

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. 80660 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

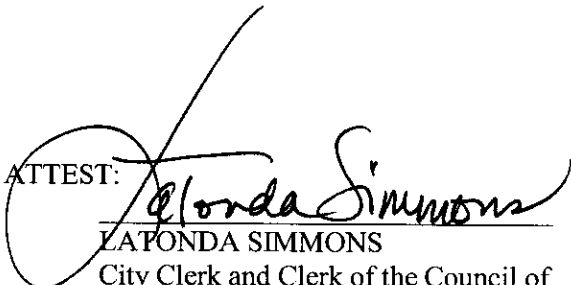
IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 7

NOES - 0
ABSENT - Brunner - 1
ABSTENTION - 0

ATTEST:


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