



City Attorney's Office

# OAKLAND CITY COUNCIL

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

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO REDGWICK CONSTRUCTION FOR THE ACTIVE TRANSPORTATION PROGRAM (ATP) FRUITVALE ALIVE! GAP CLOSURE PROJECT, PROJECT NO. 1000724, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF NINE MILLION SIX HUNDRED FIFTY-THREE THOUSAND FOUR HUNDRED AND SIX DOLLARS (\$9,653,406.00); AUTHORIZING THE CONSTRUCTION OF THE FRUITVALE ALIVE! GAP CLOSURE PROJECT; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, on November 2016, the City of Oakland voters approved the Measure KK Bond for infrastructure and Affordable Housing to fund infrastructure projects including the Fruitvale Alive! Gap Closure Project ("Project"); and

**WHEREAS**, on September 2018, the City Council authorized the City Administrator to accept and appropriate the Active Transportation Program grant for the Project (No. 87374 C.M.S.); and

**WHEREAS**, on November 2019, the City Council authorized the City Administrator to accept and appropriate the Alameda County Transportation Authority Comprehensive Investment Plan grant for the Project (No. 87960 C.M.S.); and

**WHEREAS**, on February 2020, the City Council authorized the City Administrator to accept and appropriate the Affordable Housing and Sustainable Communities grant for the Project (No. 88016 C.M.S.); and

**WHEREAS**, the proposed Project applied for and a Notice of Exemption with the California Natural Resources Agency under Code Section 711.4 and was accepted by the County of Alameda on March 16, 2018; and

**WHEREAS**, the Project is exempt from 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(a) (restriping of streets for bicycle lanes); and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 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 Project is Ten Million Nine Hundred Eight Thousand Two Hundred Nineteen Dollars (\$10,908,219.00); and

**WHEREAS**, on September 3, 2021, the City invited bids for the Project by placing an advertisement in six newspapers; and

**WHEREAS**, on October 7, 2021, the Office of the City Clerk received three bids for the construction of the Project; and

**WHEREAS**, the City has determined that Redgwick Construction is the lowest, responsible, responsive bidder for the Project; and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and meet the Federal Disadvantaged Business Enterprise (DBE) goal of 15% participation requirements; and

**WHEREAS**, the City received grants for the construction of the Project, which has a local match requirement; and

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

- Grant in the amount of Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000.00) in Active Transportation Program (ATP) Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Streets Design Organization (35212) & Construction Organization (92270), Department of Transportation Fund (2140), Construction Task (8.0), Award (23590)
- Grant in the amount of One Million Six Hundred Twenty-Eight Thousand Forty-Six Dollars (\$1,628,046.00) from Alameda County Transportation Commission (ACTC CIP), Fruitvale Alive! Gap Closure Project No. (1000724), Complete Streets Design Organization (35212) & Construction Organization (92270), Department of Transportation Fund (2214), Construction Task (8.0), Award (234032)
- Grant in the amount of One Million Five Hundred Forty-Four Thousand Four Hundred and Nine Dollars (\$1,544,409.00) from Affordable Housing and Sustainable Communities (AHSC), Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Street Design Organization (35212), & Construction Organization (92270), AHSC TRA Fund (2159), Construction Task (8.0)
- Grant in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from Affordable Housing and Sustainable Communities (AHSC), Fruitvale Alive! Gap Closure Project (No. 1000724), Complete Streets Design Organization (35212), Construction Organization (92270), AHSC STI Fund (2159), Construction Task (8.0), Award (24027)

- Local match in the amount of Seven Hundred Twenty Thousand Nine Hundred and Fifty-One Dollars (\$720,951.00) from Measure KK Project (No. 1000724), Complete Streets Design Organization (35212), Engineer Design Organization (92242), Measure KK Fund (5332), Construction Task (8.0), Award (23686):

**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 Fruitvale Alive! Gap Closure Project is hereby awarded to Redgwick Construction, the lowest, responsible, responsive bidder, in accordance with project plans and specifications, state requirements and with contractor's bid in the amount of Nine Million Six Hundred Fifty-Three Thousand Four Hundred and Six Dollars (\$9,653,406.00); and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared including any subsequent changes, 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 City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; 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 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; 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) and Public Resources Code Section 21080.20.5(a) (restriping of streets for bicycle lanes); and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 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.

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