



OFFICE OF THE CITY CLERK
OAKLAND

2016 NOV 21 AM 9:43

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jeff Tumlin, Interim Director
Dept. of Transportation

SUBJECT: 2014 ATP Cycle 1:
Safe Routes to School (SR2S)

DATE: November 16, 2016

City Administrator Approval

Date:

11/21/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract For 2014 Active Transportation Program (ATP) Cycle 1: Safe Routes To School (SR2S), Project No. C490710, To Beliveau Engineering Contractors Inc., The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of One Million Two Hundred and Seventeen Thousand Four Hundred and Eight Dollars (\$1,217,408.00).

EXECUTIVE SUMMARY

Approval of the resolution will reject all other bids received on October 27, 2016 and award a construction contract in the amount of \$1,217,408.00 to the lowest, responsible, responsive bidder, Beliveau Engineering Contractors Inc. for the 2014 Active Transportation Program (ATP) Cycle 1: Safe Routes to School (SR2S) Project. The project will improve safety and access for school aged children, pedestrians, bicyclists and motorists at six project sites near school sites in Oakland. The location map, project sites and school sites are shown in **Attachment A-1** and **Attachment A-2**.

BACKGROUND / LEGISLATIVE HISTORY

In 2014, the City adopted Resolution No. 85106 C.M.S. authorizing the acceptance and appropriation of ATP funds of Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) which included a total of \$1,236,000 for Safe Routes to School Project as shown in **Attachment D**. Since 2014, City staff worked with Caltrans and completed the design. The project is now in the bid-award phase. Construction is expected to be completed in June 2017.

ANALYSIS AND POLICY ALTERNATIVES

On October 27, 2016, the City received two bids in the amount of \$1,078,605 and \$1,217,408 from Ray's Electric and Beliveau Engineering Contractors, respectively as shown in

Item: _____
Public Works Committee
December 6, 2016

Attachment B. respectively. Both bidders are compliant with the City's Equal Benefits Ordinance (EBO). Contract Compliance Division determined that Beliveau Engineering Contractors met the Federal DBE goal, and is the lowest responsive and responsible bidder as shown in **Attachment C.** Beliveau Engineering Contractors bid of \$1,217,408 is 2.6 percent above the Engineer's Estimate of \$1,186,255, and the project has sufficient funds. Hence, Beliveau Engineering Contractors is recommended to be awarded a contract.

The six projects were selected based on consultation with Alameda County Safe Routes to School Program staff and TRANSFORM, a non-profit consulting firm specializing in community outreach. Under the direction of Alameda County Safe Routes to School Program, TRANSFORM developed a project list and prioritized the projects based on the needs of the local communities.

The project will improve pedestrian safety at six locations by constructing traffic safety improvements such as: corner bulb-outs; sidewalks; curb ramps; pedestrian traffic signals; high intensity activated crosswalk beacons; advanced flashing beacons; speed feedback signs; crosswalks; signing and striping; speed tables; speed bumps; traffic signal upgrade; and median refuge islands. The project will calm vehicular traffic and improve access, mobility and safety for all users and will specifically target school aged children, pedestrians, bicyclists and motorists.

The six project sites and adjoining school sites are listed below:

1. 35th Avenue/Wisconsin Street – Laurel Elementary School
2. Boston Avenue & School Street Area – Fruitvale Elementary School
3. 38th Avenue/Mera Street – Global Family Elementary School, Learning Without Limits
4. 73rd Avenue/Krause Avenue – Markham Elementary School
5. 81st Avenue/Rudsdale Street – EnCompass Academy
6. 105th Avenue/E Street – Fred T. Korematsu Discovery Academy, Esperanza Elementary School

The project sites are located in Council Districts 4, 5, 6 and 7, and are shown in **Attachment A-1.**

FISCAL IMPACT

Approval of the resolutions will authorize the City Administrator to execute a construction contract with Beliveau Engineering Contractor, Inc.:

AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Total Construction Contract: \$1,217,408

SOURCES OF FUNDING:

Active Transportation Program (ATP) Cycle 1, Federal grant \$1,236,000. State of California, Department of Transportation, Fund 2116; Transportation Services Division Organization 92246, Project C490710, Bicycle and Pedestrian Program NB33; and

Matching fund is not required. A breakdown of award bid, federal grant are shown below:

ATP Cycle 1 Project	Award Bid	Project No.	Federal Grant	Local Match
Safe Routes to School (SR2S)	\$1,217,408	C490710	\$1,217,408	\$0

The Resolution No. 85106 C.M.S. authorized the acceptance and appropriation of ATP funds of Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) which included a total of \$1,236,000 for Safe Routes to School Project as shown in **Attachment D**.

PUBLIC OUTREACH / INTEREST

As a part of public outreach during ATP Cycle 1 grant application, on May 21, 2015, the City presented the grant proposal to the Bicyclist and Pedestrian Advisory Commission (BPAC) and solicited their input. BPAC supported the project.

COORDINATION

Staff coordinated with other City's Department and Divisions during the design phase. The Office of the City Attorney and the Controller's Bureau reviewed this report and resolutions.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

Contractor Performance Evaluations on Ray's Electric from a previously completed projects are satisfactory, and are noted on **Attachment E**.

SUSTAINABLE OPPORTUNITIES

Economic: Improvements to pedestrian, bicycle and street facilities for schools contributes to local economic activities.

Environmental: Safe Routes to School accessible pedestrian and bicycle infrastructure along school routes promotes physical activity and good health for all ages. Traffic signal upgrades improve traffic flow, reduce stops and emissions, and improve air quality.

Social Equity: Improving pedestrian and bicycle facilities is key in promoting walking and biking as a viable mode of transportation for all citizens.

California Environmental Quality Act (CEQA)

In 2016, the project was determined to have no significant impacts on the environment, and was determined to be categorically exempt from National Environmental Policy Act (NEPA) requirements.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council adopt a resolution awarding a construction contract under Active Transportation Program (ATP) Cycle 1: Safe Routes to School (SR2S) for \$1,217,408 to implement safety improvements for pedestrian, bicycle and motorists in the City of Oakland.

For questions regarding this report, please contact Wladimir Wlassowsky, Transportation Services Division Manager, at (510) 238-6383.

Respectfully submitted,



JEFF TUMLIN
Interim Director, Department of
Transportation

Reviewed by:
Michael J. Neary, P.E., Assistant Director
OPW, Bureau of Engineering and Construction

Prepared by:
Wladimir Wlassowsky, P.E., Manager
Transportation Services Division

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer
Transportation Services Division

Attachments:

A to E: ATP Cycle 1: Safe Routes to School (SR2S)

ATTACHMENTS A to E

For

2014 ATP CYCLE 1

SAFE ROUTES TO SCHOOL (SR2S)

FEDERAL PROJECT NO. ATPL-5012 (136)

CITY PROJECT NO. C490710

Attachment A-1. Location Map

Attachment A-2. Project Sites and School Sites

Attachment B. List of Bidders

Attachment C. Contract Compliance Report

Attachment D. Resolution to Accept ATP Cycle 1 Grant

Attachment E. Contractor Performance Evaluation

ATTACHMENT A-1

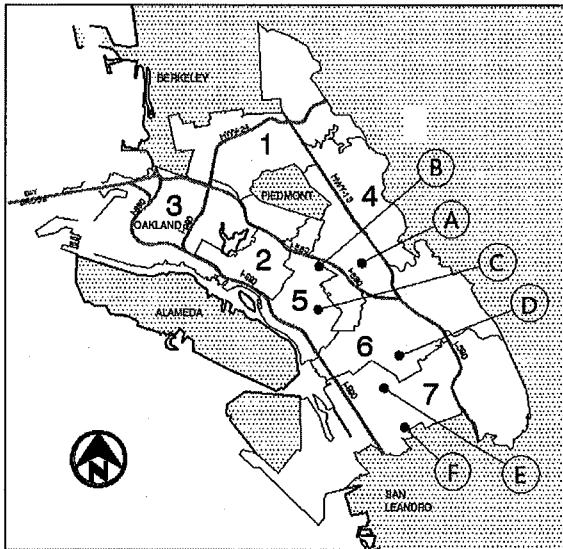
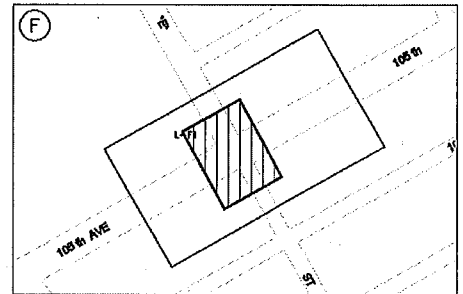
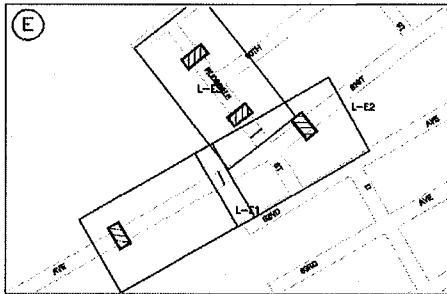
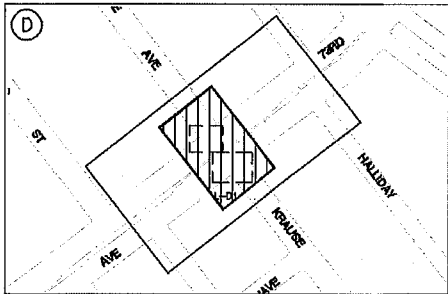
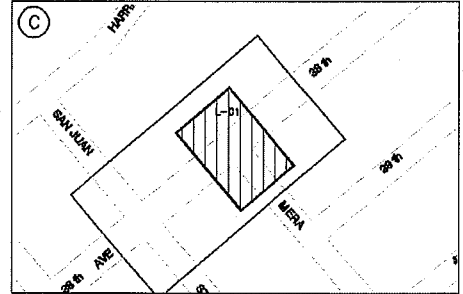
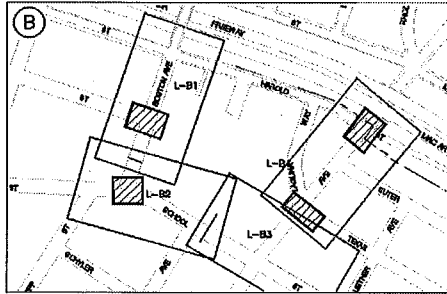
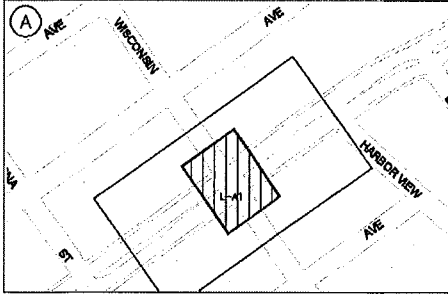
LOCATION MAP

2014 ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 1

SAFE ROUTES TO SCHOOL (SR2S)

FEDERAL PROJECT NO. ATP-5012 (136)

CITY PROJECT NO. C490710



SITES:

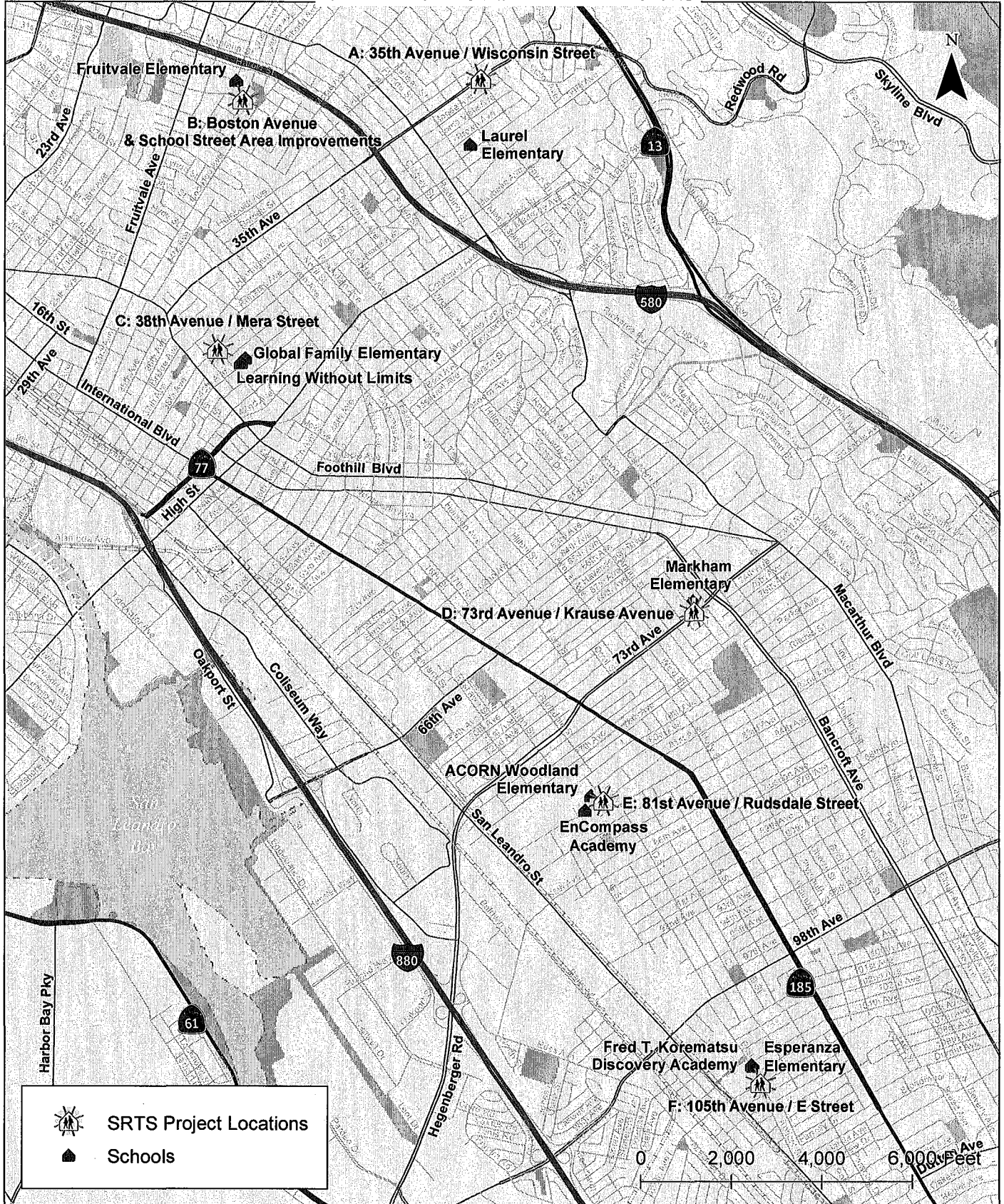
- (A) 35TH AVENUE/WISCONSIN STREET
- (B) BOSTON AVENUE/SCHOOL STREET
- (C) 38TH AVENUE/MERA STREET
- (D) 73RD AVENUE/KRAUSE AVENUE
- (E) 81ST STREET/RUDSDALE STREET
- (F) 105TH AVENUE/E STREET

LOCATION MAPS

NOT TO SCALE

LIMITS OF WORK 

PROJECT SITES AND SCHOOL SITES



CITY OF OAKLAND

SRTS Vicinity Map Oakland, CA

H:\profile\17121 - Oakland On Call\17121_160 Grant Applications for SRTS\GIS\Multiple SRTS Projects Locations.mxd - jsommerville - 2:42 PM 5/15/2014

ATTACHMENT B

LIST OF BIDDERS

**2014 ATP CYCLE 1
SAFE ROUTES TO SCHOOL (SR2S)
FEDERAL PROJECT NO. ATPL-5012 (136)
CITY PROJECT NO. C490710**

Contractors	Re-Bid Amount
Ray's Electric	\$1,078,650.00
Beliveau Engineering Contractors	\$1,217,408.00

Note: Bids were received by City Clerk on October 27, 2016.



ATTACHMENT C

INTER OFFICE MEMORANDUM

TO: Ferdinand Ciceron,
Civil Engineer

FROM: Deborah Barnes, Director,
Contracts & Compliance

SUBJECT: Compliance Analysis

DATE: November 15, 2016

2014 Active Transportation Program Cycle 1--Safe Routes to School (SR2S)
Project No. C490710 (Federal Project No. STPL-5012(136))

The City Administrator's Office, Contracts and Compliance Unit, reviewed two (2) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the Disadvantaged Business Enterprise (DBE) program and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). There is a DBE goal of 14.40% for this project.

Responsive to DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	LPG/VSLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Beliveau Engineering Contractors, Inc.	\$1,217,408.00	19.71%	0.00%	40.13%	0.57%	NA	NA	NA	NA	Y

Comments: As noted above, firm exceeded the minimum 14.40% DBE goal for this project. The firm is EBO compliant.

Non-Responsive to DBE and/or EBO Policies		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	DBE Total	LBE	SLBE	LPG/VSLBE	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ray's Electric	\$1,078,650.00	2.53%	0.00%	0.56%	0.00%	NA	NA	NA	NA	Y

Comments: As noted above, firm failed to meet the minimum 14.40% DBE goal. The firm did submit GFE; however, the GFE was deemed insufficient. Therefore, the firm is non-compliant.

Shelley Danenberg for
Deborah Barnes, Director,
Contracts and Compliance



For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station
Project Name: Beliveau Engineering
Project No. C267640

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	Core Workforce Hours Deducted	50% Local Employment Program (LEP)						15% Apprenticeship Program				
		LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	50%	57.56	100%	57.56	E	F	G	H	15%	23	J
115.87	0					0	0	100%	23	15%	23	0

Comments: Beliveau Engineering Met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 23 on-site hours and 23 off-site hours.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR:

Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C490710, Federal STPL-5012 (136)

PROJECT NAME: 2014 Active Transportation Program (ATP) Cycle 1--Safe Routes to School

CONTRACTOR: Belliveau Engineering Contractors, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,186,255.00	\$1,217,408.00	-\$31,153.00

- | | |
|---|--------------------------|
| 1. Did the DBE Program apply? | <u>YES</u> |
| 2. Did the contractor meet the DBE goal of 14.40% | <u>YES</u> |
| b) % of DBE participation | <u>19.71%</u> |
| c) % of LBE participation | <u>0.00%</u> |
| d) % of SLBE participation | <u>40.13%</u> |
| e) % of VSLBE/LPG participation | <u>0.57%</u> |
| 3. Was Good Faith Effort (GFE) Documentation submitted? | <u>YES</u> |
| 4. Additional Comments. | |
| 5. Date evaluation completed and returned to Contract | <u>11/15/2016</u> |

**Reviewing
Officer:**

[Signature]

Date: 11/15/2016

Approved By:

Shelley Darenburg

Date: 11/15/2016

Bidder 2

Project Name: 2014 Active Transportation Program (ATP) Cycle 1-Safe Routes to School

Project No.: C490710, Federal STPL-5012 (136)		Engineer's Est. \$1,186,255.00								Certified Disadvantaged MBE/WBE		
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/SLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Ethn.	MBE	WBE
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	UB		468,533.00		468,533.00		468,533.00	C		
Trucking	All City Trucking	Oakland	CB		20,000.00		20,000.00	20,000.00	20,000.00	AI	20,000.00	
Supply Concrete	Cemex	Oakland	UB						40,000.00	NL		
Supply Asphalt	Gallagher & Burk	Oakland	UB			7,000.00	7,000.00		7,000.00	C		
Supply Rock	Argent Materials	Oakland	UB						4,000.00	C		
Electrical	Phoenix Electric Co., Inc.	SF	CB						419,875.00	AP	419,875.00	
Exc./Bkfl/Pole	Phoenix Electric Co., Inc.	SF	CB					220,000.00	220,000.00	AP	220,000.00	
Foundations	Phoenix Electric Co., Inc.	SF	CB									
Striping	Striping Graphics	Cotati	UB						38,000.00	NL		
Project Totals				\$0.00	\$488,533.00	\$7,000.00	\$495,533.00	\$240,000.00	\$1,217,408.00		\$659,875.00	\$0.00
				0.00%	40.13%	0.57%	40.70%	19.71%	100.00%		54.20%	0.00%
Legend										Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise												



City Administrator's Office
Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :
Construction Services Disadvantaged Business Enterprise (DBE)

PROJECT NO.: C490710, Federal STPL-5012 (136)

PROJECT NAME: 2014 Active Transportation Program (ATP) Cycle 1--Safe Routes to School

CONTRACTOR: Ray's Electric

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$1,186,255.00	\$1,078,650.00	\$107,605.00

- 1. Did the DBE Program apply? **YES**
- 2. Did the contractor meet the DBE goal of 14.40% **NO**
 - b) % of DBE participation **2.53%**
 - c) % of LBE participation **0.00%**
 - d) % of SLBE participation **0.56%**
 - e) % of VSLBE/LPG participation **0.60%**

3. Was Good Faith Effort (GFE) Documentation submitted? **YES**

4. Additional Comments.
Firm failed to meet the 14.40% DBE goal. The firm did submit GFE, however, the GFE was deemed insufficient. Therefore, the firm is non-compliant.

5. Date evaluation completed and returned to Contract **11/15/2016**

Reviewing Officer: *[Signature]*

Date: 11/15/2016

Approved By: *Shelley Sarenburg*

Date: 11/15/2016

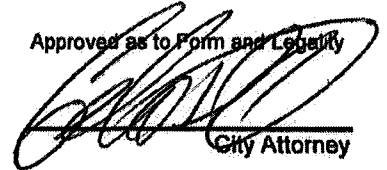
DBE Participation Bidder 1

Project Name: 2014 Active Transportation Program (ATP) Cycle 1-Safe Routes to School

Project No.: C490710, Federal STPL-5012 (136)		Engineer's Est.										
		\$1,186,255.00										
Discipline	Prime & Subs	Location	Cert. Status	LBE Dollars	SLBE Dollars	*LPG/VSLBE	Total LBE/SLBE Dollars	DBE Dollars	Total Dollars	Certified Disadvantaged MBE/WBE		
										Ethn.	MBE	WBE
PRIME	Ray's Electric	Oakland	UB						\$738,156.00	C		
Saw Cutting	Bayline Cutting + Coring	Berkeley	CB					\$9,000.00	\$9,000.00	H	\$9,000.00	
Trucking	S & S Trucking	Oakland	CB		\$6,000.00		\$6,000.00	\$6,000.00	\$6,000.00	H	\$6,000.00	
Striping + Sign	Chrip Company	Fremont	UB						\$61,194.00	C		
Survey	Construction Survey Inc.	Berkeley	CB					\$12,300.00	\$12,300.00	C		\$12,300
Signal	Logistical Enterprises	Clovis	CB						\$219,000.00	H	\$219,000.00	
Supply of Concrete materials	Central Concrete	San Jose	UB						\$26,500.00	C		
Supply of AC Mat.	Gallagher & Burk	Oakland	UB			\$6,500	\$6,500		\$6,500.00	C		
Project Totals				\$0.00	\$6,000.00	\$6,500.00	\$12,500.00	\$27,300.00	\$1,078,650.00		\$234,000.00	\$12,300.00
				0.00%	0.56%	0.60%	1.16%	2.53%	100.00%		21.69%	1.14%
									DBE Dollars	Total Dollars	Ethnicity AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed	
Legend		UB = Uncertified Business CB = Certified Business DBE = Disadvantaged Business Enterprise WBE = Women Business Enterprise DBE - Disadvantaged Business Enterprise										

ATTACHMENT D

Approved as to Form and Legality


City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 26 PM 3:12

OAKLAND CITY COUNCIL

RESOLUTION No. 85106 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO SEVENTEEN MILLION THREE HUNDRED ELEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$17,311,160.00) IN ACTIVE TRANSPORTATION PROGRAM FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION;

(B) COMMIT MATCHING FUNDS OF UP TO SIX HUNDRED FORTY SEVEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$647,460.00) FROM MEASURE B (FUND 2211) GRANT MATCHING FUNDS

(C) IF FUNDED, ASSURE COMPLETION OF THE FOLLOWING TEN ACTIVE TRANSPORTATION PROGRAM PROJECTS: THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK REPAIR PROJECT, THE INTERNATIONAL BOULEVARD PEDESTRIAN REFUGES PROJECT, THE CITY OF OAKLAND IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE PARK BOULEVARD AREA IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE THORNHILL DRIVE/MOUNTAIN BOULEVARD IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HIGH STREET - COURTLAND AVENUE-YGNACIO AVENUE INTERSECTION IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HARRISON STREET/ 27TH STREET/ 24TH STREET INTERSECTION IMPROVEMENTS PROJECT, THE LAKE MERRITT TO BAY TRAIL BICYCLE PEDESTRIAN GAP CLOSURE PROJECT, THE LAUREL ACCESS TO MILLS MAXWELL PARK AND SEMINARY ACTIVE TRANSPORTATION CONNECTIONS PROJECT AND THE TELEGRAPH AVENUE GREAT STREETS PROJECT.

WHEREAS, the City of Oakland ("City") is submitting an application to the Metropolitan Transportation Commission ("MTC") for Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration ("FHWA") and federal or state funding administered by the California Transportation Commission ("CTC") such as Surface Transportation Program ("STP") funding, Congestion Mitigation and Air Quality Improvement ("CMAQ") funding, Transportation Alternatives ("TA")/Active Transportation Program ("ATP") funding, and Regional Transportation Improvement Program ("RTIP") funding, herein collectively referred to as Regional

Discretionary Funding, for the following projects:

International Boulevard Corridor Pedestrian Projects

- International Boulevard Pedestrian Lighting and Sidewalk Repair Project (\$2,481,000.00)
- International Boulevard Pedestrian Refuges Project (\$602,120.00)

Safe Routes to School-type Projects

- City of Oakland Improvements for Safe Routes to School Project (\$1,236,000.00)
- Park Boulevard Area Improvements for Safe Routes to School Project (\$1,147,000.00)
- Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project (\$660,000.00)
- High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project (\$1,128,000.00)
- Harrison Street/ 27th Street/ 24th Street Improvements (\$850,000.00)

Other Active Transportation Projects

- Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project (\$3,210,000.00)
- Laurel Access to Mills Maxwell Park and Seminary Project (\$3,597,040.00)
- Telegraph Avenue Great Streets Project (\$2,400,000.00)

(herein referred to as Projects) for the Active Transportation Program (“ATP”); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, State statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Projects will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Projects as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and
- that City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and
- in the case of a transit project, the Project will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the Project will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires Project be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that City is authorized to submit an application for Regional Discretionary Funding for the Projects; and

WHEREAS, there is no legal impediment to the City making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and

WHEREAS, the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application. Now, therefore be it

RESOLVED that the City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under MAP-21 or continued funding; and be it further

FURTHER RESOLVED that the City will provide any required matching funds; and be it further

FURTHER RESOLVED that the City understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it further

FURTHER RESOLVED that the City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and the City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans. FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and be it

FURTHER RESOLVED that Projects will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

FURTHER RESOLVED that the City has reviewed the Projects and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and be it

FURTHER RESOLVED that Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it further

FURTHER RESOLVED that, in the case of a transit project, the City agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it

FURTHER RESOLVED that, in the case of a highway project, the City agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it

FURTHER RESOLVED that, in the case of an RTIP project, Projects is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it

FURTHER RESOLVED that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

FURTHER RESOLVED that there is no legal impediment to the City making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and be it

FURTHER RESOLVED that the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

FURTHER RESOLVED that the City Council hereby appropriates funds in an amount not to exceed \$17,311,160.00 that are received for these Projects under the ATP Program into the MTC Program Fund (Fund 2163) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents the use of up to \$647,460.00 in matching funds for the Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connections Project from Fund 2211 (Local Street and Roads, Grants Matching Fund); and be it

FURTHER RESOLVED that should additional funds be received for these projects, the City Administrator or his designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

FURTHER RESOLVED that the City Council hereby authorizes the City Administrator or his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the MTC ATP grants and these Projects in accordance with this Resolution and its basic purposes; and be it

FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application, and another copy of this resolution will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2014

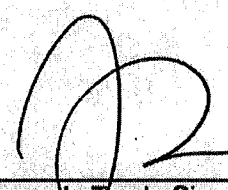
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:  for
Layonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

ATTACHMENT E

Schedule L-2 City of Oakland Public Works Agency CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: B00560: Linden Park Improvements

Work Order Number (if applicable): _____

Contractor: Beliveau Engineering Contractors

Date of Notice to Proceed: 07-28-14

Date of Notice of Substantial Completion: 03-04-15

Date of Notice of Final Completion: 03-11-15

Contract Amount: \$321,161.90

Evaluator Name and Title: Sopheia Sem, Resident Engineer

The City's Resident Engineer most familiar with the Contractor's performance must complete this evaluation and submit it to Manager, PWA Project Delivery Division, within 30 calendar days of the issuance of the Final Payment.

Whenever the Resident Engineer finds the Contractor is performing below Satisfactory for any category of the Evaluation, the Resident Engineer shall discuss the perceived performance shortfall at the periodic site meetings with the Contractor. An Interim Evaluation will be performed if at any time the Resident Engineer finds that the overall performance of a Contractor is Marginal or Unsatisfactory. An Interim Evaluation is required prior to issuance of a Final Evaluation Rating of Unsatisfactory. The Final Evaluation upon Final Completion of the project will supersede interim ratings.

The following list provides a basic set of evaluation criteria that will be applicable to all construction projects awarded by the City of Oakland that are greater than \$50,000. Narrative responses are required to support any evaluation criteria that are rated as Marginal or Unsatisfactory, and must be attached to this evaluation. If a narrative response is required, indicate before each narrative the number of the question for which the response is being provided. Any available supporting documentation to justify any Marginal or Unsatisfactory ratings must also be attached.

If a criterion is rated Marginal or Unsatisfactory and the rating is caused by the performance of a subcontractor, the narrative will note this. The narrative will also note the General Contractor's effort to improve the subcontractor's performance.

ASSESSMENT GUIDELINES:

Outstanding (3 points)	Performance among the best level of achievement the City has experienced.
Satisfactory (2 points)	Performance met contractual requirements.
Marginal (1 point)	Performance barely met the lower range of the contractual requirements or performance only met contractual requirements after extensive corrective action was taken.
Unsatisfactory (0 points)	Performance did not meet contractual requirements. The contractual performance being assessed reflected serious problems for which corrective actions were ineffective.

WORK PERFORMANCE

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
1	Did the Contractor perform all of the work with acceptable Quality and Workmanship?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1a	If problems arose, did the Contractor provide solutions/coordinate with the designers and work proactively with the City to minimize impacts? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Was the work performed by the Contractor accurate and complete? If "Marginal or Unsatisfactory", explain on the attachment and provide documentation. Complete (2a) and (2b) below.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2a	Were corrections requested? If "Yes", specify the date(s) and reason(s) for the correction(s). Provide documentation.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
2b	If corrections were requested, did the Contractor make the corrections requested? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Was the Contractor responsive to City staff's comments and concerns regarding the work performed or the work product delivered? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Were there other significant issues related to "Work Performance"? If Yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5	Did the Contractor cooperate with on-site or adjacent tenants, business owners and residents and work in such a manner as to minimize disruptions to the public. If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Did the personnel assigned by the Contractor have the expertise and skills required to satisfactorily perform under the contract? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Overall, how did the Contractor rate on work performance? The score for this category must be consistent with the responses to the questions given above regarding work performance and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

TIMELINESS

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
8	Did the Contractor complete the work within the time required by the contract (including time extensions or amendments)? If "Marginal or Unsatisfactory", explain on the attachment why the work was not completed according to schedule. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Was the Contractor required to provide a service in accordance with an established schedule (such as for security, maintenance, custodial, etc.)? If "No", or "N/A", go to Question #10. If "Yes", complete (9a) below.			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
9a	Were the services provided within the days and times scheduled? If "Marginal or Unsatisfactory", explain on the attachment and specify the dates the Contractor failed to comply with this requirement (such as tardiness, failure to report, etc.). Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Did the Contractor provide timely baseline schedules and revisions to its construction schedule when changes occurred? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Did the Contractor furnish submittals in a timely manner to allow review by the City so as to not delay the work? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Were there other significant issues related to timeliness? If yes, explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
13	Overall, how did the Contractor rate on timeliness? The score for this category must be consistent with the responses to the questions given above regarding timeliness and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
Marginal
Satisfactory
Outstanding
Not Applicable

FINANCIAL

14	Were the Contractor's billings accurate and reflective of the contract payment terms? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected invoices).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	<p>Were there any claims to increase the contract amount? If "Yes", list the claim amount. Were the Contractor's claims resolved in a manner reasonable to the City?</p> <p>Number of Claims: _____</p> <p>Claim amounts: \$ _____</p> <p>Settlement amount: \$ _____</p>				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
16	Were the Contractor's price quotes for changed or additional work reasonable? If "Marginal or Unsatisfactory", explain on the attachment. Provide documentation of occurrences and amounts (such as corrected price quotes).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Were there any other significant issues related to financial issues? If Yes, explain on the attachment and provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
18	<p>Overall, how did the Contractor rate on financial issues?</p> <p>The score for this category must be consistent with the responses to the questions given above regarding financial issues and the assessment guidelines.</p> <p>Check 0, 1, 2, or 3.</p>	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

Unsatisfactory
 Marginal
 Satisfactory
 Outstanding
 Not Applicable

COMMUNICATION

19	Was the Contractor responsive to the City's questions, requests for proposal, etc.? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Did the Contractor communicate with City staff clearly and in a timely manner regarding:					
20a	Notification of any significant issues that arose? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20b	Staffing issues (changes, replacements, additions, etc.)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20c	Periodic progress reports as required by the contract (both verbal and written)? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20d	Were there any billing disputes? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
21	Were there any other significant issues related to communication issues? Explain on the attachment. Provide documentation.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
22	Overall, how did the Contractor rate on communication issues? The score for this category must be consistent with the responses to the questions given above regarding communication issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

SAFETY

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
23	Did the Contractor's staff consistently wear personal protective equipment as appropriate? If "No", explain on the attachment.				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
24	Did the Contractor follow City and OSHA safety standards? If "Marginal or Unsatisfactory", explain on the attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Was the Contractor warned or cited by OSHA for violations? If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
26	Was there an inordinate number or severity of injuries? Explain on the attachment. If Yes, explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
27	Was the Contractor officially warned or cited for breach of U.S. Transportation Security Administration's standards or regulations? If "Yes", explain on the attachment.				Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
28	Overall, how did the Contractor rate on safety issues? The score for this category must be consistent with the responses to the questions given above regarding safety issues and the assessment guidelines. Check 0, 1, 2, or 3.	0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	

OVERALL RATING

Based on the weighting factors below, calculate the Contractor's overall score using the scores from the four categories above.

1. Enter Overall score from Question 7 2 X 0.25 = 0.5
2. Enter Overall score from Question 13 2 X 0.25 = 0.5
3. Enter Overall score from Question 18 2 X 0.20 = 0.4
4. Enter Overall score from Question 22 2 X 0.15 = 0.3
5. Enter Overall score from Question 28 2 X 0.15 = 0.3

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: Satisfactory

Outstanding: Greater than 2.5
Satisfactory: Greater than 1.5 & less than or equal to 2.5
Marginal: Between 1.0 & 1.5
Unsatisfactory: Less than 1.0

PROCEDURE:

The Resident Engineer will prepare the Contractor Performance Evaluation and submit it to the Supervising Civil Engineer. The Supervising Civil Engineer will review the Contractor Performance Evaluation to ensure adequate documentation is included, the Resident Engineer has followed the process correctly, the Contractor Performance Evaluation has been prepared in a fair and unbiased manner, and the ratings assigned by the Resident Engineer are consistent with all other Resident Engineers using consistent performance expectations and similar rating scales.

The Resident Engineer will transmit a copy of the Contractor Performance Evaluation to the Contractor. Overall Ratings of Outstanding or Satisfactory are final and cannot be protested or appealed. If the Overall Rating is Marginal or Unsatisfactory, the Contractor will have 10 calendar days in which they may file a protest of the rating. The Public Works Agency Assistant Director, Design & Construction Services Department, will consider a Contractor's protest and render his/her determination of the validity of the Contractor's protest. If the Overall Rating is Marginal, the Assistant Director's determination will be final and not subject to further appeal. If the Overall Rating is Unsatisfactory and the protest is denied (in whole or in part) by the Assistant Director, the Contractor may appeal the Evaluation to the City Administrator, or his/her designee. The appeal must be filed within 14 calendar days of the Assistant Director's ruling on the protest. The City Administrator, or his/her designee, will hold a hearing with the Contractor within 21 calendar days of the filing of the appeal. The decision of the City Administrator regarding the appeal will be final.


Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for any projects the Contractor bids on for a period of one year from the date of the Unsatisfactory Overall Rating. Two Unsatisfactory Overall Ratings within any five year period will result in the Contractor being categorized by the City Administrator as non-

responsible for any bids they submit for future City of Oakland projects within three years of the date of the last unsatisfactory overall rating.


Any Contractor that receives an Unsatisfactory Overall Rating is required to attend a meeting with the City Administrator, or his/her designee, prior to returning to bidding on City projects. The Contractor is required to demonstrate improvements made in areas deemed Unsatisfactory in prior City of Oakland contracts.

The Public Works Agency Contract Administration Section will retain the final evaluation and any response from the Contractor for a period of five years. The City shall treat the evaluation as confidential, to the extent permitted by law.

COMMUNICATING THE EVALUATION: *The Contractor's Performance Evaluation has been communicated to the Contractor. Signature does not signify consent or agreement.*



Contractor / Date 3/14/16



Resident Engineer / Date 03/11/16



FOR Supervising Civil Engineer / Date 3/14/16

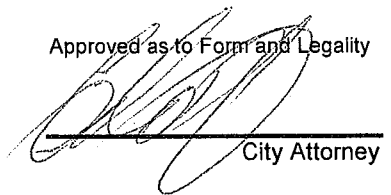
ATTACHMENT TO CONTRACTOR PERFORMANCE EVALUATION:

Use this sheet to provide any substantiating comments to support the ratings in the Performance Evaluation. Indicate before each narrative the number of the question for which the response is being provided. Attach additional sheets if necessary.

2016 NOV 22 AM 9:43

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS INC. FOR 2014 ACTIVE TRANSPORTATION PROGRAM (ATP) CYCLE 1: SAFE ROUTES TO SCHOOL (SR2S), PROJECT NO. C490710, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF ONE MILLION TWO HUNDRED AND SEVENTEEN THOUSAND FOUR HUNDRED AND EIGHT DOLLARS (\$1,217,408)

WHEREAS, on October 27, 2016, two bids were received by the Office of the City Clerk for the construction of 2014 ATP Cycle 1: Safe Routes to School (SR2S); and

WHEREAS, Beliveau Engineering Contractors Inc. is deemed the lowest, responsible, responsive bidder for the 2014 ATP Cycle 1: Safe Routes to School Project; and the bid complies with the Federal Disadvantaged Business Enterprise (DBE) 14.40% participation requirements; and

WHEREAS, there is sufficient fund in the project budget for the work as follows:

- ATP Cycle 1 Federal Grant \$1,217,408, State of California, Department of Transportation, Fund 2116; Transportation Services Division Organization 92246, Project C490710, Bicycle and Pedestrian Program NB33.

WHEREAS, the engineer's estimate for the work is \$1,186,255; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined 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 the contract for the construction of 2014 ATP Cycle 1: Safe Routes to School (SR2S) Project is hereby awarded to Beliveau Engineering Contractors Inc., the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of one million two hundred and seventeen thousand four hundred and eight dollars (\$1,217,408) and be it

FURTHER RESOLVED: That the plans and specifications prepared including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of Public Works in charge of Engineering and Construction, or designee, for this project are hereby approved; and be it

FURTHER RESOLVED: That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

FURTHER RESOLVED, That the City Administrator or designee is hereby authorized to enter into a contract with Beliveau Engineering Contractors Inc. on behalf of the City of Oakland and execute any amendment or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality 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, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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