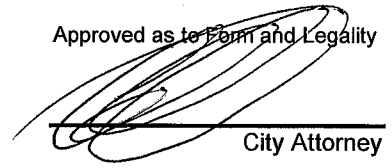


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2018 JUL 12 PM 5:37

RESOLUTION NO. 87295 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS, FOR THE PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENTS ON INTERNATIONAL BOULEVARD FROM 42ND AVENUE TO 107TH AVENUE PROJECT (PROJECT NO. 1000844) IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION TWO-HUNDRED THOUSAND DOLLARS (\$4,200,000.00).

WHEREAS, the City of Oakland applied for and awarded an Active Transportation Program (ATP) federal grant in the amount of \$2,481,000.00 for the Pedestrian Lighting and Sidewalk Improvements On International Boulevard (Project No. 1000844); and

WHEREAS, the Pedestrian Lighting and Sidewalk Improvements on International Blvd Project includes installation of pedestrian lighting and sidewalk improvements between 42nd Avenue and 107th Avenue; and

WHEREAS, the California Transportation Commission's deadline for award of this contract was May 31st, 2018; and

WHEREAS, award of the contract is contingent upon action of the CTC to extend the grant award deadline; and

WHEREAS, if such an extension is not granted, the City of Oakland must identify alternate funds for construction; and

WHEREAS, One Bay Area Grant (OBAG) funds pledged to the Lakeside Family Streets project (Reso. No. 86791 C.M.S.) by the Metropolitan Transportation Commission (MTC) is a potential source of funding for this project; and

WHEREAS, this project was advertised on June 15, 2018 and bid opening on July 10, 2018; and

WHEREAS, the bids to be received for the project will be analyzed the Contracts and Compliance Division for Disadvantaged Business Enterprise (DBE) participation and Equal Benefits Ordinance (EBO) compliant; and

WHEREAS, funds for the work are available in the following project account:

- ATP grant (Fund 2116); Street and Structures Org (92242); Street Construction Account (57411); Project (1000844); (Fiscal Year 2017-2018); or, alternatively
- OBAG Grant (Fund 2116), Streets and Structures Org (92242); Street Construction

- Account (57411); Project Number to be determined;
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Project (1000844); (Fiscal Year 2017-2018); and
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Streetscapes/Complete Street Capital (Project 1003348); (Fiscal Year 2018-2019); and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; 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; now therefore be it

RESOLVED: That the City Administrator, or designee, is authorized to execute a construction contract for the Pedestrian Lighting and Sidewalk Improvements Project on International Blvd, to the lowest responsive and responsible bidder, in an amount of the bid not-to-exceed \$4,200,000.00 in accord with plans and specifications for the project and contractor's bid dated July 10, 2018; and be it

FURTHER RESOLVED: That this award is conditional upon the California Transportation Commission, grantor of the Active Transportation Program (ATP) federal grant, consenting to the extension of the project award date deadline to July 31, 2018; and be it

FURTHER RESOLVED: That if funds are not available through the ATP grant, then Council assents to reprogramming a portion of the One Bay Area Grant funds dedicated to the Lakeside Family Streets project for completion of this project, contingent upon approval from MTC for funding and reprogramming; and be it

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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 file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 24, 2018

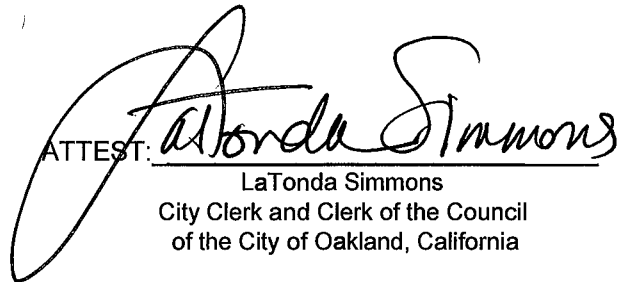
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, , and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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