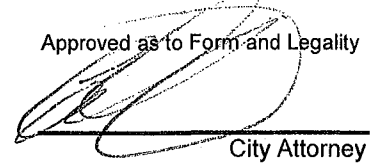


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL



City Attorney

2018 SEP 27 PM 2:24

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO PROVEN MANAGEMENT, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS, FOR THE SEISMIC RETROFIT OF 23RD AVENUE BRIDGE (PROJECT NO. 1001681) IN THE AMOUNT OF SIX MILLION THREE HUNDRED FIFTY-EIGHT THOUSAND SEVEN HUNDRED SEVENTY-SEVEN DOLLARS (\$6,358,777.00)**

**WHEREAS**, on April 24, 2018, the California Department of Transportation (Caltrans) approved the construction phase of the Seismic Retrofit of 23<sup>rd</sup> Avenue Bridge (Project No. 1001681) and obligated a grant of federal and state Proposition 1B funds in the amount of \$10,025,000.00 for the project; and

**WHEREAS**, the construction grant does not require a local match; and

**WHEREAS**, the deadline for award of a construction contract is October 23, 2018; and

**WHEREAS**, on May 18, 2018, the City conducted bidding for this project and received five bids on June 28, 2018; and

**WHEREAS**, the bids received for the project were analyzed by the Contracts and Compliance Division for Disadvantaged Business Enterprise (DBE) participation and Equal Benefits Ordinance (EBO) compliant; and

**WHEREAS**, Proven Management, Inc., bidding as a prime, is deemed the lowest responsive and responsible bidder for the project and has complied with the federal Disadvantaged Business Enterprise (DBE) Program requirements; and

**WHEREAS**, funds for the work are available in the following project account:  
Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project 1001681; Award 23494; \$6,358,777.00; 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,** 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 the City Administrator, or designee, is authorized to execute a construction contract with Proven Management, Inc., the lowest responsive and responsible bidder, in accordance with plans and specifications, for the Seismic Retrofit of 23<sup>rd</sup> Avenue Bridge (Project No. 1001681) and with contractor's bid dated June 28, 2018 in the amount of Six Million Three Hundred Fifty-Eight Thousand Seven Hundred Seventy-Seven Dollars (\$6,358,777.00) contingent upon the availability of funding; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act, shall be 100% of the contract price; 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 work with the next lowest bidder in meeting the DBE requirements and negotiating for the same awarded amount, if the lowest bidder 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, will be reviewed and adopted by the Director of the Department of Transportation, 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, \_\_\_\_\_

**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