

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

TO: Office of the City Manager
ATTN: Deborah Edgerly, Interim City Manager
FROM: Public Works Agency
DATE: July 22, 2003

2003 JUL 10 PM 3: 20

RE: **RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$530,000, FOR CONSTRUCTION OF THE 29TH AVENUE GATEWAY IMPROVEMENTS, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$530,000, WITHOUT RETURN TO COUNCIL**

SUMMARY

A resolution has been prepared authorizing the City Manager to award a construction contract in an amount not to exceed \$530,000 for construction of the 29th Avenue Gateway Improvements, including the resurfacing of 29th and 23rd Avenues from the Park Street Bridge to East 7th Street. This project is part of the Five Year Capital Improvement Program (CIP) approved by Council in 2001. In the event that bids are not received, or bids are not responsive, the Interim City Manager or her designee will reject bids and negotiate a contract not to exceed \$530,000.

In order to expedite the contract award process and complete construction of street improvements on 29th Avenue near the Park Street Bridge, staff recommends the City Manager be authorized to award a construction contract upon receipt and review of bids.

FISCAL IMPACT

Funding for the subject project will be provided from Measure B Sales Tax Funds, Fund No. 2210, Project Number C166110; and Municipal Capital Improvement Fund, Fund No. 5500, Project Number C166120; and Downtown and Gateway Street Improvements, Fund No. 2210, Project Number C181010. The funds needed to complete this phase of the project are \$530,000, and are available.

BACKGROUND

The 29th Avenue Gateway Improvements consist of landscaping, street trees, decorative paving and railing along 29th Avenue from the Oakland side of the Park Street Bridge to the freeway overpass over I-880. In addition, the project also includes resurfacing of 23rd and 29th Avenues and Ford Street, curb ramps and sidewalk repair.

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The project meets the Mayor/City Council Goals and Citywide Objectives **#3 Improve Oakland Neighborhoods**, and **#6 Maintain & Enhance Oakland's Physical Assets** by improving the physical appearance, livability and integrity of this neighborhood.

KEY ISSUES AND IMPACTS

Construction should begin as soon as possible in order to have work completed before the rainy season. Under the current Council process, an award of contract would not come to the Public Works Committee until the first scheduled meeting after the summer recess on September 23, and subsequently be approved by the City Council on October 7. Execution of a contract normally takes approximately one month, resulting in a construction start date of early to mid November and construction taking approximately 10 weeks. Beginning construction in November could result in delays and reduced productivity. Paving must be completed during dry and mild weather.

In order to expedite the execution of a construction contract, Public Works will concurrently advertise for bids and award a contract to the responsible low bidder after Council approves the resolution. In the event that bids are not received, or bids are not responsive, the Interim City Manager or her designee will reject bids and negotiate a contract not to exceed \$530,000. Bidders will be required to meet the City's standard bid and contracting requirements, including Local/Small Local Business Enterprise goals.

The following schedule is proposed for the project:

Request & Open Informal Bids:	July 28–August 18, 2003
Award Contract:	August 25, 2003
Execute Contract:	August 26-September 12, 2003
Begin Construction:	September 15, 2003
Complete Construction:	November 14, 2003

SUSTAINABLE OPPORTUNITIES

This project includes planting of 24 street trees as well as shrubs and ground cover, which have an incremental improvement to air quality. Improvements to the aesthetics and pedestrian facilities will aid in making walking a more attractive mode of transportation, thereby encouraging reduction in automobile usage and reducing vehicle emissions.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as wheelchair ramps and improved sidewalks, which will serve pedestrians and assist senior citizens and persons with disabilities.

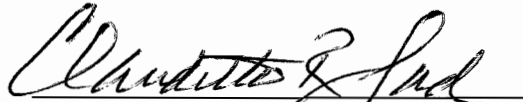
RECOMMENDATION AND RATIONALE

Staff recommends that the resolution be approved in order to expedite the construction of 29th Avenue Gateway Improvements, including the resurfacing of 29th and 23rd Avenues.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution to authorize the City Manager to award a construction contract not to exceed \$530,000.

Respectfully submitted,




CLAUDETTE R. FORD
Director, Public Works Agency

Reviewed by:
Raul Godinez II, P.E.
Assistant Director, Public Works Agency
Design & Construction Services

Prepared by:
Wladimir Wlassowsky, P.E.
Supervising Civil Engineer

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE

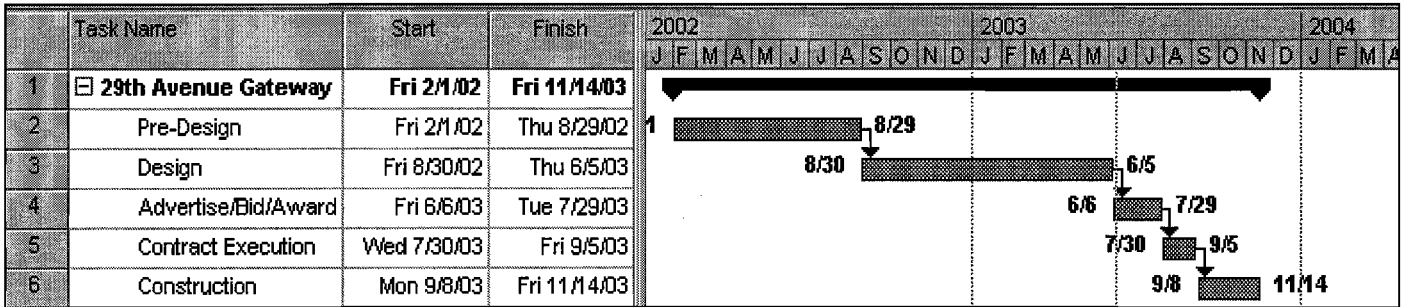


OFFICE OF THE CITY MANAGER

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Attachment A

Project Schedule



OAKLAND CITY COUNCIL

RESOLUTION No. _____

C. M. S.

FILED
OFFICE OF THE CITY CL
OAKLAND

2003 JUL 10 PM 3:20

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$530,000, FOR CONSTRUCTION OF THE 29TH AVENUE GATEWAY IMPROVEMENTS, WITHOUT RETURN TO COUNCIL, PROVIDED THAT IF THE BIDS ARE NOT RECEIVED OR ARE NON-RESPONSIVE, THE CITY MANAGER MAY REJECT ALL BIDS AND NEGOTIATE AND AWARD THE CONTRACT NOT TO EXCEED \$530,000, WITHOUT RETURN TO COUNCIL

WHEREAS, the 29th Avenue Gateway Improvements is an approved and funded project in the City of Oakland's 2001-2006 Capital Improvement Program; and

WHEREAS, construction of the 29th Avenue Gateway Improvements consists of landscaping, street trees, decorative paving and railing along 29th Avenue from the Park Street Bridge to the City of Alameda, to the freeway overpass over I-880, as well as resurfacing of 23rd and 29th Avenues and Ford Street, construction of curb ramps and sidewalk repair; and

WHEREAS, the City will advertise and solicit competitive bids for this project provided that the urgent need to have a contract in place makes it necessary to accelerate the contract award process by authorizing the City Manager to award a contract without return to Council; and

WHEREAS, there are sufficient funds available in Fund No. 2210, Project Number C166110; and Municipal Capital Improvement Fund, Fund No. 5500, Project Number C166120; and Downtown and Gateway Street Improvements, Fund No. 2210, Project Number C181010 for the contract work; 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

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PUBLIC WORKS CMTE
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RESOLVED: That the City Manager, is authorized to award a contract for the 29th Avenue Gateway Improvements to the lowest responsible bidder, in accordance with the terms of its bid therefore, for an amount not to exceed Five Hundred Thirty Thousand Dollars (\$530,000), without return to Council; 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 of one-half 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 in the event that bids are not received, or bids are deemed not responsive, the City Manager is authorized to reject bids and negotiate a contract not to exceed \$530,000, without return to Council; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to execute any amendments or modifications to said agreement; 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2003

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council

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PUBLIC WORKS CMTE
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