

**CITY OF OAKLAND
AGENDA REPORT**

OFFICE OF THE CITY ADMINISTRATOR
2007 JUN 12 10:43

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency and Public Works Agency
DATE: June 12, 2007

RE: (1) Resolution Awarding A Construction Contract To Sposeto Engineering, Inc. For The Broadway Phase II And III Sidewalk Improvement Project (C194920) For An Amount Not To Exceed Two Million Six Hundred Fifty-One Thousand Three Hundred Seventy-Six Dollars And Forty-Five Cents (\$2,651,376.45), And Accepting And Appropriating A Contribution Of Redevelopment Agency Funds Under The Cooperation Agreement For An Amount Not To Exceed Six Hundred Eighty Thousand Four Hundred Twelve Dollars (\$680,412.00); And

(2) Redevelopment Agency Resolution Authorizing A Contribution Of An Amount Not To Exceed Six Hundred Eighty Thousand Four Hundred Twelve Dollars (\$680,412.00) From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The Broadway Phase II And III Sidewalk Improvement Project

SUMMARY

Staff has prepared two resolutions to award a construction contract for the Broadway Phase II and III Streetscape Improvement Project ("Project"):

- The first resolution authorizes the award of a construction contract to Sposeto Engineering for the Project (C194920) for an amount not to exceed two million six hundred fifty-one thousand three hundred seventy-six dollars and forty-five cents (\$2,651,376.45), and accepts and appropriates a contribution of Agency funds under the Cooperation Agreement for an amount not to exceed six hundred eighty thousand four hundred twelve dollars (\$680,412.00); and
- The second resolution authorizes a contribution of an amount not to exceed six hundred eighty thousand four hundred twelve dollars (\$680,412.00) from the Central District Redevelopment Project to the City of Oakland under the Cooperation Agreement to fund the construction of the Project.

Sposeto Engineering is the most responsive and responsible bidder and has met all of the contract requirements.

Approval of these resolutions will allow the City to proceed with the second and third phases of Broadway sidewalk improvements. This Project includes the replacement of existing sidewalk

Item: _____
Public Works Committee
June 12, 2007

pavement and the addition of trees, benches, bike racks, and trash receptacles along portions of Broadway from 12th to 20th Streets.

This Project is consistent with the Mayoral and City Council goal to provide clean, well-maintained and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees. The Project is located in Council District 3.

FISCAL IMPACT

This resolution will authorize a construction contract in an amount not to exceed \$2,651,376.45, \$1,285,965.00 for Phase II and \$1,365,411.45 for Phase III. This Project has three different funding sources.

Broadway Phase II construction is fully funded by a 2004 Council approved Alameda County Congestion Management Agency Transportation Improvement Program (ACCMA TIP) grant allocation in the amount of \$1,285,965.00. A contingency of \$128,592.32 is also provided with these grant funds, for a total of \$1,414,557.32. These funds are located in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), Structures and Improvements Account (57311), Broadway Phase II Streetscape Project (G273910).

Broadway Phase III construction is funded partially by a 2002 Council approved ACTIA Measure B allocation in the amount of \$1,135,000.00, and partially by FY 2005-07 Agency streetscape funds in the amount of \$231,411.45, for a total Phase III contract amount of \$1,365,411.45. The \$1,135,000.00 in ACTIA funds are located in the ACTIA Reimbursable Grants Fund (2214), Capital Improvement Project – Economic Development Organization (94800), Structures and Improvements Account (57311), 14th & Broadway Transit Center Project (C194920). The \$231,411.45 in Agency funds are described below.

A third funding source is FY 2005-07 Agency streetscape funds in the amount of \$680,412.00, which will be provided from the Redevelopment Agency to the City under the Cooperation Agreement. These funds include the \$231,411.45 for Broadway Phase III construction, \$137,000.00 in funds for Phase III contingency, and the remaining amount for consultant support and Public Works staff time for both projects. These funds are located in the Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Project Organization (94800), Structures and Improvements Account (57311), Downtown Streetscape Implementation Project (P128830). These funds will be appropriated to the City in Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Organization (94800), in City projects to be established for Broadway Phase II and III.

BACKGROUND

In October 2000, a Schematic Master Plan (“Plan”) for Broadway was approved by the City Council. The adopted plan served as a guide for the streetscape improvements and included recommendations for the sidewalk paving patterns and treatments that would follow along the Broadway corridor.

Broadway Phase I, commonly referred to as the 14th and Broadway Transit Center, was the first phase of improvements made on the east side of Broadway from 13th to 15th Streets. The project was approved by Council in July 2001. Broadway Phase II, the second phase of improvements, went to bid in May 2004, but no bids were received. In an effort to attract bidder interest and because the Broadway Phase III documents were then complete, staff made a decision to combine the Broadway Phase II with the Broadway Phase III Project. The combined Broadway Phase II and III Project went out to bid in August 2005, and again no bids were received. To evaluate why contractors were not bidding on the Project, staff subsequently interviewed four plan holders. As a result of those interviews, staff adjusted the specifications to allow for portions of the work to be performed during the day, an option previously not available to contractors and to provide for an extended bid period. The Project was re-bid in February 2006. The Project received two bids, from McGuire & Hester and Sposeto Engineering. Both of the bids exceeded the engineer’s estimate. At Public Works Committee on June 27, 2006 and Council on July 18, 2006, staff sought and received approval to reject both bids and to negotiate a contract within the construction budget, starting with the most responsive and responsible bidder, identified as Sposeto Engineering, and to award a construction contract with return to City Council. However, McGuire & Hester subsequently challenged the award, on the basis that procedures were not followed involving their Good Faith Efforts submittal to the City. After thorough review, City staff made the decision to reject all of the bids and to re-bid the Project in the Spring of 2007.

The Project was re-advertised on March 2, 2007 and bids were opened on April 9, 2007. Four bids were received.

Sposeto Engineering is both the lowest bidder of the four, and also the most responsive and responsible bidder. Sposeto has met all of the contract requirements. (See Attachment A – March 2007 Bid Results, and Attachment B – Contract Compliance Memo)

Because ACTIA funding is involved, ACTIA’s Local & Small Local Business Enterprise (LBE & SLBE) Program was applied, which establishes a goal of 60% LBE and 20% SLBE participation for construction projects. Businesses located within Alameda County qualify as local businesses. SLBE contractors also count toward the LBE goal. All other City of Oakland programs and policies will apply to the Project, including the Local Employment Policy and the 15% Apprenticeship Policy.

PROJECT DESCRIPTION

The Broadway Phase II and III Sidewalk Improvement Project is located in downtown Oakland. The Broadway Phase II project area extends from 12th to 17th Street along Broadway; the Phase III project area extends from 17th to 20th Street. This Project will feature the replacement of existing deteriorated seeded-aggregate sidewalks with new integrally colored concrete paving, waterproofing of basements and the addition of new street trees and tree grates, benches, bike racks and trash receptacles.

This streetscape Project is intended to support the varied uses planned for this core commercial and retail district. Existing sidewalks are deteriorated and in need of replacement. This Project directly benefits Downtown merchants and pedestrians.

The City has independently reviewed and considered this environmental determination, and the City finds and determines that the Project is categorically exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines.

KEY ISSUES AND IMPACTS

The first key issue is the sidewalk pavement color and treatment. In response to staff and community concerns that the new pavement design does little to hide dirt and gum stains, city staff has made reasonable and cost-effective adjustments to the color and finish of the concrete selected. The pavement sample selected is significantly darker in color and includes a medium sandblast finish to expose some depth and texture in the sidewalk.

The second key issue is to maintain business access during construction. This Project will occur in the Downtown core. PWA and Redevelopment Agency staff made presentations to the Uptown Merchants and the Downtown Oakland Metropolitan Chamber of Commerce, and held a community meeting seeking to identify concerns of downtown businesses regarding construction related issues. The two major concerns identified were parking and maintaining access to businesses. The project specifications require that ADA compliant access be maintained to all businesses. Staff will ensure that business access is provided during construction and that any disruptions will be minimized. Staff also recognizes that parking concerns will need to be addressed. An "Uptown Traffic Management Plan" website has been set up which provides updates on the various projects occurring in the district. As part of this effort, staff has provided a map of underutilized City and private parking garages which merchants and other interested persons can download. The website is located at: <http://www.business2oakland.com/uptowntmp/>.

Approval of this resolution will help ensure a construction start by early August 2007. The duration of the work is 150 working days from the date of the Notice to Proceed with completion scheduled for February 2008. The construction contract specifies \$1,000.00 per calendar day in liquidated damages if the contract completion time of 150 working days is exceeded.

SUSTAINABLE OPPORTUNITIES

Economic: Project construction will utilize local businesses in accordance with ACTIA's L/SLBE Policy, and in accordance with the City of Oakland's business and employment requirements. This Project will create jobs for Oakland and Alameda County residents, and generate business tax, sales tax, and other revenues for the City and County from the Project contractors and suppliers. In addition, the Project will enhance the physical appearance of downtown Oakland, which will encourage future economic investment.

Environmental: Project improvements will enhance the Downtown by providing additional street trees. The Project will incorporate to the extent feasible recycled content building materials and explore other environmental opportunities such as waste reduction.

Social Equity: The addition of street furnishings, including street trees, newspaper racks, benches, bike racks and trash receptacles, will enhance conditions for pedestrians and the immediate neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The Project will be in compliance with the physical access requirements of the Americans with Disabilities Act, and will provide equal opportunity and access for pedestrians along Broadway. ADA-compliant curb ramps will be implemented.

RECOMMENDATIONS AND RATIONALE

Staff recommends that the Council approve the resolution authorizing the City Administrator, or her designee, to award a construction contract to Sposeto Engineering for an amount not to exceed \$2,651,376.45 for the Broadway Phase II and III Sidewalk Improvement Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the following items: (1) a City resolution awarding a construction contract to Sposeto Engineering for the Project (C194920) for an amount not to exceed two million six hundred fifty-one thousand three hundred seventy-six dollars and forty-five cents (\$2,651,376.45), and accepts and appropriates a contribution of Agency funds under the Cooperation Agreement for an amount not to exceed six hundred eighty thousand four hundred twelve dollars (\$680,412.00); and (2) an Agency resolution authorizing a contribution of an amount not to exceed six hundred eighty thousand four hundred twelve dollars (\$680,412.00) from the Central District Redevelopment Project to the City of Oakland under the Cooperation Agreement to fund the construction of the Project.

Respectfully submitted,

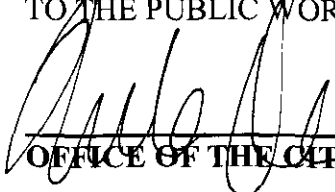


for

Gregory Hunter
Interim Director of Redevelopment,
Economic Development, Housing &
Community Development

Prepared by: George Durney
UEA IV
Redevelopment Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment A: March 2007 Bid Results
Attachment B: Contract Compliance Memo

ATTACHMENT B

Broadway Phase II and III Sidewalk Improvement Project
(C194920)

Contract Compliance Memo



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA—Contract Administration
 From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
 CC: Sunny Nguyen, CEDA
 Joyce Carlson, PWA
 Date: May 16, 2007
 Re: **ACTIA Compliance Analysis**
 Broadway Sidewalk Improvement, Phase II and III
 Project No. G273910/C194920

Contract Compliance & Employment Services is in receipt of the four (4) proposals for the above referenced project. This project was funded by the Alameda County Transportation Authority (ACTA) and the Alameda County Transportation Improvement Authority (ACTIA). Due to the funding sources, ACTIA's Local Business Enterprise (LBE)/Small Local Business Enterprise (SLBE) Program applies to this project. The ACTIA program, establishes a goal of 60% LBE and 20% SLBE participation for construction projects. Businesses located within Alameda County are eligible for certification as local businesses. ACTIA SLBE contractors also count toward the LBE goal. Below, is the outcome of our compliance evaluation based on ACTIA policy for Phases II and III. Also, contained below is a preliminary review of compliance with the Equal Benefits Ordinance (EBO).

The ACTIA L/SLBE findings are as follows:

		Proposed Participation				
	Company Name	Bid Amount (If Applicable)	Total L/SLBE	LBE	SLBE	EBO Compliant (Y/N)
1	Sposeto Engineers	\$2,651,376.45	92.8%	92.8%	92%	Y
2	NTK Construction	\$2,680,970	8.41%	8.41%	8.41%	Y
3	McGuire & Hester	\$2,855,730.20	88.65%	88.65%	20.49%	Y
4	Vanguard Construction	\$3,045,193	99.01%	99.01%	8.39%	Y

As noted above, Sposeto Engineering, lowest bidder, exceeded the 60% LBE and the 20% SLBE goal. NTK Construction, second lowest bidder, did not meet the 60% LBE goal or the 20% SLBE goal. McGuire & Hester, third lowest bidder, exceeded the 60% LBE and

Contract Compliance and Employment Services Evaluation Form

Project No.: G273910

Project Name: Phase II & III Broadway Streetscape Improvements

Contractor: Sposeto Engineering

Contractor's Bid Amount: \$2,651,376.45

1. Did the ACTIA's 60% LBE and 20% goals apply? Yes

2. Did the contractor meet the 60% LBE goal? Yes

3. Did the contractor meet the 20% SLBE goal? Yes

a)	% of LBE	<u>92.80%</u>
b)	% of SLBE	<u>92.00%</u>

4. Additional Comments.

The Contractor exceeded the 60% LBE goal and the 20% SLBE goal. Under the ACTIA policy, SLBE contractors also count toward the LBE goal.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept.

5/16/2007

Reviewing

Officer: Shelley Darenburg

Date: 5/16/2007

Approved By: Deborah Barner

Date: 5/16/07

LBE/SLBE Participation

Bidder 1

Project Name: Phase II & III Broadway Streetscape Improvements

Project No.: G273910		Engineers Est: \$2,721,510.18				Engineers Estimate: \$70,133.73					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME	Sposeto Engineering	Union City	CB	2,282,376.45	2,282,376.45	2,282,376.45	2,282,376	C			
Landscaping	Stump & Sons	Oakland	CB	63,000	63,000	63,000	63,000	C			
Caulking, Waterpr	Golden State Caulk	Newark	UB				92,000	C			
Tree Removal	Atlas Tree	Santa Rosa	UB				34,000	C			
Sidewalk	Cal West	Fremont	UB				65,000	C			
Striping	Chrip Co.	Fremont	CB	21,000		21,000	21,000	C			
Utility Boxes	Columbia Electric	San Leandro	UB	84,000	84,000	84,000	84,000	C			
Trucking	CJC Trucking	Oakland	CB	10,000	10,000	10,000	10,000	AA	10,000		
Project Totals				\$2,460,376.45	\$2,439,376.45	\$2,460,376.45	\$2,651,376.45		\$10,000	\$0	
				92.80%	92.00%	92.80%	100%		0.38%	0%	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							
*Businesses located within Alameda County are considered local for this ACTIA funded project.											

Contract Compliance and Employment Services Evaluation Form

Project No.: G273910

Project Name: Phase II & III Broadway Streetscape Improvements

Contractor: NTK Construction

Contractor's Bid Amount: \$2,680,970

1. Did ACTIA's 60% LBE goal and 20% SLBE goal apply? **Yes**

2. Did the contractor meet the 60 LBE goal? **No**

3. Did the contractor meet the 20% SLBE goal? **No**

a) % of LBE **8.41%**

b) % of SLBE **8.41%**

4. Additional Comments.

Contractor did not meet either the 60% LBE goal or the 20% SLBE goal. They also did not provide Good Faith Effort (GFE) documentation.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept.

5/16/2007

Reviewing

Officer: Shelley Darenburg

Date: 5/16/2007

Approved By: Debra Barber

Date: 5/16/07

LBE/SLBE Participation Bidder 2

Project Name: Phase II & III Broadway Streetscape Improvements

Project No.: G273910		Engineers Est: \$2,721,510.18				Engineers Estimate: \$40,540.18				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total USLBE	Total Dollars	For Tracking Only (Self-Reported)		
								Ethn.	MBE	WBE
PRIME Flatwork Waterproofing Electrical landscape	NTK Construction	SF	UB				1,444,370	AP	1,300,370	
	F. Ferrando & Co.	SSF	UB				900,000	C		900,000
	Golden State Caulking	Newark					68,000	NL		
	Ray's Electric	Oakland	CB	225,600	225,600	225,600	225,600	C		
	T & L Landscaping	San Jose	UB				43,000	NL		
Project Totals				\$225,600	\$225,600	\$225,600	\$2,680,970		\$1,300,370	\$900,000
				8.41%	8.41%	8.41%	100%		49%	34%
Alameda County Transportation Authority (ACTA) and Alameda County Transportation Improvement Authority (ACTIA): The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						
*Businesses located within Alameda County are considered local for this ACTIA funded project.										

Contract Compliance and Employment Services Evaluation Form

Project No.: G273910

Project Name: Phase II & III Broadway Streetscape Improvements

Contractor: McGuire & Hester

Contractor's Bid Amount: \$2,855,730.20

1. Did ACTIA's 60% LBE and 20% goals apply?

Yes

2. Did the contractor meet the 60% LBE goal?

Yes

3. Did the contractor meet the 20% SLBE goal

Yes

a)	% of LBE	<u>88.65%</u>
b)	% of SLBE	<u>20.49%</u>

4. Additional Comments.

The Contractor exceeded the 60% LBE goal and met the 20% SLBE goal. Under the ACTIA policy, SLBE contractors also count toward the LBE goal.

5. Date evaluation completed and returned to Contact Admin./Initiating Dept.

5/16/2007

Reviewing

Officer:

Shelley Darenburg

Date:

5/16/2007

Approved By:

Deborah Baran

Date:

5/16/07

LBE/SLBE Participation Bidder 3

Project Name: Phase II & III Broadway Streetscape Improvements

Project No.: G273910		Engineers Est: \$1,275,924.26				Engineers Estimate: -\$1,579,805.94					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME	McGuire & Hester	Oakland	CB	1,946,730.20		1,946,730.20	1,946,730.20	C			
Electrical and Concrete Flat	Ray's Electric	Oakland	CB	450,000	450,000	450,000	450,000	C			
Sawcutting	Bay Line Saw Cutting	Oakland	CB	35,000	35,000	35,000	35,000	H	35,000		
Trucking	Williams Trucking	Oakland	CB	100,000	100,000	100,000	100,000	AA	100,000		
Waterproofing	Golden State Caulking	Newark	UB				67,000	NL			
Joint Seal	Sealant Technologies	Walnut Creek	UB				17,000	C			
Landscape	Greengrowth Industries	Pleasanton	UB				240,000	NL			
Project Totals				\$2,531,730.20	\$585,000	\$2,531,730.20	\$2,855,730.20		\$135,000	\$0	
				88.65%	20.49%	88.65%	100%		5%	0%	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

LBE/SLBE Participation Bidder 4

Project Name: Phase II & III Broadway Streetscape Improvements

Project No.: G273910		Engineers Est: \$2,721,510.18				Engineers Estimate: -\$323,682.82					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME	Vanguard Construction	Oakland	CB	2,738,193		2,738,193	2,738,193	C			
Trucking	S&S Trucking	Oakland	CB	30,000	30,000	30,000	30,000	H	30,000		
Electrical	Ray's Electric	Oakland	CB	225,600	225,600	225,600	225,600	C			
Tree work	Atlas Tree	Santa Rosa	UB				30,000	NL			
Striping	Chrisp Company	Fremont	UB	21,400		21,400	21,400	C			
								NL			
Project Totals				\$3,015,193	\$255,600	\$3,015,193	\$3,045,193		\$30,000	\$0	
				99.01%	8.39%	99.01%	100%		1%	0%	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

OFFICE OF THE CITY CLERK

2007 MAY 31 PM 6:48

Approved as to Form and Legality

Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C. M. S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO SPOSETO ENGINEERING, INC. FOR THE BROADWAY PHASE II AND III SIDEWALK IMPROVEMENT PROJECT (C194920) FOR AN AMOUNT NOT-TO-EXCEED TWO MILLION SIX HUNDRED FIFTY-ONE THOUSAND THREE HUNDRED SEVENTY-SIX DOLLARS AND FORTY-FIVE CENTS (\$2,651,376.45), AND ACCEPTING AND APPROPRIATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT FOR AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY THOUSAND FOUR HUNDRED TWELVE DOLLARS (\$680,412.00)

WHEREAS, on April 9, 2007, the Office of the City Clerk of the City of Oakland received four bids for the Broadway Phase II and III Sidewalk Improvement Project (C194920); and

WHEREAS, Sposeto Engineering, Inc. is the lowest responsible bidder for the Project and has met the Alameda County Transportation Improvement Authority's (ACTIA's) Local and Small Local Business Enterprise (L/SLBE) requirement; and

WHEREAS, the Project is necessary to replace existing deteriorated sidewalks along Broadway and to provide new street furniture and trees; and

WHEREAS, there are sufficient funds in the Project budget for an amount not to exceed two million six hundred fifty-one thousand three hundred seventy-six dollars and forty-five cents (\$2,651,376.45) for the work; and

WHEREAS, funding totaling \$1,285,965.00 for Broadway Phase II is available in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), Structures & Improvements Account (57311), and Broadway Phase II Streetscapes Project (G273910); and

WHEREAS, funding totaling \$1,135,000.00 for Broadway Phase III is available in the ACTIA Reimbursable Grants Fund (2214), Capital Improvement Projects Organization (94800), Structures & Improvements Account (57311), and 14th & Broadway Transit Center Project (C194920); and

WHEREAS, the Redevelopment Agency of the City of Oakland has authorized a contribution of \$680,412.00, including contingency, to fund the Broadway Phase II and III Project; and

WHEREAS, Agency funding for the Broadway Phase II and III Project is available in the FY 2005-07 Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Projects Organization (94800), Structures & Improvements Account (57311), Downtown Streetscape Implementation Project (P128830); and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, the City Council finds and determines that the performance of this contract is in the public interest because of economy and 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

RESOLVED: That the contract for the Broadway Phase II and III Sidewalk Improvement Project (C194920) is hereby awarded to Sposeto Engineering, Inc. in accordance with the terms of the project plans and specifications prepared by the Director of Public Works and the contractor's bid dated April 9, 2007 in the amount of Two Million Six Hundred Fifty-One Thousand Three Hundred Seventy-Six Dollars And Forty-Five Cents (\$2,651,376.45); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this Project are hereby approved; and be it

FURTHER RESOLVED: That the bond amount for faithful performance will be 100% of the negotiated price, and the bond amount to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, will be 100% of the bid amount, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the Project by the Redevelopment Agency will benefit the Central District Project Area by improving the appearance of, and pedestrian safety and access on, Broadway from 12th to 20th Streets;
2. That the City Capital Improvement Program ("CIP") funds have been unable to provide financing for the Broadway Phase II and III Sidewalk Improvement Projects in the CIP 2005-2010 Adopted Budget, and therefore no other reasonable means of financing the Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Central District Project Area for the Broadway Phase II and III Sidewalk Improvement Project will assist in the elimination of blight in the Central District Project Area by installing streetscape

improvements along Broadway that will improve the appearance and functionality of Broadway, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the City Council hereby consents to the use of \$680,412.00 in Redevelopment Agency funds from the Central District Project Area, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City of Oakland's Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Organization (94800), in City Projects to be established for Broadway Phase II and III, within the Public Works Agency; and be it

FURTHER RESOLVED: That, the City finds and determines, based on the information in the staff report accompanying this resolution, that the Project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Sposeto Engineering, Inc. on behalf of the City of Oakland and to execute any change orders, amendments, extensions or modifications of said agreement, within the limitations of the Project plans and specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above rejection of all bids on the official bulletin board in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
 PRESIDENT DE LA FUENTE

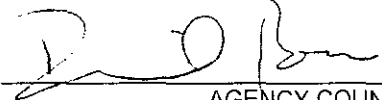
NOES –
ABSENT –
ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

OFFICE OF THE CITY CLERK
2007 MAY 31 PM 5:49

APPROVED AS TO FORM AND LEGALITY:

BY: 
AGENCY COUNSEL

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING A CONTRIBUTION OF AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY THOUSAND FOUR HUNDRED TWELVE DOLLARS (\$680,412.00) FROM THE CENTRAL DISTRICT REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE CONSTRUCTION OF THE BROADWAY PHASE II AND III SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the Five Year Implementation Plan for the Central District Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-67 C.M.S.), includes streetscape improvements within the project area; and

WHEREAS, the Broadway Phase II and III Sidewalk Improvement Project (the "Project") is located on Broadway from 12th to 20th Streets within the boundaries of the Central District Redevelopment Project Area and includes the following improvements:

- Replacement of existing deteriorated sidewalks with new darkened concrete paving; and
- The addition of new pedestrian amenities including street trees and tree grates, benches, bike racks and trash receptacles.

and

WHEREAS, the City Council approved a resolution accepting and appropriating an Alameda County Congestion Management Agency (ACCMA) grant in June 2004 in order to fund Phase II of the Project and has received funds for the Project in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), and Broadway Phase II Streetscapes Project (G273910), of which \$1,285,965.00 is budgeted for construction; and

WHEREAS, the City Council approved a resolution to execute funding agreements with the Alameda County Transportation Improvement Authority (ACTIA) in April 2002 in order to fund Phase III of the Project and has received funds in the ACTIA Reimbursable

Grants Fund (2214), Capital Improvement Projects Organization (94800), and 14th & Broadway Transit Center Project (C194920), of which \$1,135,000.00 is budgeted for construction; and

WHEREAS, the Redevelopment Agency desires to provide \$680,412.00 to fund the estimated shortfall in the construction, construction contingency, construction management and consultant support budget; and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council is consenting to the use of Agency funds for the Project; and

WHEREAS, the Agency agrees that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (“CEQA”); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency Administrator hereby authorizes the allocation of \$680,412.00 from Central District Redevelopment Project Subordinated Tax Allocation Bonds Series 2005 Fund (9533), Capital Improvement Projects Organization (94800), Downtown Streetscape Project (P128830) to reimburse the City of Oakland’s Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Projects Organization (94800), in City Projects to be established for Broadway Phase II and III under the Cooperation Agreement between the City and Redevelopment Agency to fund the Broadway Phase II and III Sidewalk Improvement Project; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the Project will benefit the Central District Project Area by improving the appearance of, and pedestrian safety and access on, Broadway from 12th to 20th Streets;
2. That the City Capital Improvement Program (“CIP”) funds have been unable to provide financing for the Broadway Phase II and III Sidewalk Improvement Projects in the CIP 2005-2010 Adopted Budget, and therefore no other

reasonable means of financing the Project are available to the City other than Redevelopment Agency funding; and

3. That the use of tax increment funds from the Central District Project Area for the Broadway Phase II and III Sidewalk Improvement Project will assist in the elimination of blight in the Central District Project Area by installing streetscape improvements along Broadway that will improve the appearance and functionality of Broadway, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the Agency finds and determines, based on the information in the staff report accompanying this resolution, that the Project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the Agency funding of the Project in accordance with this resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary, Redevelopment Agency
of the City of Oakland