS, funds totaling \$1,014,996 are available in other project accounts to be designated for the purpose of completing this project; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; 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 that this contract is of a professional, scientific or technical nature; and

WHEREAS, Ray's Electric complies with all LBE/SLBE requirements; 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 service; now therefore be it

RESOLVED: That funds shall be transferred from the following accounts to Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000634 to complete the funding required for this project:

- Fund 2216 Pedestrian CIP funds - \$500,000
- Fund 2216 Bicycle CIP funds - \$250,000
- Fund 2211 Grant Matching funds - \$141,996
- Fund TBD RMRA Funds - \$150,000

RESOLVED: That the City Administrator or designee is authorized to execute a construction contract, contingent upon the availability of funding, for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634) with Ray's Electric, the lowest responsive and responsible bidder, in an amount of Six Million Four Hundred Seventy-six Thousand Nine Hundred Ninety-Five Dollars and Fifty Cents (\$6,476,995.50) in accord with plans and specifications for the project and contractor's bid dated August 17, 2017; and be it

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; 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 said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Ray's Electric fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, NOV 28 2017, 20

PASSED BY THE FOLLOWING VOTE:

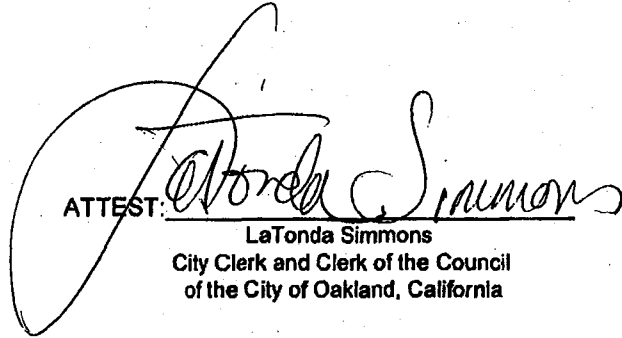
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:




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

Attachment C

City Council Resolution 85886 C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND
OCT 29 PM 2:10

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85886 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BKF ENGINEERS FOR PROVIDING ENGINEERING SERVICES FOR LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY (LAMMPS) STREETSCAPE (PROJECT NO. C478810) FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00)

WHEREAS, the City of Oakland applied for and received an Active Transportation Projects (ATP) grant in the amount of \$3,597,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. C478810); and

WHEREAS, professional civil engineering services are needed for investigation, preparation of environmental documents, completion of construction documents, securing permit from different federal, state and local agencies and providing construction support for the project; and

WHEREAS, extensive outreach effort to request proposals resulted in two responses; and

WHEREAS, BKF Engineers has submitted a proposal to provide full design services, including preparing plans, specifications, cost estimate, environmental studies, permit documents, conduct meetings and provide services during bidding and construction phase; and

WHEREAS, BKF Engineers was chosen through the City's Request for Proposal (RFP) process as top rated firm to provide services; and

WHEREAS, the proposed contract with BKF Engineers will be for an amount not to exceed \$750,000.00; and

WHEREAS, funding for this contract is considered the local match for the \$3,597,000.00 ATP grant approved by City Council Resolution 85106 C.M.S. on July 15, 2014; and

WHEREAS, the local match funding is available through Measure B funds in the following accounts:

Fund	Organization	Account	Project	Program	Amount
2211 Measure B	92242 Engineering Design: Streets & Structures	54411 Architectural & Engineering Services	C478810 LAMMPS	IN05 Engineering Planning & Design	\$750,000.00

; and

WHEREAS, the City Council finds that this contract is for services of a professional nature; and

WHEREAS, the City Council finds that this services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator or designee, to enter into a professional services contract with BKF Engineers for providing engineering services for Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. C478810) for an amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Contract with the exception of those related to an increase in total compensation or allocation of additional funds, 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.

NOV 17 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____.

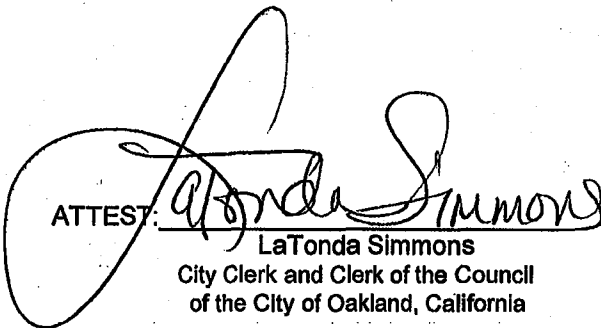
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

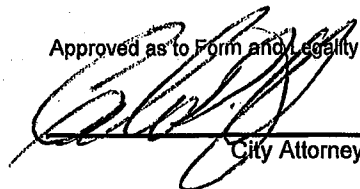
ABSTENTION - 0

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

Attachment D

City Council Resolution 86916 C.M.S.

2017 SEP 14 AM 9:46



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86916 - C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL ("RFP") PROCESS FOR AN AMENDMENT TO THE AGREEMENT WITH BKF ENGINEERS FOR LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY ("LAMMPS") STREETSCAPE (PROJECT NUMBER 1000634 ORIGINALLY SELECTED BY A FORMAL COMPETITIVE PROCESS), TO ADD WORK AND INCREASE THE CONTRACT BY TWELVE MONTHS AND AN AMOUNT NOT-TO-EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) BRINGING THE TOTAL CONTRACT AMOUNT TO NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000.00).

WHEREAS, the City of Oakland applied for and received an Active Transportation Projects (ATP) grant in the amount of \$3,598,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

WHEREAS, the City of Oakland applied for and was recommended for award of an Alameda County Transportation Commission (ACTC) Capital Improvements Program (CIP) grant in the amount of \$2,500,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

WHEREAS, professional civil engineering services were needed for investigation, preparation of environmental documents, completion of construction documents, securing permit from different federal, state and local agencies and providing construction support for the project; and

WHEREAS, after a competitive bid process, BKF Engineers was chosen to provide full design services, including preparing plans, specifications, cost estimate, environmental studies, permit documents, conduct meetings and provide services during bidding and construction phase; and

WHEREAS, BKF Engineers was awarded a professional services contract for an amount not to exceed \$750,000.00 by City Council Resolution 85886 C.M.S on November 17, 2015.; and

WHEREAS, Measure B funding for this contract was considered the local match for the \$3,598,000.00 ATP grant approved by City Council Resolution 85106 C.M.S. on July 15, 2014; and

WHEREAS, the LAMMPS Streetscape Project has completed engineering design, has bid

documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

WHEREAS, in order to obtain Caltrans approval on traffic circulation changes around the I-580 on and off ramps design scope and project design budget changes were necessary; and

WHEREAS, an extension to the BKF Engineers professional service contract of two hundred thousand dollars (\$200,000.00) is needed to successfully deliver the construction project; and

WHEREAS, the funding will be available through ACTC CIP Measure B/BB/VRF funds in the following accounts:

Fund	Organization	Account	Project	Program	Amount
2211 Measure B	92242 Engineering Design: Streets & Structures	54411 Architectural & Engineering Services	1000634 LAMMPS	IN05 Engineering Planning & Design	\$200,000.00

; 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 because BKF Engineers prepared and is the Engineer of Record on the LAMMPS Streetscape Project construction documents and has the historical project knowledge to provide construction services for the LAMMPS construction; now, therefore be it

WHEREAS, the City Council finds that this contract is for services of a professional nature; and

WHEREAS, the City Council finds that this services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in loss of employment or salary by any person having permanent status in the competitive services; 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 BFK Engineers, and so waives the requirement; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee, to amend the professional services contract with BKF Engineers for providing engineering services for Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS)

Streetscape (Project No. 1000634) by twelve months and Two Hundred Thousand Dollars (\$200,000.00) contingent upon the availability of funding for an amount not to exceed Nine Hundred Fifty Thousand Dollars (\$950,000.00); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Contract with the exception of those related to an increase in total compensation or allocation of additional funds, 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, OCT 03 2017

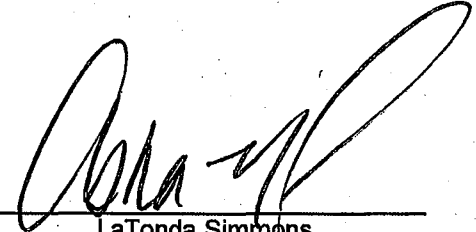
PASSED BY THE FOLLOWING VOTE:

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

Attachment E

Contractor Performance Evaluation

**Schedule L-2
City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION**

Project Number/Title: C452410

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: 12/7/2015

Date of Notice of Completion: 8/1/2016

Date of Notice of Final Completion: 10/20/2016

Contract Amount: \$472,147.50

Evaluator Name and Title: Alan Chan, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

FINANCIAL

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

COMMUNICATION

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.					Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.					Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>		

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>0.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>0.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>0.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>0.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>0.3</u>

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

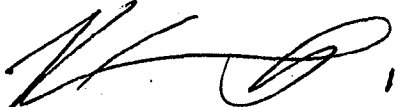
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.


Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

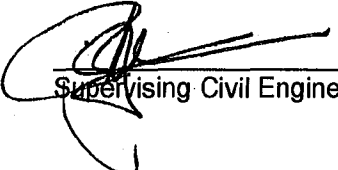
COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

 11/28/16

Contractor / Date

 10/20/16

Resident Engineer / Date

 10/20/16

Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

2019 MAR -7 AM 10:25

DRAFT
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE, TO INCREASE THE CHANGE ORDER LIMIT FOR THE CONTRACT WITH RAY'S ELECTRIC, INC. FOR THE LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY (LAMMPS) STREETScape PROJECT (PROJECT NO. 1000634) FROM TEN PERCENT (10%) TO TWENTY-FIVE PERCENT (25%) OF THE ORIGINAL CONTRACT FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED EIGHT MILLION NINETY-SIX THOUSAND TWO HUNDRED FIFTY DOLLARS AND FIFTY CENTS (\$8,096,250.50).

WHEREAS, on November 28, 2017, the City Council approved Resolution No. 86977 C.M.S. and authorized a construction contract with Ray's Electric, Inc. in the amount of \$6,476,995.50 and executed in accordance with Resolution No. 86977 C.M.S.; and

WHEREAS, construction is currently underway by Ray's Electric, Inc.; and

WHEREAS, various change orders, including unforeseen and changed field conditions and policy directives, require additional change order capacity to successfully complete the project; and

WHEREAS, it is vital to implement the changes and additional work and to maintain continuity and minimize costly delays and disruption of ongoing project construction and completion; and

WHEREAS, Oakland Municipal Code ("OMC") Section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies, or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made; and

WHEREAS, OMC Title 2, Chapter 2.0, Article I, Section 2.04.050.15 provides an exception to this advertising and competitive bidding requirement when specifically authorized by the City Council after a finding and determination that it is in the best interests of the City; and

WHEREAS, Staff recommends that it is in the City's best interests to waive advertising and competitive bidding and to approve the proposed change orders and increase the change order limit because construction is currently underway by Ray's Electric, Inc. and it is vital to implement the changes and additional work in order to maintain continuity, minimize costly delays, and disruptions of ongoing construction for project completion; 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 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; now therefore be it

WHEREAS, sufficient funding is available in the project budget to cover the increase change order limit in the following source:

- Measure B: Local Streets & Roads Funds (2211); Engineer Design: Traffic / Parking (92246); Street Construction (57411); Local Streets & Roads Grant Matching Funds (1001512)

RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding in accord with OMC Section 2.04.050.I5 because of the reasons set forth above and in the staff report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Council authorizes the appropriation up to \$971,550.00 from currently unappropriated fund balance of Fund 2211 (Measure B Grant Matching Funds) to the Complete Streets Design Organization (35212); Street Construction Account (57411); LAMMPS Project (1000634); and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, to increase the change order limit for the LAMMPS Streetscape Project construction contract with Ray's Electric, Inc. (Project no. 1000634) from ten percent (10%) to twenty-five percent (25%) of the original contract for a total contract amount not-to-exceed eight million ninety-six thousand two hundred fifty dollars and fifty cents (\$8,096,250.50); and be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FORTUNATO-BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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