

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 NOV 18 PM 5:55

TO: Office of the City/Agency Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: December 1, 2009

- RE:**
- 1. A City Resolution Awarding A Construction Contract To Gallagher & Burk, Inc. For The 7th Street, West Oakland Transit Village Project From Union Street To Peralta Street (Project No. G313110) In Accord With The Project Plans And Specifications And Contractor's Bid In The Amount Of Three Million Two Hundred Seventeen Thousand Four Hundred Twenty Six Dollars (\$3,217,426.00)**
 - 2. Agency Resolution Contributing and Allocating An Amount Not To Exceed Six Hundred Fifty Thousand Dollars (\$650,000.00) From the West Oakland Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Construction Of The West Oakland Transit Village 7th Street Streetscape Improvement**
 - 3. A City Resolution Accepting and Appropriating A Contribution Of Redevelopment Agency Funds Under the Cooperation Agreement In An Amount Not To Exceed Six Hundred Fifty Thousand Dollars (\$650,000.00) For The Construction of the West Oakland Transit Village 7th Street Streetscape Improvement Project**
 - 4. Resolution Authorizing The City Administrator Or His Designee To Accept And Appropriate One Million Three Hundred Thousand Dollars (\$1,300,000.00) Of American Recovery And Reinvestment Act Of 2009 (ARRA) Grant Funds For The 7th Street, West Oakland Transit Village Project (Project No. G313110)**

SUMMARY

Four resolutions have been prepared to facilitate the construction of streetscape improvements along 7th Street at the West Oakland Transit Village Project. The first resolution authorizes the award of a construction contract to Gallagher & Burk, Inc. in the amount of \$3,217,426.00 for the 7th Street, West Oakland Transit Village Project (Project No. G313110). Gallagher & Burk, Inc. is the lowest responsible and responsive bidder and has met all the contract requirements. The project is located in Council District 1.

The second resolution authorizes a contribution of \$650,000.00 from the West Oakland Redevelopment Project to the City of Oakland under the cooperation agreement to fund the capital improvements associated with the 7th Street, West Oakland Transit Village Project.

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The third resolution authorizes acceptance and appropriation of \$650,000.00 from the West Oakland Redevelopment Project to fund the construction of the 7th Street, West Oakland Transit Village Project.

The fourth resolution requests the City Council to accept and appropriate \$1,300,000.00 of State American Recovery and Reinvestment Act of 2009 (ARRA) grant funds for the 7th Street, West Oakland Transit Village Project. These funds will supplement other Metropolitan Transportation Commission (MTC), Alameda County Transportation Improvement Agency (ACTIA) and Oakland Redevelopment Agency (ORA) funds allocated for this project.

This project will provide construction of pedestrian and bike oriented improvements, including corner bulb-outs, wider sidewalks, bike lanes, installation of pedestrian and street lights, planting trees, construction of raised landscaped medians, a bus shelter, gateway structure, decorative lighting and pavement improvement on 7th Street between Union Street and Peralta Street. The project schedule is included with this report as *Attachment A*.

FISCAL IMPACT

The engineer's estimate for the construction work is \$4,178,930.00 and the construction contract will be in the amount of \$3,217,426.00. The project will also receive an additional \$650,000.00 from West Oakland Redevelopment fund pending approval of the attached Oakland Redevelopment Agency Resolution. The City is also in process of accepting pass through funding in the amount of \$140,000.00 from the San Francisco Bay Area Rapid Transit (BART) Access Improvement Fund. Funds will be transferred by BART upon approval of the resolution to award a construction contract for this project.

State ARRA Funds: State ARRA funds replace \$1.3 million of State Transportation Improvement Program (STIP) funds that were previously programmed by Alameda County Congestion Management Agency (CMA) for the 7th Street, West Oakland Transit Village Project. The STIP funds were allocated from the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program and were approved for this project by the City Council through Resolution No. 79689 C.M.S. However, due to the potential unavailability of the \$1.3 million of STIP funds in Fiscal Year 2009-10, MTC swapped and re-programmed \$1.3 million of State ARRA funds to replace the STIP funds. The fourth resolution authorizes the acceptance and appropriation of \$1.3 million of State ARRA grant funds for this project.

All other funds for this project have been approved by prior City Council and Agency Resolutions. The total project budget is \$4.413 million. Sufficient funds for the contract work are available from the following sources:

- \$2,330,000.00: Metropolitan Transportation Commission: Program Grant Fund (2163); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village Project (G313110).
- \$310,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130).
- \$216,000.00: ACTIA Reimbursable Grants Fund (2214); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313140).
- \$1,300,000.00: Metropolitan Transportation Commission (ARRA) Fund (2606); Engineering Design: Streets and Structures Organization (92242); Project TBD.
- \$650,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130). These funds will be transferred from West Oakland Redevelopment fund.

BACKGROUND

On October 15, 2009, the City Clerk received five bids for this project in the amounts ranging from \$3,217,426.00 to \$3,838,271.50 as shown in *Attachment B*. The lowest bidder, Gallagher and Burk, Inc, is deemed responsive and responsible, and therefore is recommended for the award. The engineer's estimate for the work is \$4,178,930.00.

The difference between the engineer's estimate and the bids is a reflection of the continuing positive bidding climate for these types of projects.

Department of Transportation program guidelines are used to administer this project. This project has a required Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) goal of 1.98%. Gallagher & Burk, Inc. has a 3.1% Race Conscious UDBE participation, which exceeds the UDBE goal. Gallagher and Burk, Inc. is in full compliance with the federal UDBE program and is a LBE firm. The Race Conscious Underutilized Disadvantaged Business Enterprise has been verified by the Contract Compliance Division of the City Administrator's Office and is shown on *Attachment B*.

The 7th Street, West Oakland Transit Village Streetscape is a project that will restore the historic role of Seventh Street as local commercial and cultural center for the West Oakland community and strengthen its function and identity as transportation hub. The design and community

outreach element of this project were completed through a one year process and was funded by a California Department of Transportation Environmental Justice grant received by the City of Oakland in 2004. The project will provide pedestrian, bicycle and transit improvements and increase safety for the principle blocks around the West Oakland BART Station. The Project will reconfigure traffic lanes to calm truck and vehicular traffic throughout the project area, and will encourage local shopping in the historic thoroughfare, improve transit stops, revitalize the area and connect surrounding local neighborhood to the main BART entry and the Seventh Street historic commercial district.

The project is supported by Bay Area Rapid Transit (BART), AC Transit, Oakland Housing Authority, South Prescott Neighborhood Association, and West Oakland Redevelopment Area-Project Area Advisory Committee.

KEY ISSUES AND IMPACTS

In order to comply with the American Recovery and Reinvestment Act requirements, a construction contract for this project must be awarded before December 31, 2009. Construction is scheduled to begin in March 2010 and should be completed by October 2010, weather permitting. The contract specifies \$2,300.00 in liquidated damages per calendar day if the contract is not completed within 150 working days. The project schedule is shown in *Attachment A*.

PROJECT DESCRIPTION

The West Oakland BART Station is a key station in the East Bay, serving all East Bay lines and is especially attractive to commuters because of its excellent freeway access and low BART fares to downtown San Francisco. In addition, the Station is adjacent to several significant new existing and proposed residential and mix used developments. The construction of 7th Street, West Oakland Transit Village improvements will better connect the new development and existing local neighborhood area to BART Station and also improve pedestrian and bike access within the project area. The improvements include:

- Widening of the sidewalk in front of the station for use as a Plaza
- Reconstruction of damaged sidewalks within the project.
- Construction of new ADA ramps
- Installation of new bike lanes
- Installation of new colored crosswalks.
- Installation of new street and pedestrian lights
- Planting of trees
- Construction of new raised medians with landscaping

- Construction of a new Bus shelter, Gateway Structure and “Dancing Lights”
- Installation of new drainage system
- Grinding, repaving and re-stripping of 7th Street

EVALUATION OF PAST PERFORMANCE

There is no available Contractor Performance Evaluation (Schedule L-2) for Gallagher & Burk, Inc. from previously completed projects. The City currently has three active street resurfacing contracts and one streetscape contract with Gallagher & Burk, Inc., and the contractor is performing satisfactorily on these projects.

SUSTAINABLE OPPORTUNITIES

Economic: The implementation of the 7th Street, West Oakland Transit Village project will potentially catalyze economic development in the surrounding community by enhancing the commercial area within the project and connecting the surrounding neighborhood to the BART Station. The project will provide immediate employment, will support the establishment of businesses along the street and will complement and enhance economic development efforts in the West Oakland Transit Village area. The contractor exceeds the Race Conscious Underutilized Disadvantaged Business Enterprise (RC UDBE) requirement with 3.1% participation and complies with the Equal Benefits Ordinance (EBO).

Environmental: The 7th Street, West Oakland Transit Village project is intended to increase public transit ridership and to reduce traffic congestion and auto dependency by improving bicycle and pedestrian access to transit. Air quality will be improved to the extent that the new sidewalks and curb ramps encourage pedestrian traffic and through the addition of new street trees. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: This project improves social equity by providing increased access to a major transportation hub from a low income neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The West Oakland Transit Village Improvement Project will address senior and disability access by improving pedestrian safety around the West Oakland BART Station on 7th Street. The project will comply fully with the Americans with Disabilities Act (ADA) and with all City of Oakland regulations that ensure adequate access for senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the award of a construction contract to Gallagher and Burk, Inc. in the amount of \$3,217,426.00 for the 7th Street, West Oakland Transit Village Improvements (Project No. G313110) and the three associated resolutions authorizing funds in the amount of \$650,000.00 from the West Oakland Redevelopment Project and \$1,300,000.00 of ARRA to be accepted and appropriated for this project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the construction contract be awarded to Gallagher & Burk, Inc., the lowest responsive and responsible bidder, in the amount of \$3,217,426.00 for the construction of 7th Street, West Oakland Transit Village Project from Union Street to Peralta Street (Project No. G313110). Gallagher & Burk, Inc. has met the Race Conscious Underutilized Disadvantaged Business Enterprise and Equal Benefits Ordinance requirements, and there are sufficient funds in the project accounts.

Staff further recommends that the City Council also approve the following three resolutions:

1. An Agency Resolution authorizing a contributing and allocating an amount not to exceed six hundred fifty thousand dollars (\$650,000.00) from the West Oakland Redevelopment Project to the City Of Oakland under the Cooperation Agreement to fund the construction of the West Oakland Transit Village 7th Street Streetscape Improvement Project, and
2. A City Resolution accepting and appropriating a contribution of Redevelopment Agency funds under the Cooperation Agreement in an amount not to exceed six hundred fifty thousand dollars (\$650,000.00) for the construction of the 7th Street, West Oakland Transit Village Project (Project No. G313110), and

3. A City Resolution authorizing the City Administrator or his designee to accept and appropriate one million three hundred thousand dollars (\$1,300,000.00) of American Recovery and Reinvestment Act Of 2009 (ARRA) grant funds for the 7th Street, West Oakland Transit Village Project (Project No. G313110).

Approval of these resolutions will enable the City to proceed with construction of this project.

Respectfully submitted,



Walter S. Cohen, Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director,
CEDA, Department of Engineering and Construction

Prepared by:
Jaime Heredia, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City/Agency Administrator

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Public Works Committee
December 1, 2009

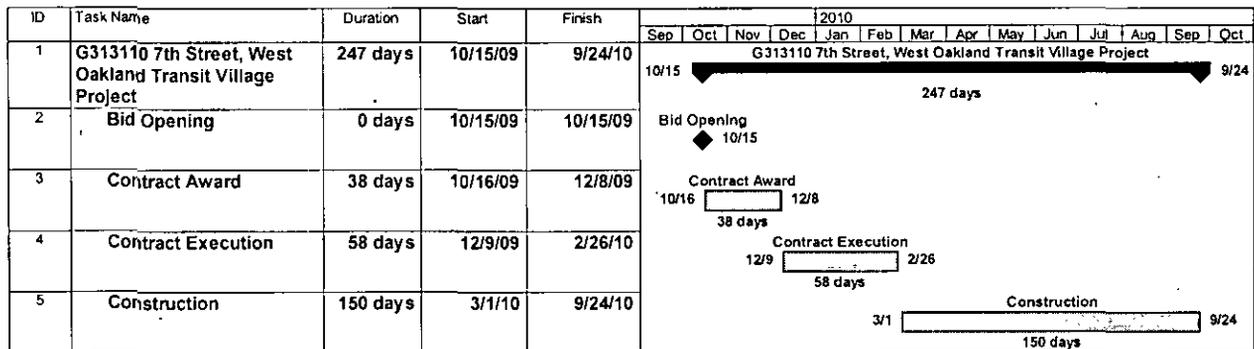
Attachment A

**7th Street, West Oakland Transit Village Project
From Union Street to Peralta Street
City Project No. G313110
Federal Project No. ESPLE-5012(100)**

List of Bidders

Company	Bid Amount
Gallagher & Burk Inc.	\$3,217,426.00
Bay Cities Paving & Grading Inc.	\$3,358,321.30
McGuire & Hester	\$3,637,633.50
Synergy Project Management Inc.	\$3,777,635.36
Ghilotti Bros., Inc.	\$3,838,271.50

Project Construction Schedule



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Attachment B

**7th Street, West Oakland Transit Village Project
From Union Street to Peralta Street
City Project No. G313110
Federal Project No. ESPLE-5012(100)**

COMPLIANCE EVALUATION

Item: _____
Public Works Committee
December 1, 2009

Memo

Department of Contracting and Purchasing

Social Equity Division

To: Jaime Heredia- Supervisor Civil Engineer
From: Sophany Hang - Acting Contract Compliance Officer
Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*
CC: Gwen McCormick - Contract Administrator Supervisor
Date: November 6, 2009
Re: G313110 – 7th Street, West Oakland Transit Village

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed five (5) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Race Conscious Underutilized Disadvantaged Business Enterprise (UDBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a race conscious UDBE goal of 1.98% for this project. The review includes Bid Alternates Nos. 1, 2, and 3.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Gallagher & Burk, Inc.	\$3,217,426.00	3.10%	NA	NA	100%	NA	NA	NA	NA	Y
Bay Cities Paving & Grading Inc.	\$3,358,321.30	2.73%	NA	NA	100%	NA	NA	NA	NA	Y
McGuire and Hester	\$3,637,633.50	2.20%	NA	NA	100%	NA	NA	NA	NA	Y

Comments: As noted above, all contractors have met the minimum 1.98% RC UDBE participation goals. All firms are EBO compliant

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	RC UDBE Total	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Synergy Project Management, Inc.	\$3,777,635.36	12.31%	NA	NA	100%	NA	NA	NA	NA	Y
Ghilotti Bros. Contractors	\$3,838,271.50	1.43%	NA	NA	100%	NA	NA	NA	NA	Y

Comments: As noted above, Synergy Project Management, Inc. achieved 12.31% UDBE participation, however, the firm was deemed non-responsive due to clerical errors in its bid.

Ghilotti Bors. Contractors failed to meet 1.98% RC UDBE requirement goal. Therefore, they are deemed non-responsive.

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: NA
Project Name: NA
Project No. NA

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	NA	If no, shortfall hours?	N/A
Were all shortfalls satisfied?	NA	If no, penalty amount	N/A

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	N/A
Were shortfalls satisfied?	N/A	If no, penalty amount	N/A

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	

Comments: Local Employment Program (LEP) or Apprenticeship Program is not applicable. This is UDBE project.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G313110

PROJECT NAME: 7th Street West Oakland Transit Village

CONTRACTOR: Gallagher & Burk, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,178,930.00	\$3,217,426.00	\$961,504.00

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral? **NA**
2. Did the contractor meet the RC UDBE goal of 1.98% **YES**
 - a) % of RC DBE participation **3.10%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
4. Did the contractor meet the Trucking requirement? **YES**
 - a) Total RC UDBE trucking participation **100%**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.
7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2009**

**Reviewing
Officer:**

Stephen Hung

Date:

11/6/09

Approved By:

Shelley Darenburg

Date:

11/6/09

UDBE Participation Bidder 1

Project Name: 7th Street West Oakland Transit Village

Project No.: G313110

Discipline	Prime & Subs	Location	Cert. Status	DBE%	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Gallagher & Burk, Inc.	Oakland	UB						742,426.00	C			
Minor Concrete	MF Maher	Vailejo	UB						525,300.00	C			
Fencing	AAA Fence Company	Santa Clara	UB						23,800.00	C			
Landscape	Rmt Landscape	Oakland	UB						290,000.00	H			
Asphalt Pavers	European Paving Design	San Jose	UB						229,900.00	C			
Underground	Talus Construction, Inc.	Danville	UB						83,700.00	C			
Structural	Yes Co.	San Francisco	UB						787,000.00	C			
Trucking	Williams Trucking	Oakland	CB	1.55%	1.55%	1.55%	50,000	50,000.00	50,000.00	AA	1.55%	1.55%	
Trucking	CJC Trucking	Oakland	CB	1.55%	1.55%	1.55%	50,000	50,000.00	50,000.00	AA	1.55%	1.55%	
Coloured Crosswalk	Asphalt Impressions	Sacramento	UB						16,900.00	C			
Electrical	W.Bradley Electric	Novato	UB						418,400.00	C			
Project Totals				3.10%	3.10%	3.10%	\$100,000	\$100,000.00	\$3,217,426.00		3.10%	3.10%	0%
				DBE %	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G313110

PROJECT NAME: 7th Street West Oakland Transit Village

CONTRACTOR: Bay Cities Paving & Grading

<u>Engineer's Estimate:</u> \$4,178,930.00	<u>Contractors' Bid Amount</u> \$3,358,321.30	<u>Over/Under Engineer's Estimate</u> \$820,608.70
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<u>Discounted Bid Amount:</u> N/A	<u>Amt. of Bid Discount</u> N/A	<u>Discount Points:</u> N/A
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1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral? **NA**
2. Did the contractor meet the RC UDBE goal of 1.98% **YES**
 - a) % of RC DBE participation **2.73%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **N/A**
4. Did the contractor meet the Trucking requirement? **YES**
 - a) Total RC UDBE trucking participation **100%**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.
7. Date evaluation completed and returned to Contract **11/6/2009**

Reviewing Officer:

Sophy Hung

Date:

11/6/09

Approved By:

Shelley Oarsenburg

Date:

11/6/09

UDBE Participation Bidder 2

Project Name: 7th Street West Oakland Transit Village													
Project No.: G313110													
Discipline	Prime & Subs	Location	Cert. Status	DBE%	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Bay Cities Paving & Grading	Concord	UB						782,094.30	H			
Trucking	CJC Trucking	Oakland	CB	2.73%	2.73%	2.73%	91,615.00	91,615.00	91,615.00	AA	2.73%	2.73%	
AC Supplier	Hanson	Berkeley	UB						130,396.00	C			
Tree Grates	Park Pacific	Walnut Creek	UB						54,806.00	C			
AB Recycling	Aman Environmental	Oakland	UB						23,140.00	C			
Concrete	M.F. Maher	Vallejo	UB						724,874.00	C			
Fencing	AAA Fence Co.	Santa Clara	UB						21,212.00	C			
Pavers	European Paving	San Jose	UB						175,500.00	C			
Colored AC	Asphalt Impressions	Sacramento	UB						16,932.00	C			
Electrical	W. Bradley Electric	Novato	UB						594,420.00	C			
Striping	Baysid Stripe & Seal		UB						27,446.00	C			
Structural Steel	Ahlborn	Santa Rosa	UB						500,791.00	C			
Landscape	RMT Landscape	Oakland	UB						215,095.00	H			
Project Totals				2.73%	2.73%	2.73%	\$91,615.00	\$91,615.00	\$3,358,321.30		2.73%	2.73%	0%
				2.73%	2.73%	100%							
				DBE %	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise													

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G313110

PROJECT NAME: 7th Street West Oakland Transit Village

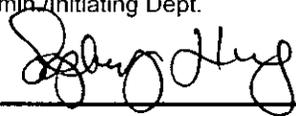
CONTRACTOR: McGuire & Hester

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,178,930.00	\$3,637,633.50	\$541,296.50

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

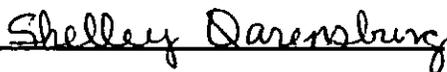
1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - a) Race Neutral? **NA**
2. Did the contractor meet the RC UDBE goal of 1.98% **YES**
 - a) % of DBE participation **2.20%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
4. Did the contractor meet the Trucking requirement? **YES**
 - a) Total RC UDBE trucking participation **100%**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**
6. Additional Comments.
7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2009**

Reviewing Officer:



Date: 11/6/09

Approved By:



Date: 11/6/09

UDBE Participation Bidder 4

Project Name: 7th Street West Oakland Transit Village

Project No.: G313110										Certified DBE/WBE			
Discipline	Prime & Subs	Location	Cert. Status	DBE%	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethn.	DBE	RC UDBE	WBE
Pavers	European Paving Design	San Jose	UB						220,000.00	C			
Stamped AC	AC Impressions	Sacramento	UB						16,931.85	C			
Sand Blasting	Stump & Sons Inc	Oakland	UB						30,000.00	C			
Striping	Lineation Marking Cor.	Oakland	UB						15,650.00	C			
Fencing	AAA Fence Inc.	Santa Clara	UB						21,462.00	C			
Trucking	Williams Trucking	Oakland	CB	2.20%	2.20%	2.20%	80,000.00	80,000.00	80,000.00	AA		2.20%	
Electrical Alt 1, 2, 3	Ray's Electric Yesco	Oakland San Francisco	CB UB						412,000.00 787,411.00	C C			
Project Totals				2.20%	2.20%	2.20%	\$80,000.00	\$80,000.00	\$3,637,633.50		0%	2.20%	0%
				2.20%	2.20%	100%							
				DBE %	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity			
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Under Utilize Disadvantaged Business Enterprise (UDBE)

PROJECT NO.: G313110

PROJECT NAME: 7th Street West Oakland Transit Village

CONTRACTOR: Synergy Project Management, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,178,930.00	\$3,777,635.36	\$401,294.64

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

1. Did the RC UDBE Program apply? YES
 - b) Race Conscious? YES
 - a) Race Neutral? NA
2. Did the contractor meet the RC UDBE goal of 1.98% YES
 - a) % of UDBE participation 12.31%
 - b) % of LBE participation N/A
 - c) % of SLBE participation N/A
3. Was Good Faith Effort (GFE) Documentation submitted? NO
4. Did the contractor meet the Trucking requirement? YES
 - a) Total RC UDBE trucking participation 100%
5. Did the contractor receive bid discounts? N/A
(If yes, list the percentage received) N/A
6. Additional Comments.

Synergy Project Management, Inc. achieved 12.31% UDBE participation requirement, however, the firm deemed non-responsive by Contract Administration due to clerical error in its bid.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. 11/6/2009

Reviewing Officer:

Spang Hays

Date: 11/6/09

Approved By:

Shelley Darenburg

Date: 11/6/09

UDBE Participation Bidder 5

Project Name: 7th Street West Oakland Transit Village

Project No.: G313110										Certified DBE/WBE			
Discipline	Prime & Subs	Location	Cert. Status	DBE%	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethn.	DBE	RC UDBE	WBE
										PRIME	Synergy Project Management, Inc.	San Francisco	UB
Electrical	Phoenix Electric	San Francisco	CB	12.31%	12.31%	12.31%	465,000.00	465,000.00	465,000.00	AP	12.31%	12.31%	
Alt. Sculptures	Yesco	San Francisco	UB						633,014.00	C			
Landscaping	Suarez & Munoz Construction, Inc.	Hayward	UB						218,017.00	AP			
Project Totals				12.31%	12.31%	12.31%	\$465,000.00	\$465,000.00	\$3,777,635.36		12.31%	12.31%	
							12.31%	12.31%	100%				
				DBE %	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity			
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: G313110

PROJECT NAME:

CONTRACTOR: Ghilotti Bros. Contractors

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$4,178,930.00	\$3,838,271.50	\$340,658.50

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
N/A	N/A	N/A

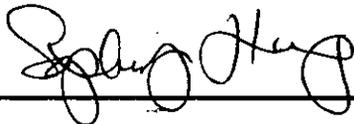
1. Did the RC UDBE Program apply? **YES**
 - a) Race Conscious? **YES**
 - b) Race Neutral? **NA**
2. Did the contractor meet the RC UDBE goal of 1.98% **NO**
 - a) % of UDBE participation **1.43%**
 - b) % of LBE participation **N/A**
 - c) % of SLBE participation **N/A**
3. Was Good Faith Effort (GFE) Documentation submitted? **YES**
4. Did the contractor meet the Trucking requirement? **YES**
 - a) Total RC UDBE trucking participation **100%**
5. Did the contractor receive bid discounts? **N/A**
(If yes, list the percentage received) **N/A**

6. Additional Comments.

Firm failed to meet the minimum 1.98% RC UDBE goal and they did not submit a Good Faith Effort. Therefore, they are deemed non-responsive.

7. Date evaluation completed and returned to Contract Admin./Initiating Dept. **11/6/2009**

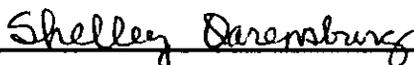
Reviewing Officer:



Date:

11/6/09

Approved By:



Date:

11/6/09

UDBE Participation Bidder 3

Project Name: 7th Street West Oakland Transit Village

Project No.: G313110													
Discipline	Prime & Subs	Location	Cert. Status	DBE%	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Certified DBE/WBE			
										Ethn.	DBE	RC UDBE	WBE
PRIME	Ghilotti Bros., inc.	San Rafael	UB						1,552,760.21	C			
Electrical	W.bradley Electric	Novato	UB						594,420.00	C			
Striping	Riley's Striping	Union City	UB						17,350.00	C			
Landscape	Suarez & Munoz	Hayward	CB	5.68%		5.68%	218,017.00		218,017.00	H	5.68%		
Pavers	Design Interlock	Mill Valley	UB						209,000.00	C			
Stamped Asphalt	Asphalt Impressions	Sacramento	UB						16,931.00	C			
Fence	AAA Fence	Santa Clara	UB						20,915.00	C			
Structural Steel	Yes Co	San Francisco	UB						787,411.00	C			
Benches/Waste Containers	Wausau Tile	Wausau	UB						13,605.00	C			
Bke Racks	Palmer Group LLC	San Francisco	UB						2,862.29	C			
Concrete Supply	Cemex	Shafter							170,000.00	H			
Treegrates	Park Pacific	Walnut Creek	UB						50,000.00	C			
AC Supply	Hanson	Berkeley	UB						130,000.00	C			
Trucking	Dillard Environmental	Oakland	CB		1.17%	1.17%		45,000.00	45,000.00	C		1.17%	
Trucking	Williams Trucking	Oakland	CB		0.26%	0.26%		10,000.00	10,000.00	AA		0.26%	
Project Totals				5.68%	1.43%	7.11%	\$218,017.00	\$55,000.00	\$3,838,271.50		5.68%	1.43%	
				5.68%			5.68%	1.43%	100%				
				DBE %	RC UDBE	Total %	DBE Dollars	RC UDBE Dollars	Total Dollars	Ethnicity			
										AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend				UB = Uncertified Business CB = Certified Business DBE = Disadvantage Business Enterprise WBE = Women Business Enterprise									

Approved as to Form and Legality
FILED
OFFICE OF THE CITY CLERK
City Attorney
2009 NOV 18 PM 5:56

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GALLAGHER & BURK, INC. FOR THE 7TH STREET, WEST OAKLAND TRANSIT VILLAGE PROJECT FROM UNION STREET TO PERALTA STREET (PROJECT NO. G313110) IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED TWENTY SIX DOLLARS (\$3,217,426.00)

WHEREAS, the City of Oakland was awarded Metropolitan Transportation Commission's (MTC) federal Surface Transportation (STP), American Recovery and Reinvestment Act (ARRA), Alameda County Transportation Improvement Authority (ACTIA), and Oakland Redevelopment Agency (ORA) funds for construction of the 7th Street, West Oakland Transit Village from Union Street to Peralta Street; and

WHEREAS, funding from Bay Area Rapid Transit (BART) totaling \$140,000.00 will be available in January, 2010 upon award of a construction contract for the 7th Street, West Oakland Transit Village project; and

WHEREAS, on October 15, 2009, five bids were received by the Office of the City Clerk of the City of Oakland for 7th Street, West Oakland Transit Village Project (Project No. G313110); and

WHEREAS, Gallagher & Burk, Inc. was the lowest responsible and responsive bidder and has met the federal Race Conscious Underutilized Disadvantage Business Enterprise (UDBE) requirements; and

WHEREAS, there are sufficient funds in the project budget for the work. Funding for the contract work will be available in following project accounts:

- \$2,330,000.00: Metropolitan Transportation Commission: Program Grant Fund (2163); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village Project (G313110).
- \$310,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130).

- \$216,000.00: ACTIA Reimbursable Grants Fund (2214); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313140).
- \$1,300,000.00: Department of Transportation - ARRA Fund (2606); Engineering Design: Streets and Structures Organization (92242); Project TBD.
- \$650,000.00: Oakland Redevelopment Agency Projects Fund (7780); Engineering Design: Streets and Structures Organization (92242); 7th Street /West Oakland Transit Village ORA Project (G313130). These funds will be transferred from West Oakland Redevelopment fund.

WHEREAS, the engineer's estimate for the work is \$4,178,930.00; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work; and

WHEREAS, the City Council finds and determines that the performance of this contractor is in the public interest because of economy; 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; and

WHEREAS, the City hereby finds and determines that the project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Section 15301, Class 1 (c) that allows for operation, repair, maintenance or minor alteration of existing public facilities including existing highway and streets, sidewalks, gutters, bike and pedestrian trails; CEQA Section 15304, Class 4 (b) and (h) that allows minor public alterations in the condition of the land and/or vegetation, including new grading or landscaping and creation of new bike lanes on existing rights-of-way; and

WHEREAS, the California Department of Transportation (CALTRANS) has determined that the project is categorically exempt pursuant to the National Environmental Policy Act (NEPA) Section 6004; now, therefore, be it

RESOLVED: That the contract for 7th Street, West Oakland Transit Village Project from Union Street to Peralta Street (Project No. G313110) is hereby awarded to Gallagher & Burk, Inc. in accordance with the project plans and specifications and terms of the contractor's bid therefore, dated October 15, 2009, in the amount of three million two hundred seventeen thousand four hundred twenty-six dollars (\$3,217,426.00); and be it

FURTHER RESOLVED: That the amount for the bond for faithful performance, \$3,217,426.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for amount due under the Unemployment Insurance Act, \$3,217,426.00, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to enter into a contract with Gallagher and Burk, Inc. on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; 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 the file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND
Approved as to Form and Legality
2009 NOV 18 PM 5:56
Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. _____ C.M.S.

AGENCY RESOLUTION CONTRIBUTING AND ALLOCATING AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) FROM THE WEST OAKLAND REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE CONSTRUCTION OF THE WEST OAKLAND TRANSIT VILLAGE 7TH STREET STREETScape IMPROVEMENT PROJECT

WHEREAS, the Agency wishes to fund a portion of the costs for the construction of the West Oakland Transit Village 7th Street Streetscape Improvement Project by the City of Oakland within the boundaries of the West Oakland Redevelopment Project Area; 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 to City public improvements; and

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

WHEREAS, the West Oakland Transit Village 7th Street Streetscape Improvement Project will include lane reconfiguration, traffic signal modifications, paving, sidewalk and curb and gutter work, street furniture and street lighting, construction of a gateway structure and pedestrian mall canopy, landscaping, public art, construction of new ADA ramps and pedestrian crossings; and

WHEREAS, the City Council is consenting to the use of Agency funding for the West Oakland Transit Village 7th Street Streetscape Improvement Project; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby authorizes a contribution of funds to the City under the Cooperation Agreement in an amount of \$650,000 in West Oakland Redevelopment Project Area funds for the West Oakland Transit Village 7th Street Streetscape 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 West Oakland Redevelopment Project Area by improving the appearance of and pedestrian safety and access on 7th Street; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the Project, 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 West Oakland Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along 7th Street in the West Oakland Project Area and by replacing deteriorated and obsolete City facilities along the street, and is consistent with the implementation plan adopted for the West Oakland Project Area; and be it

FURTHER RESOLVED: That the Agency hereby allocates and contributes Six Hundred Fifty Thousand Dollars (\$650,000) from the West Oakland Operations Fund (9590), West Oakland Base Reuse Organization (88679), Project (S233510), to the City in Project (G313130) under the Cooperation Agreement to fund the West Oakland Transit Village 7th Street Streetscape Improvements project; and be it

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

IN AGENCY, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
Secretary, Redevelopment Agency
of the City of Oakland, California

[Signature]
OFFICE OF THE CITY CLERK
Deputy City Attorney

2009 NOV 18 PM 5:56

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ACCEPTING AND APPROPRIATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) FOR THE CONSTRUCTION OF THE, WEST OAKLAND TRANSIT VILLAGE 7TH STREET STREETScape IMPROVEMENT PROJECT

WHEREAS, the Redevelopment Agency wishes to fund costs to assist with the construction of capital improvements associated with the West Oakland Transit Village 7th Street Streetscape Improvement Project in the West Oakland Redevelopment Project Area; and

WHEREAS, the Redevelopment Agency has authorized a contribution of \$650,000 to the City for the construction of capital improvements associated with the West Oakland Transit Village 7th Street Streetscape Improvement Project; 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 to City public improvements; and

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

WHEREAS, the West Oakland Transit Village 7th Street Streetscape Improvement Project will include lane reconfiguration, traffic signal modifications, paving, sidewalk and curb and gutter work, street furniture and street lighting, construction of a gateway structure and pedestrian mall canopy, landscaping, public art, construction of new ADA ramps and pedestrian crossings: now, therefore be it

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

- 1) That the funding of the Project will benefit the West Oakland Redevelopment Project Area by improving the appearance of and pedestrian safety and access on 7th Street; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the Project, 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 West Oakland Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along 7th Street in the West Oakland Project Area and by replacing deteriorated and obsolete City facilities along the street, and is consistent with the implementation plan adopted for the West Oakland Project Area; and be it

FURTHER RESOLVED: That the City Council hereby accepts and appropriates up to \$650,000 in Redevelopment Agency funds for the West Oakland Transit Village 7th Street Streetscape Improvement Project under the Cooperation Agreement, and allocates these monies to the Oakland Redevelopment Agency Projects Fund (7780), Engineering Design: Streets and Structures Organization (92242), 7th Street /West Oakland Transit Village ORA Project (G313130).

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

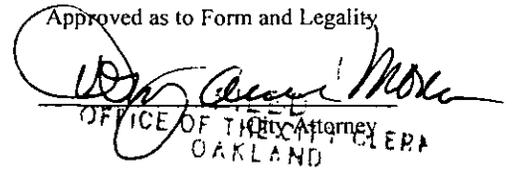
NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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


OFFICE OF THE CITY ATTORNEY
OAKLAND, CALIFORNIA

2009 NOV 18 PM 5:56

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACCEPT AND APPROPRIATE ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) GRANT FUNDS FOR THE 7TH STREET, WEST OAKLAND TRANSIT VILLAGE PROJECT (PROJECT NO. G313110)

WHEREAS, the City Council authorized the City Administrator or his designee to apply, accept and appropriate grant funds from Alameda County Congestion Management Agency (CMA) for construction of 7th Street, West Oakland Transit Village Project through Resolution No. 79689, C.M.S.; and

WHEREAS, the Alameda County Congestion Management Agency (CMA) programmed \$1,300,000.00 funds under the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program for construction of the 7th Street; West Oakland Transit Village project under State Transportation Improvement Program (STIP); and

WHEREAS, the City completed the project construction documents and requested that the California Transportation Commission (CTC) allocate \$1,300,000.00 of State Transportation Improvement Program (STIP) funding for construction of the 7th Street, West Oakland Transit Village Project under STIP program in February 2009; and

WHEREAS, the City anticipated the \$1,300,000.00 of STIP funds to be available after July 1, 2009; and

WHEREAS, the City's request to the California Department of Transportation (Caltrans) for authorization to proceed with construction was approved for the 7th Street, West Oakland Transit Village Project under the STIP program; and

WHEREAS, in May 2009, the CMA notified the City that due to the potential unavailability of the \$1,300,000.00 of STIP funds in fiscal year 2009-10, MTC swapped and re-programmed \$1,300,000.00 of State ARRA funds to replace the STIP funds for the 7th Street, West Oakland Transit Village Project; and

WHEREAS, the \$1,300,000.00 of ARRA funds will supplement other MTC, ACTIA (Alameda County Transportation Improvement Agency), and Oakland Redevelopment Agency (ORA) funds allocated for this project; and

WHEREAS, in order to comply with the ARRA grant fund requirements, a construction contract for this project must be awarded before December 31, 2009; and now, therefore, be it

RESOLVED: That the City of Oakland, by adopting this resolution, does hereby agree that the City of Oakland and the 7th Street, West Oakland Transit Village Project (Project No. G313110) will comply with the ARRA fund requirements as set forth in the grant funding agreement; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation that might in any way adversely affect the proposed 7th Street, West Oakland Transit Village Project or the ability of the City to deliver such project; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to accept and appropriate \$1,300,000.00 of American Recovery and Reinvestment Act of 2009 grant funding for the 7th Street, West Oakland Transit Village to Metropolitan Transportation Commission (ARRA) Fund (2606), Engineering Design: Streets and Structures Organization (92242), Street Construction Account (57411), to a project number to be established; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his designee to negotiate grant terms, execute, modify, amend and extend agreements, make expenditures, and take all other actions with respect to the grant funding and this project in accordance with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That should additional funds be received for this project, such funds are hereby appropriated to the above named accounts, and the City Administrator, or his designee, is hereby authorized to accept the same for the purposes described above.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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