



CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION:**

- 1) **AWARDING A CONSTRUCTION CONTRACT TO AZ CONSTRUCTION INC. DOING BUSINESS AS ACE FENCE COMPANY, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 8, OAKLAND HILLS PROJECT, PROJECT NO. 1004013, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE HUNDRED TWENTY-ONE THOUSAND THREE HUNDRED FIFTEEN DOLLARS (\$521,315); AND**
- 2) **ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, on November 21, 2016, the City was awarded a Highway Safety Improvement Program (HSIP) Cycle 8 grant to fund the Oakland Hills Guardrails Improvements project; and

**WHEREAS**, on June 29, 2017, the City Council passed Resolution No. 86818 C.M.S., which authorized the City Administrator to accept and appropriate the HSIP Cycle 8 grant for the Oakland Hills Project; and

**WHEREAS**, the proposed Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and

**WHEREAS**, on a separate and independent basis, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

**WHEREAS**, the engineer's estimate for the work is Five Hundred Twenty-One Thousand, Two Hundred Eighty-Three dollars (\$521,283); and

**WHEREAS**, on June 9, 2021, the City invited bids for the Project by placing an advertisement in six newspapers inviting construction bids; and

**WHEREAS**, on July 29, 2020 five bids were received by the Office of the City Clerk for the construction of the Oakland Hills Project (Project No. 1004013); and

**WHEREAS**, the City has determined that AZ Construction Inc. doing business as Ace Fence Company is the lowest, responsible, responsive bidder for the Oakland Hills Project (Project No. 1004013); and the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 18.36% participation requirements; and

**WHEREAS**, the City received a federal grant for the construction of the Oakland Hills Project includes grant funds for construction, which has a local match requirement; and

**WHEREAS**, there are sufficient funds in the project budget for the construction work:

- Federal HSIP Grant in the amount of Five Hundred Ninety-Nine Thousand Five Hundred Twelve dollars (\$599,512), State of California, Department of Transportation; Project 1004013, Organization 92270, Expense 57411, Task 8.0, Award 23346, Fund 2116, Program NB33.
- Local Match in the amount of One Hundred Fifty-One Thousand Four Hundred Thirty-One dollars (\$151,431), Measure KK, 2nd Tranche, Project 1003348, Organization 92270, Expense 57411, Task 8.0, Award 23686, Fund 5332, Program NB33; and

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

**WHEREAS**, the City Administrator has determined that the service is professional, scientific, or technical; and

**WHEREAS**, the City Administrator has determined 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 construction of the Oakland Hills Project is hereby awarded to AZ Construction Inc. doing business as Ace Fence Company, the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of Five Hundred Twenty-One Thousand Three Hundred Fifteen Dollars (\$521,315); and be it

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

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

**FURTHER RESOLVED:** That the City Council adopts appropriate California Environmental Quality Act (CEQA) Findings; and be it

**FURTHER RESOLVED:** That the City Administrator or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on the Oakland Hills Guardrails Improvements project; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to enter into a contract with AZ Construction Inc. doing business as Ace Fence Company, on behalf of the City of Oakland and execute any amendment 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 and placed on file in the Office of the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT  
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of  
the City of Oakland, California