

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 79364 C. M. S.

OFFICE OF THE CITY CLERK  
OAKLAND

2005 JUN 30 PM 2:51

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

**RESOLUTION AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO THE RESPONSIBLE LOW BIDDER, MCGUIRE AND HESTER, IN AN AMOUNT OF ONE MILLION THREE HUNDRED SEVENTY EIGHT THOUSAND ONE HUNDRED NINETY FIVE DOLLARS (\$1,378,195.00) FOR THE COLISEUM TRANSIT HUB STREETScape (SAN LEANDRO STREET FROM 66<sup>TH</sup> AVE. TO 73<sup>RD</sup> AVE.) PROJECT**

**WHEREAS**, the Coliseum Transit Hub Streetscape (San Leandro Street from 66<sup>th</sup> Ave. to 73<sup>rd</sup>.) is a community-requested project which is consistent with the City Council Budget Priority, **Build Community and Foster Livable Neighborhoods** by providing accessible streets, sidewalks, amenities and trees, and by improving perception of safety; and

**WHEREAS**, the project improvements include construction of sidewalks, crosswalks, wheelchair ramps, and median; installation of pedestrian level lights and streetlights, traffic signals, video cameras, irrigation systems, ornamental fencing, lighted bollards, and bus shelters; and installation of pavement marking and striping; and planting trees and shrubs. These elements provide sustainable opportunities to the local economy, environment and social equity for the Coliseum Bart Station area and the neighborhood. The project also meets the federal Americans with Disabilities Act requirements; and

**WHEREAS**, on April 22, 2005, Notices to Bidders were sent to all contractors holding an "A" License in the City's database and the Outreach and Builder Exchange. On April 21, and 22, 2005, advertisement soliciting bids was placed in the Oakland Tribune and San Francisco Chronicle newspapers; and

**WHEREAS**, on May 16, 2005, the City Clerk received four bids and determined that McGuire and Hester is the responsible low bidder and its Disadvantage Enterprise Business participation exceeds the zero percent requirement for the project. A zero DBE goal was set for this project because the City has reached its required annual DBE goal for the City-wide DBE program. McGuire and Hester is the responsible low bidder with the amount of \$1,378,195.00; and

**WHEREAS**, there are sufficient funds available in the project budget to cover the construction contract including five percent (5%) contingency and construction management costs for the project. Funding is budgeted for this project as shown in the following table:

Funding Source	Funding Codes	Project No.	Amount
Metropolitan Transportation Commission's Transportation For Livable Communities (MTC/TLC)	Fund 2163; Org 92242; Account 57411	G234510	\$748,745.00
Alameda County Congestion Management Agency for Transportation Funds for Clean Air (ACCMAT/TFCA)	Fund 2166; Org. 30242; Account 78811	G234520	\$163,360.00
AC Transit Cooperative Agreement	Fund 2999; Org. 92242; Account 57411	G234530	\$484,000.00
Bay Area Air Quality Management District/Transportation Funds for Clean Air (BAAQMD/TFCA)	Fund 2159 Org. 92242 Account 57411	TBD	\$123,750.00
Oakland Redevelopment Agency Match for MTC/TLC	Fund 7780 Org. 92242 Account 57411	G234540	\$130,000.00
<b>Total:</b>			<b>\$1,649,855.00</b>

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 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

**RESOLVED:** That the City Administrator is authorized to award a contract for the Coliseum Transit Hub Streetscape (San Leandro Street from 66<sup>th</sup> Ave. and 73<sup>rd</sup> Ave.) to the responsible low bidder, McGuire and Hester, in accordance with the terms of its bid therefore, for an amount of One Million Three Hundred Thousand Seventy-Eight One Hundred Ninety-Five Dollars (\$1,378,195.00); 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 is one hundred percent (100%) of 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 all other bids are hereby rejected; 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.

**JUL 19 2005**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

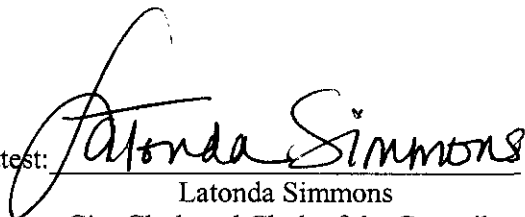
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, KERNIGHAN and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Attest:   
Latonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California