

**CITY OF OAKLAND
AGENDA REPORT**

**TILED
OFFICE OF THE CITY CLERK
OAKLAND**

2004 JUN 10 PM 5:28

TO: Office of the City Manager
ATTN: Deborah A. Edgerly, City Manager
FROM: Public Works Agency
DATE: June 22, 2004

RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$335,000 TO THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER FOR THE PEDESTRIAN SAFETY PROJECT (CITY PROJECT NO. G232110, CALTRANS PROJECT NO. PSPL-5012(067)), AND REJECT BIDS AND NEGOTIATE IF NECESSARY

SUMMARY

A resolution has been prepared authorizing the City Manager to award a construction contract in an amount not to exceed \$335,000 to the lowest, responsible and responsive bidder for the Pedestrian Safety Project (City Project No. G232110, Caltrans Project No. PSPL-5012(067)), and reject bids and negotiate if necessary. The contract award shall be in accordance with the Contract Documents, including construction plans and specifications, prepared and advertised for this project. The construction contract consists of the installation of a new traffic signal at the intersection of International Boulevard at 69th Avenue, new curb bulb-outs at the intersection of MacArthur Boulevard at 39th Avenue, and new curb bulb-outs at the intersection of MacArthur Boulevard at High Street. These locations are within Council Districts 6 and 4, respectively.

Following the typical bid and award process, the City Manager would not be authorized to award the contract until August 2004. In order to meet a construction contract award deadline of June 30, 2004 required by Caltrans for the Pedestrian Safety Program State Grant, staff requests that this process be expedited by authorizing the City Manager to award a construction contract to the lowest responsible and responsive bidder after receipt and review of the bids. Furthermore, if the bids received are non-responsive and/or non-responsible, staff requests that the City Manager be authorized to reject all such bids and negotiate and award a construction contract for said project.

Bidders are required to meet all City of Oakland bid and contracting requirements, including Local/Small Local Business Enterprise (L/SLBE) Program requirements.

The proposed project is consistent with the following Mayor and City Council goals and citywide objectives 3A and 6C:

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Improve Oakland Neighborhoods by improving traffic/bike/pedestrian safety.

Maintain and Enhance Oakland's Physical Assets by providing for clean, well-maintained and accessible streets and sidewalks.

Funds in the amount of \$358,825 are available for this project from the Pedestrian Safety Program and Measure B.

Staff recommends approval of the resolution.

FISCAL IMPACT

The total cost for the construction phase of the project is estimated to be \$358,825 including the contract, contingency and construction engineering. Funding for this cost is available from the Pedestrian Safety Program and Measure B in the following accounts:

- California Department of Transportation Fund (2140); Capital Improvement Projects – Transportation Services Organization (92246); and Pedestrian Safety Project (G232110), in the amount of \$340,500.
- Measure B ACTIA Fund (2210); Capital Improvement Projects – Transportation Services Organization (92246); and Pedestrian Safety Project (G232120), in the amount of \$18,325.

There will be minimal additional operation and maintenance costs as a result of this project.

BACKGROUND

On October 1, 2002, the City Council approved Resolution No. 77449 C.M.S. authorizing the City Manager to accept and appropriate the Pedestrian Safety Program State Funds in the amount of \$360,000 for this project.

The Pedestrian Safety Project consists of the two types of improvements: A) a new traffic signal at the intersection of International Boulevard/69th Avenue; and B) new curb bulb-outs at the intersections of MacArthur Boulevard/39th Avenue and MacArthur Boulevard/High Street. The goal of this project is to improve access and safety for children walking to and from existing elementary and middle schools. The design and construction of the curb bulb-outs on MacArthur Boulevard, including colored concrete sidewalks and crosswalks, have been coordinated with those for the Laurel Streetscape Improvements on MacArthur Boulevard (Between 35th Avenue and High Street), City Project No. C194710. The City Council approved the award of a construction contract for this project on May 4, 2004.

Bids have already been solicited for the Pedestrian Safety Project with legal advertisement occurring on May 10, 2004. The bid opening date is scheduled for June 7, 2004. Bidders are required to meet all City of Oakland bid and contracting requirements, including Local/Small Local Business Enterprise (L/SLBE) Program requirements.

KEY ISSUES AND IMPACTS

Following the typical bid and award process, the City Manager would not be authorized to award a construction contract for this project until August 2004. In order to meet a construction contract award deadline of June 30, 2004 required by Caltrans for the Pedestrian Safety Program State Grant, Public Works staff requests that this process be expedited by authorizing the City Manager to award a construction contract to the lowest, responsible and responsive bidder after receipt and review of the bids. Further, if initial bids received are non-responsive and/or non-responsible, staff requests that the City Manager be authorized to reject all such bids and negotiate and award a construction contract for said project.

The construction contract award shall be in accordance with the Contract Documents, including construction plans and specifications, prepared and advertised for this project. The construction duration is estimated to be 50 working days barring any delays from inclement weather and/or unforeseen conditions. The contract specifies that the contractor will be assessed \$500 in liquidated damages per calendar day if the construction schedule is exceeded.

Although, at the time of the preparation of this report, the City has not received bids from contractors, the bid results will be available for discussion at the Public Works Committee Meeting scheduled on June 22, 2004.

SUSTAINABLE OPPORTUNITIES

Economic: The improvements will have a positive impact on the local economy by improving vehicular and pedestrian safety, and the associated costs of injuries and property damage.

Environmental: The improvements to pedestrian facilities will aid in making walking a more attractive mode of transportation, thereby encouraging reduction in automobile usage and reducing vehicle emissions.

Social Equity: The improvements will improve overall living conditions by providing greater accessibility and safety to pedestrians. Senior citizens, persons with disabilities and children will greatly benefit from these improvements.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as tactile pedestrian pushbuttons with audible units and wheelchair ramps with detectable warning domes, which will assist senior citizens and persons with disabilities.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Manager to award a construction contract in an amount not to exceed \$335,000 to the lowest, responsible and responsive bidder for the Pedestrian Safety Project, and reject bids and negotiate if necessary. Authorizing the City Manager to award the construction contract at this time will ensure that the Caltrans funding deadline of June 30, 2004 is met.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



RAUL GODINEZ II, P.E.
Director, Public Works Agency

Reviewed by:
Wladimir Wlassowsky, P.E.
Transportation Services Manager

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY MANAGER

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OAKLAND CITY COUNCIL

RESOLUTION No. _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

INTRODUCED BY COUNCILMEMBER _____

2004 JUN 10 PM 6:33

Requires two-thirds vote of the Council

R. V. Diener

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$335,000 TO THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER FOR THE PEDESTRIAN SAFETY PROJECT (CITY PROJECT NO. G232110, CALTRANS PROJECT NO. PSPL-5012(067)), AND REJECT BIDS AND NEGOTIATE IF NECESSARY

WHEREAS, the Pedestrian Safety Project is a state funded project which is consistent with the City Council Goals of **Improve Oakland Neighborhoods** and **Maintain and Enhance Oakland's Physical Assets**; and

WHEREAS, the construction contract for the Pedestrian Safety Project consists of the installation of a new traffic signal at the intersection of International Boulevard/69th Avenue, and new curb bulb-outs at the intersections of MacArthur Boulevard/39th Avenue and MacArthur Boulevard/High Street to improve access and safety for children walking to and from existing elementary and middle schools; and

WHEREAS, the project was advertised to solicit bids on May 10, 2004 in the Oakland Tribune, and bids will be received and opened on June 7, 2004 by the Office of the City Clerk; and

WHEREAS, a construction contract award deadline of June 30, 2004 required by Caltrans for the Pedestrian Safety Program State Grant makes it necessary to expedite the contract award process by authorizing the City Manager to award and, if necessary, negotiate a contract; and

WHEREAS, there are sufficient funds available from the Pedestrian Safety State Grant Fund, Fund Number 2140, Project Number G232110; and Measure B Sales Tax Fund, Fund Number 2210, Project Number G232120 for the construction contract, contingency and construction engineering; 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 contract is in the public interest because of economy; and

WHEREAS, the City Council finds and determines that services under this contract will be temporary; 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 services; now, therefore, be it

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RESOLVED: That the City Manager, or her designee, is authorized to award a construction contract in an amount not to exceed \$335,000 to the lowest, responsible and responsive bidder for the Pedestrian Safety Project (City Project No. G232110, Federal Project No. PSPL-5012(067)); and be it

FURTHER RESOLVED: That, if the initial bids are non-responsive and/or non-responsible, the City Manager, or her designee, is authorized to reject all bids and negotiate and award a construction contract; and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

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

FURTHER RESOLVED: That the City Manager, or her designee, is hereby authorized to execute any amendments or modifications to said contract without further City Council approval, except for increases in the contract amount; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

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