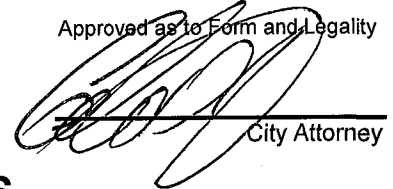


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2017 NOV 13 PM 1:35

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAUREL ACCESS TO MILLS, MAXWELL PARK & SEMINARY ("LAMMPS") STREETScape PROJECT (PROJECT NUMBER 1000634) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX MILLION FOUR HUNDRED SEVENTY-SIX THOUSAND NINE HUNDRED NINETY-FIVE DOLLARS AND FIFTY CENTS (\$6,476,995.50).

WHEREAS, the City of Oakland applied for and received an Active Transportation Program (ATP) grant in the amount of \$3,598,000.00 for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634); and

WHEREAS, the City of Oakland applied for and was recommended for award of an Alameda County Transportation Commission (ACTC) Comprehensive Investment Program (CIP) grant in the amount of \$2,500,000.00 for the LAMMPS Streetscape Project; and

WHEREAS, the LAMMPS Streetscape Project has completed engineering design, has bid documents, and has received approval from the California Department of Transportation (Caltrans) for the release of construction funds; and

WHEREAS, this project was advertised on July 14, 2017 and three bids were received by the Office of the City Clerk of the City of Oakland on August 31, 2017 for the LAMMPS Streetscape Project; and

WHEREAS, Ray's Electric, bidding as a prime, is deemed the lowest responsive and responsible bidder for the project with a bid of \$6,476,995.50; and

WHEREAS, funds totaling \$5,435,000 for the work are available in the following funding sources:

- Active Transportation Program (ATP) Grant: and
- Alameda County Transportation Commission (ACT) Comprehensive Investment Program (CIP) Grant

WHEREAS, funds totaling \$1,014,996 are available in other project accounts to be designated for the purpose of completing this project; 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 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, Ray's Electric complies with all LBE/SLBE requirements; 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; now therefore be it

RESOLVED: That funds shall be transferred from the following accounts to Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1000634 to complete the funding required for this project:

- Fund 2216 Pedestrian CIP funds - \$500,000
- Fund 2216 Bicycle CIP funds - \$250,000
- Fund 2211 Grant Matching funds - \$141,996
- Fund TBD RMRA Funds - \$150,000

RESOLVED: That the City Administrator or designee is authorized to execute a construction contract, contingent upon the availability of funding, for the Laurel Access to Mills, Maxwell Park & Seminary (LAMMPS) Streetscape (Project No. 1000634) with Ray's Electric, the lowest responsive and responsible bidder, in an amount of Six Million Four Hundred Seventy-six Thousand Nine Hundred Ninety-Five Dollars and Fifty Cents (\$6,476,995.50) in accord with plans and specifications for the project and contractor's bid dated August 17, 2017; 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 for 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, or designee, is hereby authorized to approve 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 said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if Ray's Electric 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 this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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