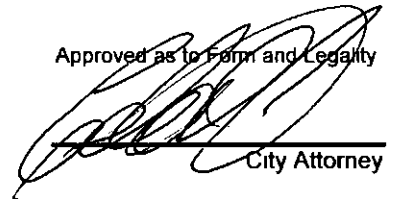


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 FEB 27 11:11 AM

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 84887 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO 1) APPROPRIATE SUPPLEMENTAL FUNDS IN THE AMOUNT OF ONE MILLION SIX HUNDRED AND SIXTEEN THOUSAND THREE HUNDRED AND TWELVE DOLLARS AND FIFTY CENTS (\$1,616,312.50) FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) IN ACCORDANCE WITH THE FULLY EXECUTED COOPERATIVE AGREEMENT NO. 4-2265; AND 2) EXECUTE A CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, FOR THE CONSTRUCTION OF THE 23RD AVE/ 29TH AVE RAIL CROSSING IMPROVEMENT PROJECT (NO. G381112) IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR THE PROJECT IN THE AMOUNT OF FOUR HUNDRED AND SEVENTY THOUSAND THREE HUNDRED AND SIXTY-FOUR DOLLARS (\$470,364.00) AND REJECT ALL OTHER BIDS

WHEREAS, on February 3, 2009 the City Council authorized the City Administrator to execute a Letter of Understanding and Cooperative Agreement with the California Department of Transportation (Caltrans) for railroad crossing and neighborhood improvements along the Fruitvale Lead and Glascock Street Track areas; and

WHEREAS, on March 20, 2009 the City and Caltrans entered into Cooperative Agreement No. 4-2265 to execute the rail crossing and neighborhood improvements along the Fruitvale Lead and Glascock Street Tracks; and

WHEREAS, Caltrans in accordance with the Cooperative Agreement agrees to pay the City for 100 percent of the costs to implement the rail crossing improvements as described in the agreement Exhibit A, Near and Long Term CPUC (California Public Utilities Commission) Recommended and Additional Related Improvements for a total estimated amount of \$1,916,312.50; and

WHEREAS, an initial \$300,000.00 was previously appropriated by the City to perform engineering design and preparation of construction plans for the CPUC Recommended Near and Long Term Improvements; and

WHEREAS, Caltrans further agrees the City shall bear no upfront costs or expenses related to the CPUC Recommended Near and Long Term Improvements and will pay for the improvements upfront upon invoicing by the City; and,

WHEREAS, on November 21, 2013, two bids were received by the Office of the City Clerk for the construction of the, 23rd Ave/29th Ave Rail Crossing Improvement Project (No. G381112); and

WHEREAS, McGuire and Hester is the lowest responsive and responsible bidder for the 23rd Ave/29th Ave Rail Crossing Improvement Project (No. G381112); and

WHEREAS, there is sufficient funding in the project budget for the work in Grant Fund (2140); Transportation Services Organization (92246); Street Construction Account (57411); 23rd Ave/29th Ave Rail Crossing Improvement Project (No. G381112); 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 and better performance; 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 City Administrator or Her Designee appropriate funds from Caltrans in an amount up to \$1,616,312.50 according to Cooperative Agreement No. 4-2265 for the CPUC Recommended Near and Long Term Improvements (Rail Crossing); and be it

RESOLVED: that the contract for the construction of the 23rd Ave/29th Ave Rail Crossing Improvement Project (No. G381112) is hereby awarded to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications in the amount of Four Hundred and Seventy Thousand, Three Hundred and Sixty-Four Dollars (\$470,364.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or his/her designee, are hereby approved;

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond for this project 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 her Designee, is hereby authorized to enter into a contract with McGuire and Hester 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.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 18 2014, 20

PASSED BY THE FOLLOWING VOTE:

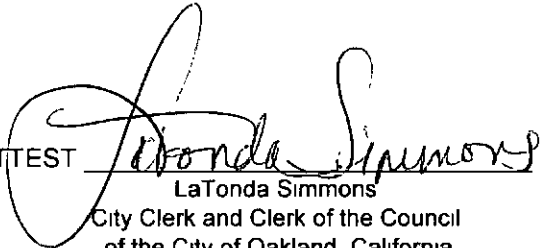
AYES - ~~Simmons~~, GIBSON-MCELHANEY, KALB, KAPLAN, GALLO, SCHAAF, REID and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

84887