

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 91072 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO BAY LINE CUTTING & CORING INC. IN AN AMOUNT NOT TO EXCEED THREE MILLION THREE HUNDRED THIRTY-ONE THOUSAND ONE HUNDRED FORTY-FOUR DOLLARS (\$3,331,144); WAIVING THE FIVE PERCENT (5%) MAXIMUM MOBILIZATION REQUIREMENT PER SECTION 9-3.4 OF THE PROJECT SPECIFICATIONS; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (City) completed construction documents for the Adeline Street Bridge Seismic Retrofit Project (Project No. 1000967) and requested authorization from Caltrans to proceed with construction; and

WHEREAS, on June 28, 2022, Caltrans approved the construction phase of the project and obligated federal funds in the amount of \$3,385,166; and

WHEREAS, an additional \$284,561.85 in federal funds will be requested from Caltrans and is anticipated Fiscal Year 2025-26 budget; and

WHEREAS, a local match of up to \$494,202.15 is required to complete the project; and

WHEREAS, federal grant funds (Fund 2116) in the amount of \$3,385,166.00 and Measure KK local match (Fund 5337) have been appropriated in Project 1000967;

WHEREAS, upon approval from Caltrans, an additional \$284,561.85 in federal funds will be appropriated to Fund 2116; Project 1000967, as authorized by City Council Resolution No. 90827 C.M.S.;

WHEREAS, pursuant to the Oakland Municipal Code §2.04.050, the City Clerk duly advertised the Notice Inviting Bids in the City's official newspaper on June 6, 2025, more than ten calendar days prior to bid opening, and the City received two bids on July 5, 2025; and

WHEREAS, the bids received for the project were analyzed by the Department of Workplace and Employment Standards for Equal Benefits Ordinance compliance, as required by the federal grant; and

WHEREAS, in October 2025, the U.S. Department of Transportation (U.S. DOT) suspended all Disadvantaged Business Enterprise (DBE) contract goal setting, counting, and compliance monitoring under its DBE program, and consistent with Caltrans Office Bulletin #25-07, DBE goals and good-faith efforts were not applied in the award determination for this project; and

WHEREAS, Bay Line Cutting & Coring Inc. submitted the lowest bid in the amount of \$3,331,144, which included a mobilization line item equal to 9.91% of the total bid, exceeding the 5% cap established in City Special Provisions Section 9-3.4; and

WHEREAS, the City Council finds that Bay Line Cutting & Coring Inc.'s deviation from the Special Provisions Section 9-3.4 mobilization limitation constitutes a minor and immaterial bid irregularity that the City may waive because the deviation does not affect the bid amount, does not alter the scope of work, does not impact the quantity or quality of work required, and does not provide the bidder a competitive advantage, and that waiver is in the best interests of the City and consistent with applicable federal-aid procurement requirements; and

WHEREAS, Caltrans District 4 Local Assistance staff advised the overage is not material, and because the bid is \$572,189 lower than the next bidder, staff recommends waiving the 5% mobilization cap and awarding the contract to Bay Line Cutting & Coring Inc. in the amount of \$3,331,144; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work, that contracting is in the public interest for reasons of economy and better performance, and that awarding this contract will not result in the loss of employment or salary for any person in the City's competitive service; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA) pursuant to applicable provisions of the CEQA Guidelines, including Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction), and Section 15061(b)(3) (Common Sense Exemption), as the work involves seismic retrofit and preventive maintenance of an existing bridge facility and will not result in a significant effect on the environment. The City Council will adopt CEQA findings as part of the proposed resolutions and staff will file a Notice of Exemption as appropriate; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to Bay Line Cutting & Coring Inc. in an amount not to exceed \$3,331,144; and be it

FURTHER RESOLVED: That the City Council hereby waives the 5% maximum mobilization requirement in Section 9-3.4 of the project specifications; and be it

FURTHER RESOLVED; That the City Council finds that Bay Line Cutting & Coring Inc.'s deviation from the Special Provisions Section 9-3.4 mobilization limitation constitutes a minor and immaterial bid irregularity that the City may waive because the deviation does not affect the bid amount, does not alter the scope of work, does not impact the quantity or quality of work

required, and does not provide the bidder a competitive advantage, and that waiver is in the best interests of the City and consistent with applicable federal-aid procurement requirements; and

FURTHER RESOLVED: That this project is exempt from CEQA pursuant to applicable provisions of the CEQA Guidelines, including Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction), and Section 15061(b)(3) (Common Sense Exemption), as the work involves seismic retrofit and preventive maintenance of an existing bridge facility and will not result in a significant effect on the environment; and be it

FURTHER RESOLVED: That the successful contractor shall provide a faithful performance bond and a labor and materials payment bond, each in the full amount of the contract price, prior to the execution of the contract; and be it

FURTHER RESOLVED: That if the apparent low bidder fails or refuses to execute the contract or furnish the required bonds and insurance within the time specified in the bid documents, the City Administrator is authorized to award the contract to the next lowest responsive and responsible bidder at that bidder's bid price, or, at the City Administrator's discretion, reject all bids and re-advertise; and be it

FURTHER RESOLVED: That the City Administrator is authorized to approve and execute amendments, modifications, extensions, and related actions necessary to complete the project, consistent with the project specifications, without returning to Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction as approved by the Director of the Department of Transportation, are hereby adopted; 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 shall be placed on file in the Office of the City Clerk; and be it.

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda for the project described in this resolution;

MAR 3 2026

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROWN~~, FIFE, ~~GALLO~~, HOUSTON, ~~RAMACHANDRAN~~, UNGER, WANG AND
PRESIDENT JENKINS - 5

NOES - 0

ABSENT - 0

ABSTENTION - 0

3 Excused - Brown, Gallo, and
Ramachandran

ATTEST:



ASHA REED

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