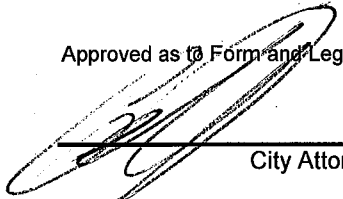


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2019 MAR 13 AM 8:46

Approved as to Form and Legality



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