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#### **RESOLUTION NO. 2022-68**

# A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 5 TO CONTRACT NO. C21-49 WITH MCGUIRE AND HESTER IN THE NOT-TO-EXCEED AMOUNT OF \$1,883,404.00

WHEREAS, on November 16, 2020, the City Council adopted Resolution No. 2020-108 adopted the FY2019/20 – FY2023/24 Capital Improvement Project budget including funding for the Annual Street Rehabilitation Program; and

**WHEREAS,** on February 24, 2022, Transportation Commission recommended to City Council to approve plans for the Marin Avenue Pavement Rehabilitation and Curb Ramp Rehabilitation Project – Phase 1; and

WHEREAS, the Project must be coordinated with approved construction of Masonic Intersections (Ohlone Trail Safety) Improvement Project CIP No. 25007 at the intersection of Marin Avenue and Masonic Avenue; and

WHEREAS, in cases when "strict compliance with competitive selection or bidding requirements would be unavailing, or would not produce an advantage, or would be undesirable, impractical, or impossible" (AMC §13-20), the City Charter allows sole source award rather than going through the standard bidding process; and

WHEREAS, successful completion of both the Masonic Intersections Project and the Marin Avenue Pavement and Curb Ramp Rehabilitation Project – Phase 1 construction will require significant inter-project coordination to ensure sequencing and schedules are maintained; and

WHEREAS, McGuire & Hester is a responsible contractor and successfully completed construction of the Washington Avenue Rehabilitation Project Phase 2 Project in April 2022; and

WHEREAS, McGuire & Hester has demonstrated the necessary qualifications, resources, and experience for the Marin Avenue Pavement and Curb Ramp Rehabilitation Project – Phase 1, has shown a willingness and ability to adjust operations to accommodate site and location conditions encountered during construction, and has provided considerable efforts toward cooperation and finding solutions to construction issues; and

**WHEREAS**, staff requested and McGuire & Hester submitted a proposal in the not-to-exceed amount of \$1,883,404.00; and

WHEREAS, Staff requested an independent review by an experienced third-party construction consultant and deemed the proposal to be fair and reasonable in the current construction market, and would accommodate the conditions as noted heretofore.

**NOW, THEREFORE, BE IT RESOLVED,** that the Albany City Council hereby authorizes the City Manager to execute Contract Change Order #5 to Contract No. C21-49 with McGuire and Hester in the not-to-exceed amount of \$1,883,404.00, using funds previously appropriated for the Annual Pavement Rehabilitation Program (CIP No. 21000).

PRESTON JORDAN, MAYOR



## City of Albany

1000 San Pablo Avenue • Albany, California 94706 (510) 528-5710 • www.albanyca.org

### **RESOLUTION NO. 2022-68**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 21st day of June, 2022, by the following votes:

AYES: Council Members Gary, McQuaid, Nason, Tiedemann and Mayor Jordan

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

22nd day of June, 2022.

Anne Hsu
CITY CLERK

Albany is committed to providing a healthy, safe, and accessible city, and strives to lift every voice in our community.