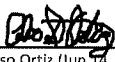


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Celso Ortiz (Jun 22, 2022 15:12 PDT)
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 89291 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC INC., FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 9, FOOTHILL BOULEVARD AND MACARTHUR BOULEVARD IMPROVEMENTS PROJECT, PROJECT NO. 1004700, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED AND EIGHTY THREE THOUSAND AND TWENTY-ONE DOLLARS AND TWENTY-FIVE CENTS (\$1,783,021.25); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, on November 16, 2018, the City of Oakland (City) was awarded a Highway Safety Improvement Program (HSIP) Cycle 9 grant to fund the Foothill Boulevard and MacArthur Boulevard Improvements Project; and

WHEREAS, on November 10, 2020, the City Council passed Resolution No. 88360 C.M.S., which authorized the City Administrator to accept and appropriate the HSIP Cycle 9 grant for the Foothill Boulevard and MacArthur Boulevard Improvements Project; and

WHEREAS, the proposed project is exempt from the 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, this project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and

WHEREAS, the engineer's estimate for the project is One Million Seven Hundred and Forty-Six Thousand and Two Hundred Forty-Eight dollars and Twenty-Four Cents (\$1,746,248.24); and

WHEREAS, on February 11, 2022, the City invited bids for the project by placing an advertisement in six newspapers; and

WHEREAS, on March 24, 2022, two bids were received by the Office of the City Clerk for the construction of the Foothill Boulevard and MacArthur Boulevard Improvements Project (Project No. 1004700); and

WHEREAS, the City has determined that Gruendl Inc., doing business as Ray's Electric, is the lowest, responsible, responsive bidder for the Foothill Boulevard and MacArthur Boulevard Improvements Project (Project No. 1004700); and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 13.00% participation requirements; and

WHEREAS, the City received a federal grant for the construction of the Foothill Boulevard and MacArthur Boulevard Improvements Project, which has a local match requirement; and

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

- o Federal HSIP Grant \$906,930, State of California, Department of Transportation; Project 1004700, Organization 92270, Expense 57411, Task 8.0, Award 23719, Fund 2116, Program NB33.
- o Local Match \$876,091.25, Measure KK, Department of Transportation, Project 1004700, Organization 92270, Expense 57411, Task 8.0, Award 23941, Fund 5335, 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 Foothill Boulevard and MacArthur Boulevard Improvements Project is hereby awarded to Ray's Electric, the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of one million seven hundred eighty-three thousand twenty-one dollars and twenty-five cents (\$1,783,021.25); 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 Administrator or designee is hereby authorized to enter into a contract with Ray's Electric, 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.

FURTHER RESOLVED: that the proposed Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: that this Resolution complies with CEQA and the City Administrator or designee shall file a Notice of Exemption with appropriate agencies, and be it

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 5 2022

PASSED BY THE FOLLOWING VOTE:

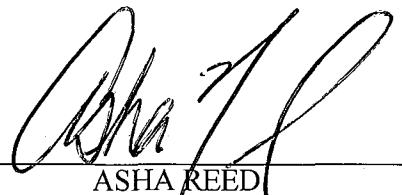
AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS – 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



ASHA REED

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