



CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 APR 26 PM 1:55

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, Oak DOT

SUBJECT: Pedestrian Lighting and Sidewalk
Improvement On International Blvd.
(1000844) Construction Contract
Award

DATE: March 30, 2018

City Administrator Approval

Date:

4/25/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, in Accordance With Project Plans And Specifications For The Pedestrian Lighting And Sidewalk Improvements On International Boulevard (SR 185) From 2nd Avenue To 107th Avenue Project (1000844) And With Contractor's Bid In An Amount Of Seven Million Three Hundred Eighty-Eight Thousand Nine Hundred Ninety-Three Dollars (\$7,388,993.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to award a construction contract to Ray's Electric, in the amount of Seven Million Three Hundred Eighty-Eight Thousand Nine Hundred Ninety-Three Dollars (\$7,388,993.00) for the construction of the Pedestrian Lighting and Sidewalk Improvements on International Boulevard (SR 185) from 2nd Avenue to 107th Avenue Project (1000844). Due to a grant funding deadline, a contract must be approved by City Council prior to May 31, 2018 in order to meet the funding obligation date. The work is located in Council Districts 2, 5, 6 and 7 as shown in **Attachment A**.

BACKGROUND/LEGISLATIVE HISTORY

The Pedestrian Lighting and Sidewalk Improvements On International Boulevard Project (1000844) will provide a safer walking experience for pedestrians along the entire International Boulevard (from 2nd Avenue and 107th Avenue) corridor in conjunction with the East Bay Bus Rapid Transit (BRT) project, as it will draw many pedestrians to the corridor. While the BRT project included improvements for pedestrians, it did not provide pedestrian lighting and sidewalk improvements for the entire corridor.

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The City of Oakland applied for and was awarded a \$2,481,000.00 federal Active Transportation Program (ATP) grant. The grant was approved by City Council Resolution 85106 C.M.S. on July 15, 2014 as shown in **Attachment B**. Additional funds in the amount of \$726,050.00 were awarded from the Affordable Housing and Sustainable Communities Program (AHSC). The AHSC grant was approved by City Council Resolution 85414 C.M.S. on February 27, 2015 as shown in **Attachment C**, with a clarifying project specific resolution expected to be approved by City Council on April 17, 2018. Additional funding of \$3,891,943.00 will be provided from Measure KK Bond Funds allocated in the 2017-2019 City Budget & Capital Improvement Program; and \$290,000.00 from the Sewer Service Fund for trash capture devices.

ANALYSIS / POLICY ALTERNATIVES

The Pedestrian Lighting And Sidewalk Improvements On International Boulevard (SR 185). From 2nd Avenue To 107th Avenue Project (1000844) was advertised for bids on March 9, 2018 and the initial bids were due on April 5, 2018. However, at the initial mandatory pre-bid meeting on March 20, 2018, only one prospective bidder attended the meeting. To encourage competitive bidding the City removed the mandatory pre-bid attendance requirement, allowed voluntary & conference-call pre-bid attendance, and added an additional contracting licensed type to bid as a prime contractor. The City also extended the bid opening to April 12, 2018 and held a second pre-bid meeting on March 27, 2018. Four prospective bidders (Ray's Electric, Tennyson Electric, Redgwick Construction and Bay Construction) attended the second pre-bid meeting. These construction companies expressed intent to bid on the project.

As an ATP grant requirement, the construction contract must be awarded by the City prior to May 31, 2018. If the City misses the deadline, the City is at risk of losing the grant. As a result of the bid opening extension, the award of the construction contract is impacted pushing the award schedule beyond the May 31st grant deadline.

On April 12, 2018, the City Clerk received 2 bids for this project as shown below:

Pedestrian Lighting and Sidewalk Improvement on International Blvd. Project Bids Received

Company	Bid Amount
Engineer's Estimate (Base Bid) and Alternates (Base Bid = \$2,069,200.00)	\$4,480,978.00
Ray's Electric (Base Bid and Alternates)	\$7,388,993.00
Tennyson Electric (Base Bid and Alternates)	\$9,557,885.00

In order to meet the funding deadline, staff requests that the City Council approve the resolution authorizing the City Administrator to award a contract to Ray's Electric, the lowest responsive

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and responsible bidder as deemed by Contracts and Compliance Bid Analysis. The Bid Analysis is anticipated to be ready by April 27, 2018, in time to award the contract before the May 31st funding deadline. The grant source is federal funds, and therefore federal Disadvantaged Business Enterprise (DBE) requirements apply instead of City LBE/SLBE programs.

The project consists of the installation of pedestrian light poles and fixtures, pull boxes, electrical conduit, electrical conductor, replacement of damaged sidewalks and driveways, and other minor incidental items including tree root pruning and curb and gutter replacement. A portion of the proposed work is within Caltrans right-of-way and requires the Contractor to abide by Caltrans encroachment permit requirements.

The contract specifies \$1,242.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 250 working days. Construction work is anticipated to begin in fall 2018 and should be completed by late fall 2019 contingent on weather conditions.

The Engineer's Estimate for the base bid work is \$2,069,200.00 as listed in the Notice to Bidders. The Engineer's Estimate for the base bid work and alternates is \$4,480,978.00. The award will be based on the lowest total of base bid and bid alternates amount which is also listed in the Notice to Bidders.

The bids exceeded the Engineer's Estimate, but staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction climate. The economy has improved dramatically, contractors are in short supply, and commodity prices have increased accordingly. The resulting bids reflect the current conditions and consequently increased costs to the City.

To fully fund the construction contract, which exceeds both the Engineer's Estimate, staff proposes dedication of funding from sources that are currently available and appropriate for this project as detailed in the Fiscal Impact section of this report.

PUBLIC OUTREACH/INTEREST

Per standard City procedures, a notification letter will be sent to residents prior to start of construction.

During the engineering design phase, staff met with the BRT project team and coordinated the proposed improvements with the BRT improvements. Most of the work falls within Caltrans right-of-way and City has obtained Caltrans Encroachment Permit to make the improvements.

COORDINATION

The Office of the City Attorney and the Budget Bureau has reviewed this report and resolution.

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The work to be done under these contracts was reviewed and coordinated with:

- The California Department of Transportation (Caltrans)
- Alameda County Transit (AC Transit)
- Department of Transportation, Safe Streets Division
- Infrastructure Maintenance Division of the OPW
- Electrical Services Division of Safe Streets Division of OakDOT

COST SUMMARY/IMPLICATIONS

Approval of this resolution will allow the City Administrator to execute a construction contract with Ray's Electric in the amount of \$7,388,993.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

PROJECT	AMOUNT
Pedestrian Lighting And Sidewalk Improvements On International Boulevard (SR 185) From 2 nd Avenue To 107 th Avenue Project (1000844)	\$7,388,993.00

2. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Active Transportation Program (ATP) Grant (Fund 2116), Street and Structures Org (92242), Street Construction Account (57411), International Boulevard Street Improvement (1000844), (Fiscal Year 2017-2018)	\$2,481,000.00
Measure KK (Fund 5330), Traffic Parking Org (92246), Street Construction Account (57411), Streetscapes/Complete Street Capital (Project 1003348) (Fiscal Year 2017-2018)	\$1,000,000.00
Measure KK (Fund 5330), Traffic Parking Org (92246), Street Construction Account (57411), Streetscapes/Complete Street Capital (Project 1003348) (Fiscal Year 2018-2019)	\$1,891,943.00
Measure KK (Fund 5330), Traffic Parking Org (92246), Street Construction Account (57411), City Sidewalk Repair (Project 1000714) (Fiscal Year 2018-2019)	\$1,000,000.00
Sewer Service Fund (3100), Watershed and Stormwater Program (30245), Services, Miscellaneous Contract (54919), DP300 Administrative Project (1000010), Storm Drain Management & Maintenance (IN14), (Fiscal Year 2017-2018)	\$290,000.00
Affordable Housing and Sustainable Communities Program AHSC (Resolution 85414 & forthcoming resolution clarifying project description on 4/17/2018)	\$726,050.00
TOTAL FUNDS	\$7,388,993.00

3. FISCAL IMPACT:

Funding for the contract is available in the current FY 2017-2018 and the FY 2018-2019 adopted budget. Although the contract will be executed in FY 2017-2018, work and contracts payments will begin in the FY 2018-2019, after July 1, 2018. The City will also execute a standard agreement and a disbursement agreement with the State for the AHSC funds as shown in Resolution 87133, attached as **Attachment E**. Approval of the resolution will authorize the City Administrator to execute a construction contract in amount of \$7,388,993.00.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluation for Ray's Electric from a previously completed project was satisfactory and is included as **Attachment D**.

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve transportation conditions and make the International Boulevard corridor safer, well lit, and more attractive. The project improvements will enhance the efficiency and affordability of the transportation network and increase the potential for economic and housing development in the neighborhood.

Environmental: The project will provide a safer route for pedestrians in the International Boulevard corridor and therefore reduce the use of automotive mode of transport that causes air pollution. The project includes stormwater management features such as inlet trash screens that will improve the water quality and reduce trash entering into the City's stormwater system and waterways. The project will implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

Social Equity: This project is intended to provide maximum mobility for those without access to vehicles by improving the pedestrian infrastructure, including Americans with Disabilities Act (ADA) accessibility

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To Ray's Electric, The Lowest Responsive And Responsible Bidder, in Accordance With Project Plans And Specifications For The Pedestrian Lighting And Sidewalk Improvements On International Boulevard (SR 185) From 2nd Avenue To 107th Avenue Project (1000844) And With Contractor's Bid In An Amount Of Seven Million Three Hundred Eighty-Eight Thousand Nine Hundred Ninety-Three Dollars (\$7,388,993.00).

For questions regarding this report, please contact Mohamed Alaoui, P.E., Principal Civil Engineer at DOT, Great Streets Delivery at (510) 238-3469.

Respectfully submitted,



Ryan Russo
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Interim Assistant
Director, Department of Transportation

Reviewed by:
Mohamed Alaoui, P.E., T.E. Principal Civil
Engineer, Great Streets Delivery, Department
of Transportation

Prepared by:
Pablo Miras, P.E., Civil Engineer
Great Streets Delivery, DOT

Attachments (4):

A: Project Location Map

B: Resolution No. 85106 C.M.S.

C: Resolution No. 85414 C.M.S.

D: Contractor Performance Evaluation

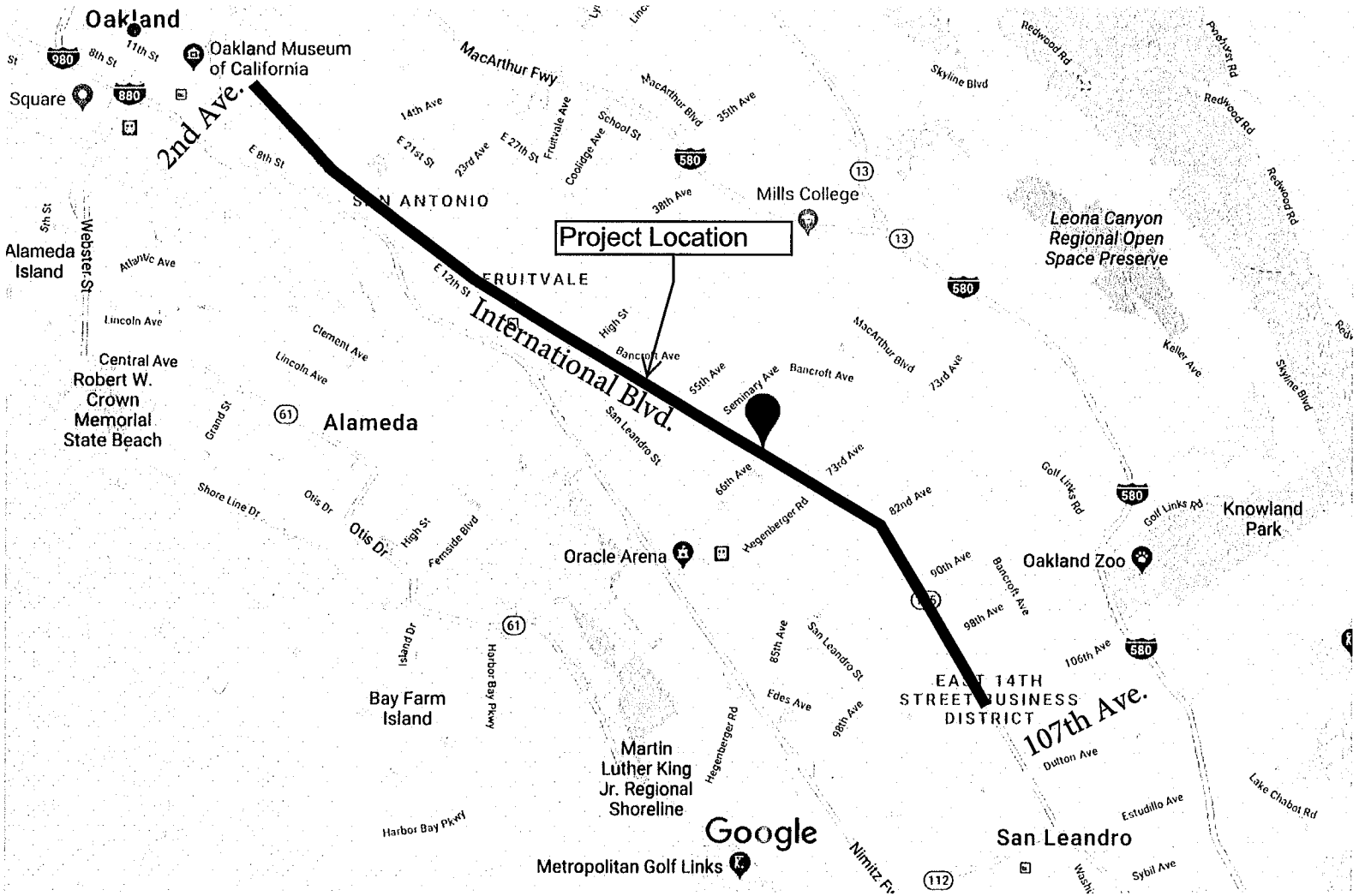
E: Resolution No. 87133 C.M.S.

Attachment A

Pedestrian Lighting and Sidewalk Improvement on International Boulevard (SR 185) from 2nd Avenue to 107th Avenue
(Project No.: 1000844)

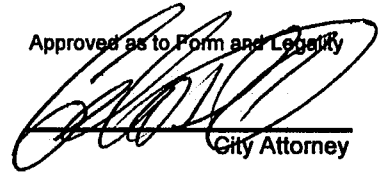
Project Location Map

Not to scale



Attachment B

Approved as to Form and Legality



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 26 PM 3:12

OAKLAND CITY COUNCIL

RESOLUTION No. 85106 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO SEVENTEEN MILLION THREE HUNDRED ELEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$17,311,160.00) IN ACTIVE TRANSPORTATION PROGRAM FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION;

(B) COMMIT MATCHING FUNDS OF UP TO SIX HUNDRED FORTY SEVEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$647,460.00) FROM MEASURE B (FUND 2211) GRANT MATCHING FUNDS

(C) IF FUNDED, ASSURE COMPLETION OF THE FOLLOWING TEN ACTIVE TRANSPORTATION PROGRAM PROJECTS: THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK REPAIR PROJECT, THE INTERNATIONAL BOULEVARD PEDESTRIAN REFUGES PROJECT, THE CITY OF OAKLAND IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE PARK BOULEVARD AREA IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE THORNHILL DRIVE/MOUNTAIN BOULEVARD IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HIGH STREET – COURTLAND AVENUE-YGNACIO AVENUE INTERSECTION IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HARRISON STREET/ 27TH STREET/ 24TH STREET INTERSECTION IMPROVEMENTS PROJECT, THE LAKE MERRITT TO BAY TRAIL BICYCLE PEDESTRIAN GAP CLOSURE PROJECT, THE LAUREL ACCESS TO MILLS MAXWELL PARK AND SEMINARY ACTIVE TRANSPORTATION CONNECTIONS PROJECT AND THE TELEGRAPH AVENUE GREAT STREETS PROJECT.

WHEREAS, the City of Oakland ("City") is submitting an application to the Metropolitan Transportation Commission ("MTC") for Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration ("FHWA") and federal or state funding administered by the California Transportation Commission ("CTC") such as Surface Transportation Program ("STP") funding, Congestion Mitigation and Air Quality Improvement ("CMAQ") funding, Transportation Alternatives ("TA")/Active Transportation Program ("ATP") funding, and Regional Transportation Improvement Program ("RTIP") funding, herein collectively referred to as Regional

Discretionary Funding, for the following projects:

International Boulevard Corridor Pedestrian Projects

- International Boulevard Pedestrian Lighting and Sidewalk Repair Project (\$2,481,000.00)
- International Boulevard Pedestrian Refuges Project (\$602,120.00)

Safe Routes to School-type Projects

- City of Oakland Improvements for Safe Routes to School Project (\$1,236,000.00)
- Park Boulevard Area Improvements for Safe Routes to School Project (\$1,147,000.00)
- Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project (\$660,000.00)
- High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project (\$1,128,000.00)
- Harrison Street/ 27th Street/ 24th Street Improvements (\$850,000.00)

Other Active Transportation Projects

- Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project (\$3,210,000.00)
- Laurel Access to Mills Maxwell Park and Seminary Project (\$3,597,040.00)
- Telegraph Avenue Great Streets Project (\$2,400,000.00)

(herein referred to as Projects) for the Active Transportation Program (“ATP”); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, State statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

FURTHER RESOLVED that, in the case of an RTIP project, Projects is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it

FURTHER RESOLVED that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

FURTHER RESOLVED that there is no legal impediment to the City making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and be it

FURTHER RESOLVED that the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

FURTHER RESOLVED that the City Council hereby appropriates funds in an amount not to exceed \$17,311,160.00 that are received for these Projects under the ATP Program into the MTC Program Fund (Fund 2163) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents the use of up to \$647,460.00 in matching funds for the Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connections Project from Fund 2211 (Local Street and Roads, Grants Matching Fund); and be it

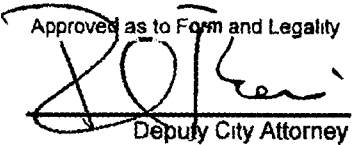
FURTHER RESOLVED that should additional funds be received for these projects, the City Administrator or his designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

FURTHER RESOLVED that the City Council hereby authorizes the City Administrator or his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the MTC ATP grants and these Projects in accordance with this Resolution and its basic purposes; and be it

Attachment C

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2015 JAN 29 PM 1:19

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85 414 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL IN AN AMOUNT NOT TO EXCEED \$15 MILLION UNDER THE 2014-15 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAMS, AND ALLOCATE SUCH FUNDS TO ELIGIBLE PROJECTS WITHOUT RETURNING TO COUNCIL

WHEREAS, the California Strategic Growth Council ("SGC") announced a notice of funding availability ("NOFA") for the Affordable Housing and Sustainable Communities Program established under Division 44, Part 1 of the Public Resources Code (PRC) (commencing with Section 75200) (the "statute"); and

WHEREAS, pursuant to the statute and pursuant to direction of the SGC, the California Department of Housing and Community Development ("HCD") is authorized to approve funding allocations utilizing monies made available by the State Legislature to the Affordable Housing and Sustainable Communities Program, subject to the terms and conditions of the statute and the Affordable Housing and Sustainable Communities Guidelines to be adopted by SGC in January 2015; and

WHEREAS, the City of Oakland wishes to submit an application to obtain an allocation of Affordable Housing and Sustainable Communities grant funds from HCD for the amount not to exceed \$15 million for the development of affordable housing; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing; and

WHEREAS, on September 3, 2014, the City issued a Notice of Funding Availability soliciting applications for funding for affordable housing developments; and

WHEREAS, seven developers submitted proposals in response to the Notice of Funding Availability but only four were funded; and

WHEREAS, no matching funds are required for the Affordable Housing and Sustainable Communities program; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee to allocate funds to projects that meet the criteria for the

Affordable Housing and Sustainable Communities Program and to negotiate and enter into an agreement or agreements with the selected developers without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator, or his or her designee, is authorized to submit an application to the 2014-15 California Strategic Growth Council Affordable Housing and Sustainable Communities Program for up to \$15 million in grant funds; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the Affordable Housing Trust fund (Fund 1870), Housing Development Organization (89929), Project (TBD), appropriate said funds in an amount not to exceed \$15 million, and allocate funds to projects that meet the program criteria without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and execute the Standard Agreements and any amendments thereto between the City and the California Department Housing and Community Development for this program; and be it

FURTHER RESOLVED: That said agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That if the application for funding is approved, the City hereby agrees to use the Affordable Housing and Sustainable Community Program funds for eligible activities in the manner presented in the application as approved by California Strategic Growth Council and in accordance with the regulations of the program; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator and his or her designee as agent of the City to conduct negotiations, execute documents required by HCD, and take any other action, including negotiating amount, terms, and conditions of the loans to the developers, with respect to the California Strategic Growth Council Affordable Housing and Sustainable Community Program consistent with this Resolution and its basic purpose.

FEB 17 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

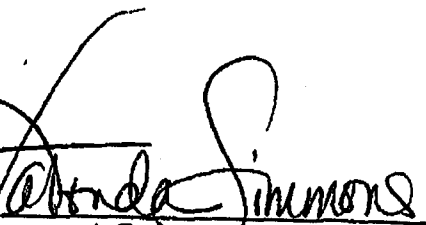
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



LaTonda Simmons

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

Attachment D

Schedule L-2 City of Oakland Public Works Agency CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: HSIP5 W MacArthur Blvd from Market St. to Telegraph Ave

Work Order Number (if applicable): C468210

Contractor: Ray's Electric

Date of Notice to Proceed: September 19, 2017

Date of Notice of Completion: July 17, 2017

Date of Notice of Final Completion: July 17, 2017

Contract Amount: \$1,110,865.75

Evaluator Name and Title: Ishrat Jahan, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7	<u>2</u>	X 0.25 =	<u>.5</u>
2. Enter Overall score from Question 13	<u>2</u>	X 0.25 =	<u>.5</u>
3. Enter Overall score from Question 18	<u>2</u>	X 0.20 =	<u>.4</u>
4. Enter Overall score from Question 22	<u>2</u>	X 0.15 =	<u>.3</u>
5. Enter Overall score from Question 28	<u>2</u>	X 0.15 =	<u>.3</u>

TOTAL SCORE (Sum of 1 through 5): 2.0

OVERALL RATING: 2.0

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.

Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

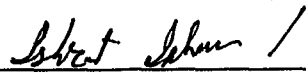
responsible for any bids they submit for future City of Oakland projects within three years of the date of the last Unsatisfactory overall rating.


Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*

 8/24/17
Contractor / Date

 8-29-17
Resident Engineer / Date

 8/24/17
Supervising Civil Engineer / Date

ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

Sewer Funds for
 Pedestrian Lighting And Sidewalk Improvements On International Boulevard (SR 185) From 2nd
 Avenue To 107th Avenue Project (1000844)

Funds Available Inquiry (OAKLAND OPERATIONS)

Selection Criteria

Ledger: OAKLAND OPERATION Amount Type: Year To Date Extended
 Budget: CITY OP Encumbrance Type: ALL
 Period: P10-18 Account Level: All

Summary

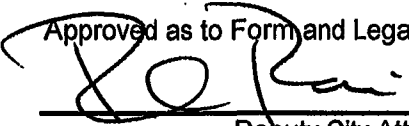
Account	Budget	Encumbrance	Actual	Funds Available
<input type="checkbox"/> 1.3100.30245.54919.1000010.CONV	274,560.79	148,429.69	124,648.33	1,482.77
<input type="checkbox"/> 1.3100.30245.54919.1000010.IN05	0.00	0.00	0.00	0.00
<input checked="" type="checkbox"/> 1.3100.30245.54919.1000010.IN14	975,118.00	256,532.53	146,368.86	572,216.61
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

Encumbrance Amounts

<u>Commitment</u>	<u>Obligation</u>	<u>Other</u>
0.00	256,532.53	0.00

Account Description
 CITY.Sewer Service Fund.Watershed and Stormwater .Services: Miscellaneous C.DP300 Administrative Proj.STORM DRAIN I

2010 MAR 29 PM 5:07

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 87133 C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 85414 C.M.S., WHICH AUTHORIZED THE CITY TO APPLY FOR, ACCEPT AND APPROPRIATE LOAN AND GRANT FUNDS UNDER THE STATE OF CALIFORNIA'S AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM IN CONNECTION WITH THE CAMINO 23 PROJECT AT 1233-1253 23RD AVENUE AND 2285 INTERNATIONAL BOULEVARD, TO REVISE FISCAL PROVISIONS, INCLUDE PROVISIONS REQUIRED BY THE STATE, AND AUTHORIZE AGREEMENTS WITH BART AND AC TRANSIT FOR TRANSPORTATION-RELATED IMPROVEMENTS

WHEREAS, the State of California, Strategic Growth Council, and the Department of Housing and Community Development (the "Department") issued a Notice of Funding Availability ("NOFA") dated January 30, 2015, as amended, under the Affordable Housing Sustainable Communities Program (the "AHSC Program"); and

WHEREAS, as authorized by City Council Resolution 85414 C.M.S. on February 17, 2015, Satellite Affordable Housing Associates ("SAHA") and the City applied for AHSC Program Funds, and were awarded an AHSC Program loan in an amount not to exceed \$2,239,705 (the "AHSC Loan") and an AHSC Program grant in an amount not to exceed \$823,025 (the "AHSC Grant"), for an aggregate amount not to exceed \$3,062,730 under the above described NOFA for use in connection with the Camino 23 affordable housing project at 1233-1253 23RD Avenue and portions of 2285 International Boulevard (the "Project"); and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee to apply for, receive and accept such AHSC Program Funds on behalf of the City, and to negotiate, execute, enter into and deliver such agreements and instruments with the Department related to or in connection with such AHSC Program Funds without returning to the City Council, including agreements with San Francisco Bay Area Rapid Transit District ("BART") and AC Transit for transportation-related improvements; now, therefore, be it

RESOLVED: That the City is hereby authorized and directed to incur an obligation for the AHSC Loan, and that in connection with the AHSC Loan, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$2,239,705 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution or as may be required by the Department in connection with the AHSC Loan, and all amendments thereto (collectively, the "AHSC Loan Documents"); and be it

FURTHER RESOLVED: That the City is hereby authorized and directed to incur an obligation for the AHSC Grant, and that in connection with the AHSC Grant, the City is authorized and directed to enter into, execute, and deliver a State of California Standard Agreement in an amount not to exceed \$823,025 and any and all other documents required or deemed necessary or appropriate to carry into effect the full intent and purpose of this Resolution, in order to evidence the AHSC Grant, the City's obligations related thereto, and the Department's security therefore, including, but not limited to, a disbursement agreement, a covenant and certain other documents required by the Department as security for, evidence of, or pertaining to the AHSC Grant, and all amendments thereto (collectively, the "AHSC Grant Documents", and, together with the AHSC Loan Documents, collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That said agreements shall be reviewed and approved by the City Attorney's Office for form and legality prior to their execution by the City, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, and appropriate said funds in an amount not to exceed \$3,062,730 to this Project; and be it

FURTHER RESOLVED: That Resolution No. 85414 C.M.S. is hereby amended to provide that housing portions of said AHSC Loan and AHSC Grant funds up to \$2,286,680 shall be deposited in the State of California Fund (2159), Housing Development Organization (89929), Project (TBD), and transportation portions of up to \$776,050 said AHSC Loan and AHSC Grant funds shall be deposited in the State of California Fund (2159), Complete Streets Design Organization (35212), Project (TBD); and be it

FURTHER RESOLVED: That the City shall be subject to the terms and conditions as specified in the Standard Agreements; that funds are to be used for allowable capital asset Project expenditures to be identified in Exhibit A or other relevant portions of the Standard Agreements; that the application in full is incorporated as part of the Standard Agreements; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreements; and that the City hereby agrees to use the funds for eligible capital assets in the manner presented in the application as approved by the Department and in accordance with the NOFA and applicable AHSC Program Guidelines; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee, as agent of the City, to conduct negotiations, execute and deliver all documents (including without limitation all AHSC Documents), accept AHSC Program Funds, and take any and all other action with respect to the AHSC Program and the AHSC Loan and AHSC Grant as required by the Department for participation in the AHSC Program; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to negotiate and execute agreements with BART and AC Transit pertaining to transportation-related improvements funded by the AHSC Loan or AHSC Grant; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to take any other action with respect to the AHSC Loan, the AHSC Grant, or the Project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 17 2018

PASSED BY THE FOLLOWING VOTE:

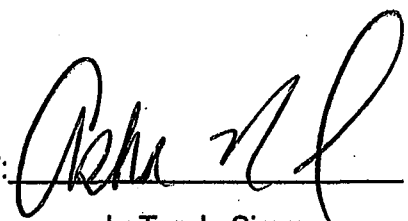
AYES - ~~BRADY~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT ~~BRADY~~ - *6*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

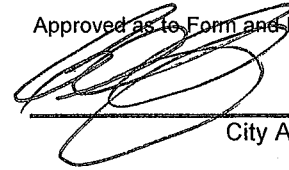
Excused - Brooks, Reid

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2018 APR 26 PM 1:50 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENTS ON INTERNATIONAL BOULEVARD (SR 185) FROM 2ND AVENUE TO 107TH AVENUE PROJECT (1000844) AND WITH CONTRACTOR'S BID IN AN AMOUNT OF SEVEN MILLION THREE HUNDRED EIGHTY-EIGHT THOUSAND NINE HUNDRED NINETY-THREE DOLLARS (\$7,388,993.00).

WHEREAS, the City of Oakland applied for and awarded an Active Transportation Projects (ATP) grant in the amount of \$2,481,000.00 for the Pedestrian Lighting and Sidewalk Improvement On International Boulevard (SR 185) From 2nd Avenue to 107th Avenue (1000844) ("IB Ped Lighting and Sidewalk Improvement"); and

WHEREAS, Measure KK Funds for this contract in the amount of \$3,891,943.00, approved by Council Resolution as part of the City's 2017-2019 Capital Improvement Program are available; and

WHEREAS, the City of Oakland applied for and awarded the Affordable Housing and Sustainable Communities (AHSC) grant in the amount of \$726,050.00 for the Bid Alternate 9 of the IB Pedestrian Lighting and Sidewalk Improvement; and

WHEREAS, the IB Pedestrian Lighting and Sidewalk Improvement Project has completed engineering design, has bid documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

WHEREAS, this project was advertised on March 9, 2018 and two bids were received by the Office of the City Clerk of the City of Oakland on April 12, 2018 for the IB Pedestrian Lighting and Sidewalk Improvement project; and

WHEREAS, Ray's Electric, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$7,388,993.00 as determined by the City Administrator's Office, Contract Compliance Bid Analysis on April 27, 2018; 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); and
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Streetscapes/Complete Street Capital (Project 1003348); (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
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); City Sidewalk Repair (Project 1000714); (Fiscal Year 2018-2019); and
- AHSC grant (Fund 2159); Department of Transportation: Great Streets Division/Complete Street Construction Account (57411); Project TBD; and
- Sewer Funds (Fund 3100); Watershed and Stormwater Program (30245); Services, Miscellaneous Contract (54919); DP300 Administrative Project (1000010); (Fiscal Year 2017-2018)

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 funds shall be transferred from the following accounts to Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000844 to complete the funding required for this project:

- Fund 2116 ATP Grant funds - \$2,481,000
- Fund 5530 Measure KK Grant funds - \$3,891,943
- Fund TBD AHSC Funds - \$726,050
- Fund 3100 Sewer Funds - \$290,000

RESOLVED: That the City Administrator or designee is authorized to execute a construction contract for the IB Pedestrian Lighting and Sidewalk Improvement Project, to the Ray's Electric, the lowest responsive and responsible bidder, in an amount of Seven Million Three Hundred Eighty-Eight Thousand Nine Hundred Ninety-Three Dollars (\$7,388,993.00) in accord with plans and specifications for the project and contractor's bid dated April 12, 2018, contingent upon the availability of funding; and be it

FURTHER RESOLVED: That although the contract will be executed in FY 2017-2018, work and contract payments will begin in the FY 2018-2019, on or after July 1st, 2018; 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 Ray's Electric 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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