

2024 SEP 18 AM 8:58

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90416 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE LAKESIDE FAMILY STREETS PROJECT, PROJECT NO. 1004836, THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FOUR MILLION, NINE HUNDRED NINETY-THREE THOUSAND, THREE HUNDRED FIFTEEN DOLLARS (\$4,993,315.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the City of Oakland applied for and was awarded a One Bay Area Grant in the amount of \$9,687,000 in June 2017 (Resolution No. 86791 C.M.S.) of which \$4,792,000 was for the design and construction of the Lakeside Family Streets Project (the Project); and

WHEREAS, the improvements for the Project include physically separated bicycle lanes, protected intersections, pedestrian crossings improvements, bus boarding islands, curb ramps, and traffic signal improvements on Harrison Street between Lakeside Drive and 27th Street and on Grand Avenue between Harrison Street and Bay Place; and

WHEREAS, the Project was advertised on April 26, 2024, and one bid was received by the Office of the City Clerk on May 30, 2024; and

WHEREAS, McGuire and Hester is deemed the lowest, responsive and responsible bidder for the Project with a bid of \$4,993,315.00, and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and meet the Disadvantaged Business Enterprise (DBE) Project goal of 23% participation requirements; and

WHEREAS, funds for the work are available in the following project accounts:

- One Bay Area Grant (OBAG), Lakeside Family Streets Project (No. 1004836), Construction Organization (92270) Metropolitan Transportation Commission Grant Fund (2116),
- Measure KK, Lakeside Family Streets Project (No. 1004836), Construction Organization (92270), Measure KK Fund (5337); 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 Council finds and determines that 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, 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; and

WHEREAS, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the Project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; now, therefore, be it

RESOLVED: That all the preceding findings and determinations are hereby incorporated by reference and adopted herein by the Council; and be it

FURTHER RESOLVED: That the City Administrator is authorized to award a construction contract to McGuire & Hester, the lowest, responsible, and responsive bidder in accordance with project plans, specifications, state requirements, and contractor's bid dated May 30, 2024, for the Lakeside Family Streets Project, Project No. 1004836, in the amount of four million, nine hundred ninety-three thousand, three hundred fifteen dollars (\$4,993,315.00); 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 of 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 is hereby authorized to approve and execute 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 the Project without return to the City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator 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; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the Project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the Project that is named in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **SEP 17 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, REID, RAMACHANDRAN, AND
PRESIDENT FORTUNATO BAS - *6 Ayes*

NOES - *0*
ABSENT - *0*
ABSTENTION - *0*

ATTEST: _____



ASHA REED

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