

OFFICE OF THE CITY CLERK
2006 JUN 27 11:13:13

CITY OF OAKLAND
AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: June 27, 2006

RE: (1) Resolution Authorizing The City Administrator To Reject All Bids, To Waive Further Competitive Bidding And To Negotiate And Award A Construction Contract For The Broadway Phase II And III Sidewalk Improvement Project (Project No. C194920) For An Amount Not To Exceed Two Million Eight Hundred Fifty Thousand Dollars (\$2,850,000.00) With Return To Council, And Accepting A Five Hundred Thirty-Eight Thousand Dollar (\$538,000.00) Contribution From The Redevelopment Agency For The Project Under The Cooperation Agreement; And

(2) An Agency Resolution Authorizing A Contribution Of Five Hundred Thirty-Eight Thousand Dollars (\$538,000.00) From The Central District Redevelopment Project To The City Of Oakland Under The Cooperation Agreement To Fund The Broadway Phase II And III Sidewalk Improvement Project

SUMMARY

A resolution has been prepared authorizing the City Administrator to reject all bids for the Broadway Phase II and III Sidewalk Improvement Project (Project C194920). The resolution also requests authorization for the City Administrator, or her designee, to negotiate and award a construction contract for an amount not to exceed \$2,850,000.00, with return to Council. Due to the funding sources involved, the negotiated contract will require compliance with the Alameda County Transportation Improvement Authority's (ACTIA) Local/Small Local Business Enterprise (L/SLBE) Program. All other City business and employment programs will apply to the contract.

On March 20, 2006, the City Clerk received two bids for the Project: 1) \$2,465,674.00 from McGuire & Hester (Oakland), and 2) \$2,846,198.00 from Sposeto Engineering (Union City). Both bids exceeded the engineer's estimate of \$2,264,016.00. Neither bid was in full compliance with the contracting requirements as determined by ACTIA representatives and the Contract Compliance Employment Services Division of the City Administrator's Office (Contract Compliance).

Approval of this resolution will allow the City to proceed with the second and third phases of Broadway sidewalk improvements. This project includes the replacement of existing sidewalk pavement and the addition of trees, benches, bike racks, and trash receptacles along portions of Broadway from 12th to 20th Streets.

Item: _____
Public Works Committee
June 27, 2006

This project is consistent with the Mayoral and City Council goal to provide clean, well-maintained and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees. The project is located in Council District 3.

FISCAL IMPACT

This resolution will authorize a construction contract in an amount not to exceed \$2,850,000.00. This project has three different funding sources. Broadway Phase II is funded by an Alameda County Congestion Management Agency Transportation Improvement Program (ACCMA TIP) grant in the amount of \$1,282,000.00. These funds are located in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), Structures and Improvements Account (57311), Broadway Phase II Streetscape Project (G273910). Broadway Phase III is funded by ACTIA Measure B funds in the amount of \$1,030,000.00. These funds are located in the ACTIA Reimbursable Grants Fund (2214), Capital Improvement Project – Economic Development Organization (94800), Structures and Improvements Account (57311), 14th & Broadway Transit Center Project (C194920). A third funding source is FY 2005-07 Agency streetscape funds in the amount of \$538,000.00. These funds are located in the Central District Tax Allocation Bond Fund (9533), Capital Improvement Project – Economic Development Organization (94800), Structures and Improvements Account (57311), Downtown Streetscape Implementation Project (P128830) to the City, Oakland Redevelopment Agency Clearing Fund, within the Public Works Agency. The FY 2005-07 Agency funds were originally planned to be used for improvements on Broadway and Telegraph Avenue from 20th Street (Thomas Berkley Way) to West Grand Avenue. These planned improvements are currently being deferred.

BACKGROUND

In October 2000, a Schematic Master Plan (“Plan”) for Broadway was approved by the City Council. The adopted plan served as a guide for the streetscape improvements and included recommendations for the sidewalk paving patterns and treatments that would follow along the Broadway corridor.

Broadway Phase I, commonly referred to as the 14th and Broadway Transit Center, was the first phase of improvements made on the east side of Broadway from 13th to 15th Streets. The project was approved by Council in July 2001.

Broadway Phase II, the second phase of improvements, went to bid in May 2004, but no bids were received. In an effort to attract bidder interest and because the Broadway Phase III documents were then complete, staff made a decision to combine the Broadway Phase II with Broadway Phase III project.

The combined Broadway Phase II and III project went out to bid in August 2005, and again no bids were received. To evaluate why contractors were not bidding on the project, staff subsequently approached and interviewed four plan holders. As a result of those interviews, staff adjusted the specifications to allow for portions of the work to be performed during the day, an option previously not available to contractors, to provide for an extended bid period, and to re-

bid the project during the winter months, a period when many contractors typically need work. Hence, the project was bid for a third time in February 2006.

On March 20, 2006, the City Clerk received two bids for the Broadway Phase II and III Sidewalk Improvement Project (Project C194920) as shown in Attachment 1. McGuire & Hester (Oakland) and Sposeto Engineering (Union City) submitted bids of \$2,465,674.00 and \$2,846,198.00, respectively. Both bids exceeded the engineer's base bid estimate of \$2,264,016.00 (as shown in Attachment 1). Because the project is using Measure B funds, ACTIA L/SLBE requirements were applied to this project. ACTIA established a goal of sixty percent (60%) LBE and twenty percent (20%) SLBE participation for construction projects. SLBE contractors count towards achieving the LBE goal. All other City business and employment programs apply to this project. ACTIA and City Contract Compliance staff subsequently determined that McGuire & Hester, the lower bidder, did not meet ACTIA's L/SLBE requirement. Sposeto Engineering, the higher bidder, did not meet the City's Equal Benefits Ordinance. This information is provided in Attachment 2.

Therefore, the bids from McGuire & Hester and Sposeto Engineering should be rejected for exceeding the engineer's estimate and because McGuire & Hester failed to meet the ACTIA L/SLBE requirement. Staff seeks approval to reject both bids and to negotiate a contract within the construction budget, starting with the lowest bidder and if necessary moving to the second lowest bidder, and award a construction contract with return to City Council in late September, 2006 for final approval of the project, in an amount not to exceed \$2,850,000.00. A 15% contingency is included in this authorization request. Staff will work with the contractor to ensure that they fully comply with both ACTIA and the City's business and employment requirements.

PROJECT DESCRIPTION

The Broadway Phase II and III Sidewalk Improvement Project is located in downtown Oakland. The Broadway Phase II project area extends from 12th to 17th Street along Broadway; the Phase III project area extends from 17th to 20th Street. This project will feature the replacement of existing deteriorated seeded-aggregate sidewalks with new integrally colored concrete paving, waterproofing of basements and the addition of new street trees and tree grates, benches, bike racks and trash receptacles.

This streetscape project is intended to support the varied uses planned for this core commercial and retail district. Existing sidewalks are slippery when wet, cracked and in need of replacement. This project directly benefits Downtown merchants and pedestrians.

The City has independently reviewed and considered this environmental determination, and the City finds and determines that the project is categorically exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines.

KEY ISSUES AND IMPACTS

Staff requests authorization to reject all bids, to negotiate and to award a construction contract within the project budget for an amount not to exceed \$2,850,000.00 with return to Council. The City's Municipal Code, Title 2, Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is not in the City's best interest to formally bid the work. The negotiated contract will be in compliance with the ACTIA L/SLBE policy as well as the City of Oakland's business and employment program requirements.

The first key issue concerns timing and project delay. This request is being made in an effort to expedite project construction of this long-delayed project. Re-bidding the project would likely translate into increased labor and material costs, and there is no assurance that the project, if bid again, would receive bids in the current competitive bidding climate.

The second key issue is the sidewalk pavement color and treatment. In response to staff and community concerns that the new pavement design does little to hide dirt and gum stains, staff requested the consultant to provide additional pavement samples. The pavement sample selected is significantly darker in color and includes a medium sandblast finish to expose some depth and texture in the sidewalk. City staff has made reasonable and cost-effective adjustments to the color and finish of the concrete in an effort to hide gum and dirt stains.

The sidewalk paving pattern for Broadway Phase II and III has been retained for the following reasons:

- In October 2000, the Schematic Master Plan for Broadway was approved by Council and included recommendations for a paving pattern and served as the primary guide for future Broadway streetscape improvements;
- In July 2001, Broadway Phase I construction was approved by Council, thereby establishing the paving pattern for Broadway;
- In March 2004, the Broadway Phase II improvements had been designed and packaged, extending the design of Broadway Phase I;
- In December 2005, the Broadway Phase III design was completed and continued the design established in the first two phases; and
- The existing seeded-aggregate sidewalk is slippery and poses a safety concern. PWA has received numerous complaints from pedestrians.

The third key issue is business access during construction. This project will occur in the Downtown core. PWA and Redevelopment Agency staff have made presentations to the Uptown Merchants, the Downtown Oakland Metropolitan Chamber of Commerce, and held a community meeting seeking to identify concerns of downtown businesses regarding construction related issues. The two major concerns identified were parking and maintaining access to businesses. The project specifications require that ADA compliant access be maintained to all businesses. Staff will ensure that business access is provided during construction and that any disruptions will be minimized. Efforts to address the parking issue include providing improved signage and providing a list of underutilized City parking garages to merchants.

Approval of this resolution will help ensure the award of a construction contract by late September 2006, so that construction can begin before the next rainy season. The duration of the work is 150 working days from the date of the Notice to Proceed with completion scheduled for March 2007. The construction contract specifies \$1,000.00 per calendar day in liquidated damages if the contract completion time of 150 working days is exceeded.

SUSTAINABLE OPPORTUNITIES

Economic: Project construction will utilize local businesses in accordance with ACTIA's L/SLBE Policy, and in accordance with the City of Oakland's business and employment requirements. This project will create jobs for Oakland and Alameda County residents, and generate business tax, sales tax, and other revenues for the City and County from the project contractors and suppliers. In addition, the project will enhance the physical appearance of downtown Oakland, which will encourage future economic investment.

Environmental: Project improvements will enhance the Downtown by providing additional street trees. The project will incorporate to the extent feasible recycled content building materials and explore other environmental opportunities such as waste reduction.

Social Equity: The addition of street furnishings, including street trees, newspaper racks, benches, bike racks and trash receptacles, will enhance conditions for pedestrians and the immediate neighborhood.

DISABILITY AND SENIOR CITIZEN ACCESS

The project will be in compliance with the physical access requirements of the Americans with Disabilities Act, and will provide equal opportunity and access for pedestrians along Broadway. ADA-compliant curb ramps will be implemented.

RECOMMENDATIONS AND RATIONALE

Staff recommends that the Council approve the resolution authorizing the City Administrator, or her designee, to reject all bids, waive further competitive bidding and to negotiate and award a construction contract for an amount not to exceed \$2,850,000.00 with return to Council, for the Broadway Phase II and III Sidewalk Improvement Project. Re-bidding this project would be impractical as it would delay the project and lead to further cost increases.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the following items: (1) A City resolution authorizing the City Administrator to reject all bids, to waive further competitive bidding and to negotiate and award a construction contract for the Broadway Phase II and III Sidewalk Improvement Project (Project No. C194920) for an amount not to exceed Two Million Eight Hundred Fifty Thousand Dollars (\$2,850,000.00) with return to Council, and accepting a Five Hundred Thirty-Eight Thousand Dollar (\$538,000.00) contribution from the Redevelopment

Agency for the project under the Cooperation Agreement; and (2) An Agency resolution authorizing a contribution of Five Hundred Thirty-Eight Thousand Dollars (\$538,000.00) from the Central District Redevelopment Project to the City of Oakland under the Cooperation Agreement to fund the Broadway Phase II and III Sidewalk Improvement Project.

Respectfully submitted,

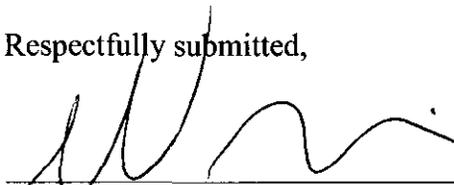


Raul Godinez, II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency

Prepared By:
Emad Mirsaeidi, P.E.
Supervising Civil Engineer
Engineering Design & Right-of-Way Mgmt.

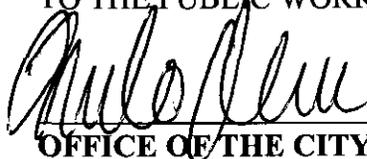
Respectfully submitted,



Daniel Vanderprie
Director of Redevelopment, Economic
Development, and Housing

Prepared by:
George Durney
UEA IV
Redevelopment Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment 1: March 2006 Bid Results
Attachment 2: Contract Compliance Memo

Attachment 1
Canvass of Bids

PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

Project Title: Phase II Broadway Sidewalk Improvements
Project No. G273910(1 of 2 Projects)
Bid Date: March 20, 2006
Working Days: 150

Sposeta Engineering, Inc. 4301 Bettencourt Way Union City, Ca 94587 (510) 487-2424	McGuire and Hester 9009 Railroad Avenue Oakland, CA 94603 (510) 832-7676
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Base Bid				Engineer's Estimate						
Item No.	Payment Spec.	Total Project	Unit of Measure	Contract Item	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	9-3.4	1	LS	Mobilization (4%)	\$ 46,308.59	\$ 46,308.59	\$ 54,000.00	\$ 54,000.00	\$ 48,000.00	\$ 48,000.00
2	7-10	1	LS	Vehicular Traffic and Pedestrian Control	\$ 28,000.00	\$ 28,000.00	\$ 65,000.00	\$ 65,000.00	\$ 124,862.00	\$ 124,862.00
3	300-1.3.3	771	LF	Remove Traffic Striping & Pavement Markings	\$ 7.00	\$ 5,397.00	\$ 13.00	\$ 10,023.00	\$ 5.30	\$ 4,086.30
4	300-1.4	1	LS	Cleaning & Grubbing (includes Tree Work and Tree Removal Permit)	\$ 16,500.00	\$ 16,500.00	\$ 29,000.00	\$ 29,000.00	\$ 8,500.00	\$ 8,500.00
5	300-1.4	23,564	SF	Demolition	\$ 8.50	\$ 200,294.00	\$ 12.90	\$ 303,975.60	\$ 6.00	\$ 141,384.00
6	300-1.4	1	LS	Remove & Replace Misc. Items	\$ 15,000.00	\$ 15,000.00	\$ 39,180.00	\$ 39,180.00	\$ 30,000.00	\$ 30,000.00
7	303-5.9	340	LF	8" High Concrete Curb	\$ 17.25	\$ 5,865.00	\$ 48.00	\$ 16,320.00	\$ 58.00	\$ 19,720.00
8	303-5.9	1,250	SF	Reinforced Concrete Bus Pad	\$ 20.70	\$ 25,875.00	\$ 25.00	\$ 31,250.00	\$ 30.00	\$ 37,500.00
9	303-5.9	1,740	SF	Concrete Gutter	\$ 17.83	\$ 31,015.50	\$ 20.00	\$ 34,800.00	\$ 36.00	\$ 62,640.00
10	303-7.5	18,606	SF	Colored Concrete Sidewalk over E Basements	\$ 15.00	\$ 279,090.00	\$ 22.70	\$ 422,356.20	\$ 20.00	\$ 372,120.00
11	303-7.5	6	EA	Colored Concrete Curb Ramp, Type C or E	\$ 2,875.00	\$ 17,250.00	\$ 3,500.00	\$ 21,000.00	\$ 5,300.00	\$ 31,800.00
12	303-9.2	54	EA	Enriched Paving Squares	\$ 1,320.00	\$ 71,280.00	\$ 1,200.00	\$ 64,800.00	\$ 1,100.00	\$ 59,400.00
13	304-5.4	7	EA	Bench	\$ 2,288.00	\$ 16,016.00	\$ 2,800.00	\$ 19,600.00	\$ 4,600.00	\$ 32,200.00
14	304-5.4	2	EA	Newspaper Rack	\$ 2,860.00	\$ 5,720.00	\$ 7,400.00	\$ 14,800.00	\$ 6,000.00	\$ 12,000.00
15	304-5.4	12	EA	Trash Receptacle	\$ 1,830.00	\$ 21,960.00	\$ 2,600.00	\$ 31,200.00	\$ 1,800.00	\$ 21,600.00
16	304-5.4	15	EA	(N) Tree Grates & Frames at (N) Trees	\$ 1,925.00	\$ 28,874.94	\$ 3,100.00	\$ 46,500.00	\$ 2,500.00	\$ 37,500.00
17	304-5.4	24	EA	Replace Tree Grates & Frames at (E) trees	\$ 2,675.00	\$ 64,199.90	\$ 3,350.00	\$ 80,400.00	\$ 2,600.00	\$ 62,400.00
18	304-5.4	1	EA	W-11 Traffic Sign	\$ 1,100.00	\$ 1,100.00	\$ 795.00	\$ 795.00	\$ 800.00	\$ 800.00
19	306-1.6	26	LF	12" RCP Class IV SD	\$ 132.00	\$ 3,432.00	\$ 320.00	\$ 8,320.00	\$ 410.00	\$ 10,660.00
20	306-9	1	EA	Type E-4 Inlet	\$ 4,576.00	\$ 4,576.00	\$ 5,000.00	\$ 5,000.00	\$ 3,400.00	\$ 3,400.00
21	308-8	15	EA	36" Box Trees (includes Soils Test, Soil Prep.,	\$ 3,080.00	\$ 46,200.00	\$ 1,700.00	\$ 25,500.00	\$ 1,800.00	\$ 24,000.00
22	308-8	10	EA	Prune (E) Trees	\$ 750.00	\$ 7,500.00	\$ 320.00	\$ 3,200.00	\$ 1,200.00	\$ 12,000.00
23	308-8	1	LS	90-Day Tree Maintenance Period	\$ 5,500.00	\$ 5,500.00	\$ 8,000.00	\$ 8,000.00	\$ 2,100.00	\$ 2,100.00
24	308-8.3	1	EA	SD Drop Manhole	\$ 5,500.00	\$ 5,500.00	\$ 9,000.00	\$ 9,000.00	\$ 4,900.00	\$ 4,900.00
25	310-5.6.1	126	SF	Pavement Markings (Arrows for Drop Lane)	\$ 5.50	\$ 693.00	\$ 27.00	\$ 3,402.00	\$ 6.50	\$ 819.00
26	310-5.6.1	220	LF	Thermoplastic 12" White Crosswalk Striping	\$ 5.50	\$ 1,210.00	\$ 13.00	\$ 2,860.00	\$ 6.50	\$ 1,430.00
27	311-2.7	13,925	SF	Waterproofing over E Basements	\$ 17.93	\$ 249,666.29	\$ 5.00	\$ 69,625.00	\$ 3.50	\$ 48,737.50
SUBTOTAL BASE BID						\$ 1,204,023.21		\$ 1,419,906.80		\$ 1,214,558.80

PUBLIC WORKS AGENCY
CONTRACT ADMINISTRATION
CANVASS OF BIDS

Project Title : Broadway Phase II Sidewalk Improvements
Project No.: G273910 (1 of 2 Projects)
Bid Date: March 20, 2006
Working Days: 150

Alternate Bid No. 1

Engineer's Estimate

Sposeta Engineering, Inc. 4301 Bettencourt Way Union City, Ca 94587 (510) 487-2424	McGuire & Hester 9009 Railroad Avenue Oakland, CA 94603 (510) 632-7676
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Item No.	Payment Spec. Sec. No.	Quantity	Unit of Measure	Contract Item	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	9-3.4	1	LS	Mobilization (4% of Total) includes Cleanup	\$5,716.66	\$5,716.66	\$ 7,000.00	\$ 7,000.00	\$ 6,500.00	\$ 6,500.00
2	7-10	1	LS	Vehicular Traffic & Pedestrian Control	\$4,000.00	\$4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 21,148.00	\$ 21,148.00
3	300-1.4	1	LS	Clearing & Grubbing (includes Tree Work and Tree Removal Permit)	\$2,500.00	\$2,500.00	\$ 5,000.00	\$ 5,000.00	\$ 1,300.00	\$ 1,300.00
4	300-1.4	3,910	SF	Demolition	\$8.50	\$33,235.00	\$ 6.50	\$ 25,415.00	\$ 5.50	\$ 21,505.00
5	300-1.4	1	LS	Remove & Replace Misc. Items	\$2,000.00	\$2,000.00	\$ 12,500.00	\$ 12,500.00	\$ 6,000.00	\$ 6,000.00
6	303-7.5	3,790	SF	Colored Concrete Sidewalk, 3 1/2" Thick	\$14.95	\$56,660.50	\$ 21.70	\$ 82,243.00	\$ 17.50	\$ 66,325.00
7	303-7.5	2	EA	Colored Concrete Curb Ramp, Type C or E	\$2,875.00	\$5,750.00	\$ 3,000.00	\$ 6,000.00	\$ 5,300.00	\$ 10,600.00
8	303-9.2	11	EA	Enriched Paving Squares	\$1,320.00	\$14,520.00	\$ 1,200.00	\$ 13,200.00	\$ 1,100.00	\$ 12,100.00
9	304-5.4	2	EA	Bench	\$2,288.00	\$4,576.00	\$ 2,800.00	\$ 5,600.00	\$ 4,500.00	\$ 9,000.00
10	304-5.4	2	EA	Trash Receptacle	\$1,830.00	\$3,660.00	\$ 2,600.00	\$ 5,200.00	\$ 1,800.00	\$ 3,600.00
11	304-5.4	3	EA	Tree Grates & Frames	\$1,925.00	\$5,774.99	\$ 3,100.00	\$ 9,300.00	\$ 2,400.00	\$ 7,200.00
12	308-8	3	EA	36" Box Trees (includes Soils Test, Soil Prep., Amendments, etc.)	\$3,080.00	\$9,240.00	\$ 1,700.00	\$ 5,100.00	\$ 1,500.00	\$ 4,500.00
13	308-8	1	LS	90-Day Tree Maintenance Period	\$1,000.00	\$1,000.00	\$ 1,600.00	\$ 1,600.00	\$ 3,000.00	\$ 3,000.00
SUBTOTAL BASE BID						\$148,633.15		\$183,158.00		\$172,778.00

Project Name: Phase III Broadway Sidewalk Improvements
 Project No. G237910(2 of 2 Projects)
 Bid Date: March 20, 2006
 Working Days: 150

PUBLIC WORKS AGENCY
 CONTRACT ADMINISTRATION
 CANVASS OF BIDS

Sposeto Engineering, Inc
 4301 Bettencourt Way
 Union City, CA 94587
 (510)487-2424

McGuire And Hester
 9009 Railroad Avenue
 Oakland, CA 94603
 (510) 632-7676

ENGINEER'S ESTIMATE

Item No.	Ref. Spec. Sec. No.	Approx. Quantity	Unit of Measure	Bid Item	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	9-3.4	1	LS	Mobilization (4% of Total) includes Cleanup	\$40,768.96	\$40,768.96	\$ 54,000.00	\$ 54,000.00	\$ 50,000.00	\$ 50,000.00
2	7-10	1	LS	Vehicular Traffic & Pedestrian Control	\$20,045.00	\$20,045.00	\$ 62,000.00	\$ 62,000.00	\$ 122,863.00	\$ 122,863.00
3	300-1.4	1	LS	Clearing & Grubbing (includes Tree Work & Tree Permit)	\$19,508.00	\$19,508.00	\$ 27,000.00	\$ 27,000.00	\$ 3,900.00	\$ 3,900.00
4	300-1.4	26,459	SF	Demolition	\$6.32	\$167,187.00	\$ 9.90	\$ 261,944.10	\$ 5.75	\$ 152,139.25
5	300-1.4	1	LS	Remove & Replace Misc. Items	\$13,898.00	\$13,898.00	\$ 40,000.00	\$ 40,000.00	\$ 32,000.00	\$ 32,000.00
6	303-6.3	1	LS	New Pipe Standards for Parking Meters	\$668.00	\$668.00	\$ 5,200.00	\$ 5,200.00	\$ 7,900.00	\$ 7,900.00
7	303-7.5	5	EA	Alternative Built-Up Curb Ramps	\$868.60	\$4,343.00	\$ 3,500.00	\$ 17,500.00	\$ 5,000.00	\$ 25,000.00
8	303-7.5	9	EA	Colored Concrete Curb Ramp, Type C or E	\$2,854.44	\$25,690.00	\$ 3,000.00	\$ 27,000.00	\$ 5,000.00	\$ 45,000.00
9	303-7.5	388	SF	Colored Concrete Driveway	\$16.04	\$6,222.00	\$ 32.00	\$ 12,416.00	\$ 27.50	\$ 10,870.00
10	303-7.5	8,857	SF	Colored Concrete Sidewalk over Basement, 4" Avg. Thickness	\$14.35	\$127,092.00	\$ 22.70	\$ 201,053.90	\$ 17.50	\$ 154,997.50
11	303-7.5	17,802	SF	Colored Concrete sidewalk, 3 1/2" Thick	\$14.88	\$261,981.00	\$ 22.00	\$ 387,244.00	\$ 20.00	\$ 352,040.00
12	303-9.2	85	EA	Enriched Paving Squares	\$818.14	\$69,542.00	\$ 1,200.00	\$ 102,000.00	\$ 1,100.00	\$ 93,500.00
13	304-5.4	3	EA	Bench	\$1,803.67	\$4,811.00	\$ 2,800.00	\$ 8,400.00	\$ 4,500.00	\$ 13,500.00
14	304-5.4	2	EA	Bike Rack	\$467.50	\$935.00	\$ 800.00	\$ 1,600.00	\$ 1,100.00	\$ 2,200.00
15	304-5.4	2	EA	Sign Relocation	\$668.00	\$1,336.00	\$ 700.00	\$ 1,400.00	\$ 500.00	\$ 1,000.00
16	304-5.4	3	EA	Trash Receptacle	\$1,202.67	\$3,608.00	\$ 2,600.00	\$ 7,800.00	\$ 1,800.00	\$ 5,400.00
17	304-5.4	25	EA	Tree Grate & Frame	\$1,670.44	\$41,761.00	\$ 3,100.00	\$ 77,500.00	\$ 2,500.00	\$ 62,500.00
18	307-2.4.1	24	EA	Replace/Relocate City Utility Box	\$2,472.25	\$59,334.00	\$ 2,865.00	\$ 68,760.00	\$ 2,600.00	\$ 62,400.00
19	308-8	5	EA	Prune (E) Tree	\$750.00	\$3,750.00	\$ 320.00	\$ 1,600.00	\$ 2,300.00	\$ 11,500.00
20	308-8	8	EA	36" Box Tree (includes Soil Test, Soil Prep., Amendments, etc.)	\$3,071.88	\$24,575.00	\$ 1,700.00	\$ 13,600.00	\$ 1,600.00	\$ 12,800.00
21	308-8	1	LS	90-Day Tree Maintenance Period	\$4,009.00	\$4,009.00	\$ 2,200.00	\$ 2,200.00	\$ 2,100.00	\$ 2,100.00
22	310-5.6.1	108	LF	Concrete Curb Painting	\$2.68	\$289.00	\$ 11.00	\$ 1,188.00	\$ 10.50	\$ 1,134.00
23	311-2.7	8,857	SF	Waterproofing over Basements	\$17.93	\$158,840.00	\$ 5.00	\$ 44,285.00	\$ 3.00	\$ 26,571.00
BASE BID SUBTOTAL					\$1,059,992.96	\$1,059,992.96	\$ 1,426,291.00	\$ 1,426,291.00	\$ 1,251,114.75	\$ 1,251,114.75

APPROVED BY: Gwen McPernick DATE: 3/30/2006

Attachment 2

ACTIA/CITY Compliance Analysis

LBE/SLBE EVALUATION SUMMARY
Alameda County Transportation Improvement Authority
City of Oakland Broadway Sidewalk Improvements Phase II/III
March 29, 2006
Goal Attainment

Prime Contractor	SLBE	LBE	Comments	
Sposeto Engineering	94.7%	94.7%	SLBE goals met	LBE goals met
McGuire and Hester	4.7%	99.4%	SLBE goals not met	LBE goals met

Prime Contractor : Sposeto Engineering
LBE/SLBE Status of Prime: SLBE
Certifying Agency: ACTIA
Expiration Date: 6/9/2006
Prime Contractor Participation: \$2,626,598 92.3%
Prime Contractor SLBE Participation: \$2,626,598 92.3%
Prime Contractor LBE Participation: \$2,626,598 92.3%
Total SLBE Participation: \$2,696,598 94.7%
Total LBE Participation: \$2,696,598 94.7%
Total Bid Amount: \$2,846,198

Subcontractors Evaluation

LBE Subcontractors	Dollars	Percentage	Certifying Agency	Expiration Date
None				

SLBE Subcontractors*	Dollars	Percentage	Certifying Agency	Expiration Date
CJC Trucking	\$5,000	0.2%	Port of Oakland	4/1/2007
Ray's Electric	\$65,000	2.3%	ACTIA	4/8/2006
Total SLBE subcontractors	\$70,000	2.5%		

**SLBE subcontractors also count towards LBE goals*

Other Subcontractors	Dollars	Percentage
Lonestar Landscape	\$57,000	2.0%
Atlas Trees	\$6,000	0.2%
Delta Bay Waterproofing	\$82,000	2.9%
RC Shay Co.	\$4,600	0.2%
Non L/SLBE Subcontractors	\$149,600	5.3%

Prime Contractor : McGuire and Hester
LBE/SLBE Status of Prime: LBE
Certifying Agency: ACTIA
Expiration Date: 7/8/2006
Prime Contractor Participation: \$2,333,673.55 95%
Prime Contractor LBE Participation: \$2,333,673.55 95%
Total SLBE Participation: \$116,000.00 4.7%
Total LBE Participation: \$2,449,673.55 99%
Total Bid Amount: \$2,465,673.55

Subcontractors Evaluation

LBE Subcontractors	Dollars	Percentage	Certifying Agency	Expiration Date
None				

SLBE Subcontractors*	Dollars	Percentage	Certifying Agency	Expiration Date
Ray's Electric	\$60,000	2.4%	ACTIA	4/8/2006
Monroe Trucking	\$25,000	1.0%	Port of Oakland	7/1/2006
Bayline Concrete Cutting and Coring	\$31,000	1.3%	ACTIA	3/22/2007
Total SLBE subcontractors	\$116,000	4.7%		

**SLBE Subcontractors also count towards LBE goals*

Other Subcontractors	Dollars	Percentage
Sealant Technologies	\$16,000	0.6%
Total Non-L/SLBE Subcontractors	\$16,000	0.6%



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick, PWA—Contract Administration
From: Shelley Darensburg, Contract Compliance Officer, CC&ES Division
Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
CC: Sunny Nguyen, CEDA
Joyce Carlson, PWA
Date: April 6, 2006
Re: **ACTIA Compliance Analysis**
Broadway Sidewalk Improvement, Phase II and III
Project No. C194920

Contract Compliance & Employment Services is in receipt of the two proposals for the above referenced project. This project was funded by the Alameda County Transportation Authority (ACTA) and the Alameda County Transportation Improvement Authority (ACTIA). Due to the funding sources, ACTIA's Local Business Enterprise (LBE) and Small Local Business Enterprise (SLBE) Program was applied to this project. ACTIA established a goal of 60% LBE and 20% SLBE participation for construction projects. SLBE contractors also count toward the LBE goal. Below, is the outcome of our compliance evaluation based on ACTIA policy. Also, contained below is a preliminary review of compliance with the Equal Benefits Ordinance (EBO).

The L/SLBE findings are as follows:

		Proposed Participation				
	Company Name	Bid Amount (If Applicable)	Total L/SLBE	LBE	SLBE	EBO Compliant (Y/N)
1	McGuire & Hester	\$2,465,674	99%	95%	5%	Y
2	Sposeto Engineering	\$2,846,198	98%	95%	98%	N

As noted above, McGuire & Hester, lowest bidder did not meet the 20% ACTIA SLBE goal and is thus not in compliance. Sposeto Engineering, second lowest bidder, met the 60% LBE goal and the 20% SLBE goal and is in compliance. McGuire & Hester is in compliance with the Equal Benefits Ordinance. Sposeto Engineering is not in compliance with the Equal Benefits Ordinance.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C195920

Project Name: Broadway Sidewalk Improvement, Phase II and III

Contractor: McGuire & Hester

Contractor's Bid Amount: \$2,465,674

1. Did the 60% LBE goal and 20% SLBE goal apply? Yes

2. Did the contractor meet the 60 LBE goal? Yes

3. Did the contractor meet the 20% SLBE goal? No

a) % of LBE 95%

b) % of SLBE 5%

5. Additional Comments.

Contractor met the 60% LBE goal but did not meet the 20% SLBE goal.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

4/6/2006

Reviewing

Officer: Shelley Darenburg

Date: 4/6/2006

Approved By: Joseph Barner

Date: 4/6/06

LBE/SLBE Participation Bidder 1

Project Name: **Broadway Sidewalk Improvement, Phase II and III**

Project No.: C195920		Engineers Est: \$1,204,023.21				Engineers Estimate: \$1,059,992.96				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)		
								Ethn.	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	2,333,674		2,333,674	2,333,674	C		
Electrical	Ray's Electric	Oakland	CB		60,000	60,000	60,000	C		
Joint Sealant	Sealant Technologies	Walnut Creek	UB				16,000	NL		
Saw Cutting	Bay Line Cutting & Coring	Oakland	CB		31,000	31,000	31,000	H	31,000	
Trucking	Monroe Trucking	Oakland	CB		25,000	25,000	25,000	AA	25,000	
Project Totals				\$2,333,674	\$116,000	\$2,449,674	\$2,465,674		\$0	\$0
				95%	5%	99%	100%		0%	0%
Alameda County Transportation Authority (ACTA) and Alameda County Transportation Improvement Authority (ACTIA): The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

Contract Compliance and Employment Services Evaluation Form

Project No.: C195920

Project Name: Broadway Sidewalk Improvement, Phase II and III

Contractor: Sposeto Engineering

Contractor's Bid Amount: \$2,846,198

1. Did the ACTIA 60% LBE and 20% goals apply? Yes

2. Did the contractor meet the 60% LBE goal? Yes

3. Did the contractor meet the 20% SLBE goal Yes

a)	% of LBE	<u>95%</u>
b)	% of SLBE	<u>98%</u>

5. Additional Comments.

Contractor met the 60% LBE goal and the 20% SLBE goal. SLBE contractors also count toward the LBE goal.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

4/6/2006

Reviewing

Officer: Shelley Darenstberg

Date: 4/6/2006

Approved By:

Deborah Barne
* DOB 4/12/06

Date: 4/6/06

LBE/SLBE Participation Bidder 2

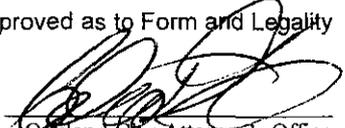
Project Name: **Broadway Sidewalk Improvement, Phase II and III**

Project No.: C195920		Engineers Est: \$1,204,023.21				Engineers Estimate: \$1,059,992.96					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME Landscaping Tree Removal Striping Electric Trucking	Sposeto Engineering	Union City	CB	2,713,598	2,713,598	2,713,598	2,713,598	C			
	Lone Star Landscape		UB				57,000	NL			
	Atlas Tree		UB				6,000	NL			
	Striping	R.C. Shay Co.	Oakland	UB	65,000	65,000	65,000	NL			
	Electric	Ray's Electric		CB			65,000	C			
	Trucking	CJC Trucking		CB				AA			
Project Totals				\$2,713,598	\$2,778,598	\$2,778,598	\$2,846,198		\$0	\$0	
				95%	98%	98%	100%		0%	0%	
Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	Total L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

OFFICE OF THE CITY CLERK
OAKLAND

2006 JUN 14 PM 12:14

Approved as to Form and Legality



Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C. M. S.

INTRODUCED BY COUNCILMEMBER _____

Requires two-thirds vote of the Council

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO REJECT ALL BIDS, TO WAIVE FURTHER COMPETITIVE BIDDING AND TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT FOR THE BROADWAY PHASE II AND III SIDEWALK IMPROVEMENT PROJECT (PROJECT NO. C194920) FOR AN AMOUNT NOT TO EXCEED TWO MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS (\$2,850,000.00) WITH RETURN TO COUNCIL, AND ACCEPTING A FIVE HUNDRED THIRTY-EIGHT THOUSAND DOLLAR (\$538,000.00) CONTRIBUTION FROM THE REDEVELOPMENT AGENCY FOR THE PROJECT UNDER THE COOPERATION AGREEMENT

WHEREAS, on March 20, 2006, the Office of the City Clerk of the City of Oakland received two bids for the Broadway Phase II and III Sidewalk Improvement Project (Project No. C194920); and

WHEREAS, the lowest project bidder exceeded the engineer's estimate and did not meet the Alameda County Transportation Improvement Authority's (ACTIA's) Small Local Business Enterprise (SLBE) requirement; and

WHEREAS, the second lowest bidder exceeded the engineer's estimate, was 15% above the lowest bidder's amount, the bidder met ACTIA's Local Business Enterprise (LBE) and SLBE requirements, but was not in compliance with the City's Equal Benefits Ordinance; and

WHEREAS, the project is necessary to replace existing sidewalk along Broadway and to provide new street furniture and trees; and

WHEREAS, the project construction schedule is targeted to start before the rainy season; and

WHEREAS, this project has been bid once before, and additional re-bidding is impractical because it would delay the project by up to six months; and

WHEREAS, there are sufficient funds in the project budget for an amount not to exceed Two Million Eight Hundred Fifty Thousand Dollars (\$2,850,000.00) for the work; and

WHEREAS, funding totaling \$1,282,000.00 for Broadway Phase II is available in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), Structures & Improvements Account (57311), and Broadway Phase II Streetscapes Project (G273910); and

WHEREAS, funding totaling \$1,030,000.00 for Broadway Phase III is available in the ACTIA Reimbursable Grants Fund (2214), Capital Improvement Projects Organization (94800), Structures & Improvements Account (57311), and 14th & Broadway Transit Center project (C194920); and

WHEREAS, the Redevelopment Agency of the City of Oakland has authorized a contribution of \$538,000.00, including contingency, to fund the Broadway Phase II and III Project; and

WHEREAS, Agency funding for the Broadway Phase II and III Project is available in the FY 2005-07 Downtown Streetscape Improvement Project Implementation Funds (9533), Capital Improvement Project – Economic Development Organization (94800), Structures & Improvements Account (57311), Downtown Streetscape Implementation Project (P128830); and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; 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 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 all bids received for the Broadway Phase II and III Sidewalk Improvement Project (Project No. C194920) are hereby rejected; 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 bond amount for faithful performance will be 100% of the negotiated price, and the bond amount to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, will be 100% of the negotiated price, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate with the lowest bidder, and if necessary, with the second bidder to enter into a contract with the contractor on behalf of the City of Oakland and to return to Council for final approval in late September 2006; and be it

FURTHER RESOLVED: That the negotiated contract will comply with the ACTIA LBE and SLBE requirements as well as the City of Oakland's Local Employment Program, Local Trucking Program, and 15% Apprenticeship Program; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the project by the Redevelopment Agency will benefit the Central District Project Area by improving the appearance of, and pedestrian safety and access on, Broadway from 12th to 20th Streets;
2. That no other reasonable means of financing the Broadway Phase II and III Sidewalk Improvement Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Central District Project Area for the Broadway Phase II and III Sidewalk Improvement Project will assist in the elimination of blight by installing streetscape improvements along Broadway in the Central District Project Area, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the City Council hereby consents to the use of \$538,000.00 in Redevelopment Agency funds, including contingency, for the Broadway Phase II and III Sidewalk Improvement Project, and allocates such funds to the Oakland Redevelopment Agency Project fund (7780), within the Public Works Agency; and be it

FURTHER RESOLVED: That the City has independently reviewed and considered this environmental determination, and the City finds and determines, based on the information in the staff report accompanying this resolution, that the project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above rejection of all bids on the official bulletin board in the Office of the City Clerk; 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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

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

NOES –
ABSENT –
ABSTENTION –

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

OFFICE OF THE CITY CLERK
OAKLAND
2006 JUN 14 PM 12:14

APPROVED AS TO FORM AND LEGALITY:
BY:  AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING A CONTRIBUTION OF FIVE HUNDRED THIRTY-EIGHT THOUSAND DOLLARS (\$538,000.00) FROM THE CENTRAL DISTRICT REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE BROADWAY PHASE II AND III SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the Five Year Implementation Plan for the Central District Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-67 C.M.S.), includes streetscape improvements within the project area; and

WHEREAS, the Broadway Phase II and III Sidewalk Improvement Project (the "project") is located on Broadway from 12th to 20th Streets within the boundaries of the Central District Redevelopment Project Area and includes the following improvements:

- Replacement of existing deteriorated sidewalks with new darkened concrete paving; and
- The addition of new pedestrian amenities including street trees and tree grates, benches, bike racks and trash receptacles.

and

WHEREAS, the City of Oakland (the "City") submitted an application to the Alameda County Congestion Management Agency (ACCMA) in June 2004 in order to fund Phase II of the Project and has received funds for the Project in the Congestion Mitigation & Air Quality Fund (2164), Downtown Development Organization (88689), and Broadway Phase II Streetscapes Project (G273910), of which \$1,282,000.00 is budgeted for construction; and

WHEREAS, the City submitted an application to the Alameda County Transportation Improvement Authority (ACTIA) in January 2003 in order to fund Phase III of the Project and has received funds in the ACTIA Reimbursable Grants Fund (2214), Capital Improvement Projects Organization (94800), and 14th & Broadway Transit Center Project (C194920), of which \$1,030,000.00 is budgeted for construction; and

WHEREAS, on March 20, 2006, the Office of the City Clerk of the City of Oakland received two bids for the Broadway Phase II and III Sidewalk Improvements Project (Project No. C194920); and

WHEREAS, the lowest project bidder did not meet ACTIA's Small Local Business Enterprise (SLBE) requirement; and

WHEREAS, the second lowest bidder met ACTIA's Local Business Enterprise (LBE) and SLBE requirements, but was 15% above the lowest bidder's amount, and was not in compliance with the City's Equal Benefits Ordinance; and

WHEREAS, the City Administrator will reject all bids, waive further competitive bidding and negotiate and award a construction contract for the Project in an amount not to exceed \$2,850,000.00; and

WHEREAS, the Redevelopment Agency desires to provide \$538,000.00 to fund the estimated shortfall in the construction budget; and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council is consenting to the use of Agency funds for the Project; and

WHEREAS, the Agency agrees that the City is the Lead Agency for the project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency hereby authorizes the contribution of \$538,000.00 to the City under the Cooperation Agreement for the project, and the reallocation of such funds from Redevelopment Agency Central District Project Area Tax Allocation Bond funds from the FY 2005-07 Downtown Streetscape Improvement Project Implementation Funds (9533), Capital Improvement Projects Organization (94800), Downtown Streetscape Project (P128830) to the City, Oakland Redevelopment Agency Project Clearing Fund (7780), within the Public Works Agency; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the project will benefit the Central District Project Area by improving the appearance of, and pedestrian safety and access on, Broadway from 12th to 20th Streets;
2. That no other reasonable means of financing the Broadway Phase II and III Sidewalk Improvement Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Central District Project Area for the Broadway Phase II and III Sidewalk Improvement Project will assist in the elimination of blight by installing streetscape improvements along Broadway in the Central District Project Area, and is consistent with the implementation plan adopted for the Central District Project Area; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information in the staff report accompanying this resolution, that the project is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) or Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the Agency funding of the Project in accordance with this resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
Secretary, Redevelopment Agency
of the City of Oakland