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APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Ord. (Jun 23, 2023 4:48 PM)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89820 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE 14TH STREET SAFE ROUTES IN THE CITY PROJECT, PROJECT NO. 1003959, THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIFTEEN MILLION, FIVE HUNDRED SEVENTY-FIVE THOUSAND SIXTY-THREE DOLLARS (\$15,575,063.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City of Oakland applied for and was awarded an Active Transportation Program grant in the amount of \$10,578,000.00 in August 2018 (Resolution No. 87373 C.M.S.) to construct the 14th Street Safe Routes In The School Project (the Project); and

WHEREAS, in May 2021, the Metropolitan Transportation Commission (MTC) awarded the City Safe And Seamless Mobility Quick Strike grant funds in the amount of \$1,000,000.00 (Resolution No. 88616 C.M.S.); and

WHEREAS, in June 2021, the City received an Affordable Housing and Sustainable Communities (AHSC) grant from the California Department of Housing and Community Development in the amount of \$1,244,244.00 in Sustainable Transportation Infrastructure (STI) funds and \$200,000.00 Transportation Related Amenities (TRA) funds (Resolution No. 88668 C.M.S.); and

WHEREAS, in November 2021, the City received a Comprehensive Investment Plan (CIP) Discretionary Program grant from the Alameda County Transportation Commission (ACTC) in the amount of \$155,000 (88668 C.M.S.); and

WHEREAS, the improvements for the Project include removal of one lane of traffic in each direction to construct physically separated bicycle lanes, protected intersections, pedestrian crossings improvements, bus boarding islands, curb extensions, curb ramps, street furniture, landscaping, lighting improvements, and traffic signal improvements on 14th Street between West Street and Lakeside Drive; and

WHEREAS, The Oakland City Council approved the Project and the Project Parking Management Plan on June 21, 2022 (Resolution No. 89263 C.M.S.); and

WHEREAS, the Project was advertised on February 16, 2023, and two bids were received by the Office of the City Clerk on March 16, 2023; and

WHEREAS, McGuire and Hester is deemed the lowest, responsive and responsible bidder for the Project with a bid of \$15,575,063.00, and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and meet the Disadvantaged Business Enterprise (DBE) Project goal of 25% participation requirements; and

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

- Active Transportation Program (ATP) and Safe and Seamless Mobility Quick Strike Program, 14th Street Safe Routes in the City Project (No. 1003959), Complete Streets Design Organization (35212) & Construction Organization (92270), Department of Transportation Fund (2116), Construction Task (8.0), Award (23710)
- Affordable Housing and Sustainable Communities (AHSC), 14th Street Safe Routes in the City Project (No. 1003959), Complete Street Design Organization (35212) & Construction Organization (92270), AHSC STI Fund (2159), Construction Task (8.0), Award (TBD)
- Affordable Housing and Sustainable Communities (AHSC), 14th Street Safe Routes in the City Project (No. 1003959), Complete Street Design Organization (35212) & Construction Organization (92270), AHSC TRA Fund (2159), Construction Task (8.0), Award (TBD)
- Alameda County Transportation Commission (ACTC CIP), 14th Street Safe Routes in the City Project (No. 1003959), Construction Organization (92270), Alameda County Transportation Commission Fund (2214), Construction Task (8.0), Award (24391)
- Measure KK, Complete Streets Capital Project (No. 1003348), Complete Street Design Organization (35212) & Engineer Design: Streets Organization (92242), Measure KK Fund (5335), Construction Task (8.0); 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 Council finds and determines that 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; and

WHEREAS, the 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); the Project is also exempt from CEQA pursuant to CEQA

Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to McGuire & Hester, the lowest, responsible, and responsive bidder in accordance with project plans, specifications, state requirements, and contractor's bid dated March 16, 2023, for the 14th Street Safe Routes in the City Project, Project No. 1003959, in the amount of fifteen million, five hundred seventy-five thousand sixty-three dollars (\$15,575,063.00), contingent upon funding availability; 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 of 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 is hereby authorized to approve and execute 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 the Project without return to the City Council; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate with the second-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 the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator 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; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the Project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the Project that is named in this Resolution.


IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 18 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, ~~JENKINS~~, KALB, KAPLAN, REID, RAMACHANDRAN, AND
PRESIDENT FORTUNATO BAS - 7

NOES 0
ABSENT 0
ABSTENTION 0
1 Excused - Jenkins

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