



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Ryan Russo  
Oakland Department of  
Transportation, Director

**SUBJECT:** Construction Contract Award to Ray's  
Electric for Telegraph Avenue  
Complete Street Project

**DATE:** July 8, 2021

City Administrator Approval 

Date: Jul 15, 2021

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, For The Active Transportation Program (ATP) Telegraph Avenue Complete Street Project, Project No. 1003233, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Million Two Hundred Thirty-Six Thousand Five Hundred Ninety-Three Dollars (\$5,236,593.00); Authorizing The Construction Of The Telegraph Complete Street Project; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.**

## **EXECUTIVE SUMMARY**

The proposed resolution awards a construction contract in an amount of \$5,236,593.00 to Gruendl Inc. doing business as (dba) Ray's Electric, the lowest, responsible, responsive bidder, for the Active Transportation Program (ATP) Telegraph Avenue Complete Street Project, Project No. 1003233, to implement pedestrian, bicycle, transit and vehicular traffic safety improvements on Telegraph Avenue between Thomas L. Berkley Way (20th Street) and 42nd Street. Project improvements include pedestrian crossings improvements, protected bicycle lanes, protected bicycle intersections, rectangular rapid flashing beacons, transit boarding islands, traffic signal improvements, and plaza improvements.

The Telegraph Avenue Complete Street Project has been delayed by project manager turnover, incremental efforts to improve safety of the interim project, and direction to co-create street improvements with residents and merchants in July 2020. The Koreatown Northgate community has weathered the temporary, interim project for five years, and minimizing additional delays is critical to starting to reestablish trust with this community. Reviewing this item before the summer 2021 City Council recess helps expedite the delivery process and meet the ATP grant deadlines and commitments.

City Council  
July 26, 2021

## **BACKGROUND / LEGISLATIVE HISTORY**

In 2013, the City of Oakland received a grant from the Alameda County Transportation Commission to study complete street improvements along Telegraph Avenue and to make the street safer and more comfortable for all modes of travel. The study considered whether buffered or protected bike lanes were more appropriate on Telegraph Avenue. The Final Telegraph Avenue Complete Streets Plan, adopted by the City Council, directed staff to incorporate protected bicycle lanes between 20<sup>th</sup> Street and 29<sup>th</sup> Street. This design was selected to separate parking and loading needs from the bicycle travel lane.

Following Oakland City Council direction, the City was awarded an Active Transportation Program (ATP) grant in 2015 to implement the planned bicycle facility with transit and pedestrian improvements. In January 2016, the City Council passed Resolution No. 85955 C.M.S., as shown in **Attachment A**, which authorized the City Administrator to accept and appropriate the ATP grant for the Telegraph Avenue Complete Street Project. Design for this project is complete.

On July 6, 2021, the Oakland City Council unanimously resolved to direct the Oakland Department of Transportation to install permanent protected bike lanes, consistent with the ATP grant award. The grant-awarded project includes the following features includes the following:

- Installation of crossing improvements including: high-visibility crosswalks, ADA-compliant curb ramps, median refuges, signage, striping, and rectangular rapid flashing beacons (RRFB);
- Permanent protected bicycle lanes on Telegraph Avenue from Thomas L. Berkley Way (20<sup>th</sup> Street) to 29<sup>th</sup> Street;
- Protected bicycle intersections on Telegraph Avenue at West Grand Avenue and 27<sup>th</sup> Street;
- Plaza and roadway re-alignment at the intersection of Telegraph Avenue and 22<sup>nd</sup> Street;
- Installation of concrete transit boarding islands; and
- Roadway repair and resurfacing

## **ANALYSIS AND POLICY ALTERNATIVES**

In October 2015, the City was awarded a competitive ATP grant amounting in \$4,554,000 to plan, design and implement a permanent complete street project. Of the \$4,554,000 grant, \$3,125,450 was awarded for construction of the project. The project includes a road diet, protected bike lanes, pedestrian crossing improvements, bus boarding islands, and signal improvements. Upon completion of design, on January 22, 2021, the Office of City Clerk received five bids for the construction of the improvements from McGuire & Hester, Sposeto Engineering, Redgwick Construction, CF Contracting, Inc., and Ray's Electric presented in the table below.

<b>BIDDER</b>	<b>BASE BID</b>
McGuire & Hester	\$6,198,364.00
Sposeto Engineering	\$5,940,680.75
Redgwick Construction	\$5,584,399.00
CF Contracting, Inc.	\$6,466,165.00
Ray's Electric	\$5,236,593.00

The Department of Workforce and Employment Standards determined that Ray's Electric's bid is Equal Benefits Ordinance (EBO) compliant, meets the project Disadvantaged Business Enterprise (DBE) goal of 15%, and is therefore the lowest, responsible, responsive bidder. The Compliance Analysis Memorandum with the entire outcome of the compliance evaluation is shown in **Attachment B**.

Ray's Electric's bid of \$5,236,593.00 is eleven percent (11%) under the Engineer's Estimate of \$5,856,740.16. Staff determined that Ray's Electric's bid is reasonable with available sufficient funds and is recommended to be awarded the contract.

### **FISCAL IMPACT**

Approval of the resolution will authorize the City Administrator to execute a construction contract with Ray's Electric as follows:

#### AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Construction Contract: \$5,236,593.00

#### SOURCES OF FUNDING:

The project is funded by the ATP grant funds and Measure KK bonds. Caltrans has authorized the use of grant funds for the construction contract of the Telegraph Avenue Improvement project. A local match is required as a condition of the grant.

<b>CONSTRUCTION FUNDING SOURCE</b>	<b>AMOUNT</b>
Grant: Active Transportation Program (ATP) Telegraph Avenue Complete Street Project (No. 1003233), Traffic/Parking Organization (92246), Street Improvements Account (57411), Department of Transportation Fund (2116), Construction Task (8.0), Award (23078)	\$3,125,450.00
Local Match: <ul style="list-style-type: none"> <li>\$402,276 from Telegraph Avenue Complete Street Project (No. 1003233), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure KK Fund (5332), Administration Task (1.0), Award (23686)</li> <li>\$1,122,236 from Measure KK Complete Streets Project (No. 1003348), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure KK Fund (5332), Administration Task (1.0), Award (23686)</li> </ul>	\$2,111,143.00

<ul style="list-style-type: none"><li>• \$586,631 from Measure BB Local Match Project (No. 1001512), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure B Fund (2211), Administration Task (1.0), Award (23234)</li></ul>	
<b>TOTAL FUNDS</b>	<b>\$5,236,593.00</b>

**PUBLIC OUTREACH / INTEREST**

Public outreach is part of the Capital Contract Equity Initiative for Oakland Public Works (OPW). The outreach engagement specifically includes professional organizations representing women-owned and African American-owned firms. These two groups were identified in the 2019 Mason Tillman Disparity Study as firms not receiving a proportional amount of contracting dollars from the City of Oakland.

For this construction Request for Bid (RFB) solicitation, OakDOT worked with Oakland Public Works Capital Contracts Division (OPW-CCD) and Department of Workplace and Employment Standards to perform public outreach through the legal ads, enhanced notifications, and a pre-proposal meeting.

Notifications of solicitations were distributed by several means. The first mean, the City's iSupplier system, was utilized to notify Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Companies that register in iSupplier wait a few days before receiving access to review proposal requests in this system. If a company enters a North American Industry Classification System (NAICS) code, they are notified about projects with this code.

In addition to iSupplier and the established disparity outreach list of OPW-CCD also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. It is used to push out notifications to plan rooms and builders' exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to be automatically notified of all City of Oakland solicitations without restrictions.

The legal notice for the RFB was advertised on November 27, 2020. Legal notices were printed in the EastBay Times and Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times publications to supplement and ensure the information reaches Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) in Black, Indigenous, People of Color (BIPOC) communities with potential contractors/consultant.

Upcoming projects and current projects accepting submissions are on our webpage. As part of our equity initiative, current and next steps contain outreach to engage professional and contractor associations specifically representing women-owned, African American-owned, and other global majority firms. OPW-CCD will collaborate with existing construction/consultant

working groups and professional organizations to reduce identified disparities in contracting. Finally, OPW-CCD will partner with the Business Assistance Center to identify grant funding to establish a Contract Assistance Center to help guide contractors with the City's contracting process.

### **COORDINATION**

The Office of the City Attorney and Budget Bureau were consulted in the preparation of this report.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

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

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** Pedestrian- and bicycle-friendly streets are good for business. Evaluations of similar projects find that people on foot and on bike shop more frequently and spend more money overall at local businesses after investments in pedestrian and bicycle safety are made. Providing safer, low-cost transportation options can also increase access to jobs and economic opportunity. The Koreatown Northgate Business Improvement District represents businesses along Telegraph Avenue and supports buffered bike lanes with curb management. Construction of the Telegraph Avenue Complete Street Project will provide a permanent low-cost transportation option, which can improve safety and increase access to jobs and economic opportunity. Awarding the construction contract to the lowest bid responsibly stewards city resources.

***Environmental:*** Safer streets for walking and bicycling can help reduce environmental impacts associated with transportation by helping shift the mode split from single occupancy vehicles to walking, bicycling, and transit.

The existing bicycle facility on Telegraph Avenue is temporary and requires extensive, on-going maintenance. Construction of the permanent protected bike lane project will reduce the maintenance burdens of the existing interim protected bike lane project, thereby reducing waste and associated resources.

***Race & Equity:*** Road diets and dedicated bike lanes are a key tool to reduce severe and fatal injury crashes by reducing speeding, and in Oakland, severe and fatal traffic crash victims are predominantly Black, Indigenous, and People of Color (BIPOC), and BIPOC are more likely to live in zero-car households and thus more dependent on walking, bicycling and transit to get around. Staff acknowledged the impact of past decisions, listened to community voices and concerns, and made recommendations for improvements to the project as a result of the feedback. These are key considerations toward advancing equitable transportation projects and help build trust among the communities we serve.

City contracting can play an important role in reversing historic economic inequities across race. The Disadvantaged Business Enterprise (DBE) program was created to ensure firms competing for public contracts are not disadvantaged by unlawful discrimination. Only firms owned and controlled by socially and economically disadvantaged individuals are certified as DBE. DBE will perform over 20% of the work associated with constructing this project.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The Oakland Bicycle Master Plan Final Environmental Impact Report (EIR), initially certified in 2007 and reaffirmed in 2019 via Addendum, found the recommendations of the Plans—including a protected bike lane on Telegraph Avenue—would result in less than significant impacts under CEQA. The project would have no new or substantially more severe impacts, nor would there be any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects not discussed in previous environmental documents. Also, there are no previously identified significant effects determined to have a more severe adverse impact than those discussed in previous environmental documents.

Furthermore, the project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5(a) (restriping of streets for bicycle lanes). The project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment). Each of the above exemptions provides a separate and independent basis for CEQA compliance.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Awarding A Construction Contract To Ray's Electric, For The Active Transportation Program (ATP) Telegraph Avenue Complete Street Project, Project No. 1003233, The Lowest, Responsible, Responsive Bidder In Accordance With Project Plans, Specifications, State Requirements, And With Contractor's Bid In The Amount Of Five Million Two Hundred Thirty-Six Thousand Five Hundred Ninety-Three Dollars (\$5,236,593.00); Authorizing The Construction Of The Telegraph Complete Street Project; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Emily Ehlers, Senior Transportation Planner, at 510-238-2259.

Respectfully submitted,



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Attachments (3):

Attachment A: City Council Resolution No. 85955

Attachment B: Compliance analysis memorandum

Attachment C: Contractor performance evaluation

