

**CITY OF OAKLAND / REDEVELOPMENT AGENCY**  
**JOINT AGENDA REPORT**

TO: Office of the City and Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency and Community and Economic Development Agency  
DATE: June 14, 2005

RE: (1) RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MCGUIRE AND HESTER FOR THE CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I – 85<sup>TH</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610), FOR AN AMOUNT NOT TO EXCEED \$794,925  
(2) RESOLUTION AUTHORIZING THE CITY TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$950,000 FOR THE CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I – 85<sup>TH</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610)  
(3) AGENCY RESOLUTION AUTHORIZING A CONTRIBUTION OF AN AMOUNT NOT TO EXCEED \$950,000 IN AGENCY FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR THE CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I – 85<sup>TH</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610)

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**SUMMARY**

Staff has prepared three resolutions to award a street construction contract and to fund the project construction with Agency bond funds.

- The first resolution authorizes the City Administrator to award a construction contract in an amount not to exceed \$794,925 to McGuire and Hester for the construction of Railroad Avenue Improvements Phase I – 85<sup>th</sup> Avenue to Louisiana Street (Project No. C230610).
- The second resolution authorizes the City to accept and appropriate up to \$950,000 from the Redevelopment Agency for this construction project.
- The third resolution authorizes the Redevelopment Agency to contribute up to \$950,000 under the Cooperation Agreement to the City to fund this construction project.

This construction project is intended to reduce blight along Railroad Avenue as well as retain and attract industrial and warehouse businesses in the Coliseum Redevelopment Area. This project is located within Council District 7.

## **FISCAL IMPACTS**

The Engineer's Estimate for the work is \$863,635. The second and third resolutions authorize the transfer of Agency funds to the City to pay for this construction project. The Coliseum Redevelopment Project Area Tax Allocation Bond Series 2003 has sufficient funding for the project in Fund (9453), Capital Improvement Projects – Economic Development Organization (94800), Structures and Improvements Account (57311), and Railroad Avenue Street Improvements Project (T248810) for the contract work.

These funds will be transferred on the City side to the Oakland Redevelopment Agency City Fund (7780), Capital Improvement Projects – Street Design Organization (92242), Structures and Improvements Account (57311), and Railroad Avenue Improvements Phase I – 85th Avenue to Louisiana Street Project (C230620).

## **BACKGROUND**

On March 21, 2005, the City Clerk opened four bids for this project. Bid discounts ranging from 3% to 5% for LBE/SLBE participation were applied to these bids. Bid details are presented in the Contract Compliance memo of *Attachment A*. McGuire and Hester had both the lowest project bid as well as the lowest bid that incorporated bid discounts. Thus McGuire and Hester, the lowest responsible bidder, is recommended for contract award with a bid price of \$794,925.

Project Description: In general, the proposed work consists of installing 890 linear feet of 24" diameter storm pipelines plus other storm drain improvements to ameliorate the area's flooding problems; raising the roadway; and constructing new roadway pavement, sidewalks, curbs and gutters. This project meets FY 2005/07 City Council and Mayor Goals and objectives numbers 1B, 2C and 2D in that it reduces blight and improves street and storm drain facilities.

Compliance with City Programs: McGuire and Hester's bid is in full compliance with City goals for Local and Small Local Business Enterprises. Under the proposed contract with McGuire and Hester, the 98.4% LBE/SLBE participation of \$782,175 exceeds the City's 20% LBE/SLBE goal. The bid documents show that 100% of the trucking sub-contractor amount (or \$24,000) meets the requirement for Local Trucking participation. The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in their memo, *Attachment A*.

## **KEY ISSUES AND IMPACTS**

The City's Capital Improvement Program has not had sufficient funds during the period from 2003 to 2005 for this improvement project. In 2003 the Redevelopment Agency authorized the use of Redevelopment bond funds to improve the blighted conditions of Railroad Avenue.

Construction is scheduled to begin in early August of this year and should be completed in December of this year. The contract specifies \$1,000 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 90 working days. The project schedule is shown in *Attachment B*. This work will alleviate frequent flooding at this location and generally improve this street.

Staff has reviewed the submitted bids for this work and determined that the low bid is reasonable.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. This project will improve traffic and storm drainage conditions and thus makes this industrial area more attractive to industries that provide employment within Oakland. This construction project also acts to retain long-time businesses in Oakland that have seriously considered relocating outside Oakland.

Environmental: The widening of the pavement area along Railroad Avenue, coupled with the construction of new curbs, will reduce the street's current illegal dumping problem. Air quality will be improved to the extent that the new sidewalks and curb ramps encourage pedestrian traffic. The construction of a new truck-staging lane will also improve air quality, as delivery truck drivers will not need to keep their motors running while they wait to enter the various warehouses along this street. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products.

Social Equity: This street has suffered from deterioration and from illegal dumping for a long time. This project will help prevent illegal dumping and enable this neighborhood to have clean streets as do many other Oakland communities.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Seniors and people with disabilities will benefit from the improved access this project provides.

### **RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to McGuire and Hester, the lowest responsible bidder, in an amount not to exceed \$794,925 for the construction of Railroad Avenue Improvements Phase I – 85<sup>th</sup> Avenue to Louisiana Street (Project No. C230610). The Contractor, McGuire and Hester, has met the LBE/SLBE requirements and there are sufficient funds in the Agency project account.

It is further recommended that the Redevelopment Agency contribute up to \$950,000 to fund this construction project and that the City accept and appropriate up to \$950,000 in Redevelopment Agency funds for this construction project.

**ACTION REQUESTED OF THE CITY COUNCIL**

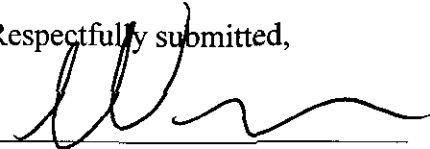
Staff recommends that the City Council and the Redevelopment Agency approve these three resolutions.

Respectfully submitted,



**Raul Godinez, II, P.E.**  
Director, Public Works Agency

Respectfully submitted,



**Daniel Vanderprie**  
Director of Redevelopment, Economic  
Development, Community Development and  
Housing

Reviewed by:  
Michael Neary, P.E.  
Assistant Director, Public Works Agency

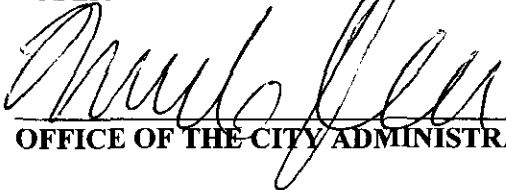
Reviewed by:  
Gregory Hunter  
East Oakland Redevelopment Manager

Prepared by:  
Fuad Sweiss, P.E.  
Engineering Design & Right-of-Way Manager

Prepared by:  
Jay Musante  
UEA III  
Redevelopment Division

Emad Mirsaeidi, P.E.  
Supervising Civil Engineer  
Engineering Design & Right-of-Way Management

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE



**OFFICE OF THE CITY ADMINISTRATOR**

**Attachment A**

**Contract Compliance Review  
Railroad Avenue Improvements  
Phase I – 85th Avenue to Louisiana Street  
(Project No. C230610)**

# ATTACHMENT A

OFFICE OF THE CITY ADMINISTRATOR  
Contract Compliance & Employment Services Division

## Memo

TO: Gwen McCormick - Contract Administrator Supervisor  
FROM: Deborah Barnes, CC&ES Manager *D. Barnes*  
CC: Contract Compliance Officer File  
DATE: April 19, 2005

RE: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Contract Compliance & Employment Service reviewed four (4) bids received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

Company Name	Bid Amount (if applicable)	Proposed Participation				Preferences		Banked Credits Eligibility	EBO Compliant ? Y/N
		Total	LBE	SLBE	Trucking	Bid Discounts	Adjusted Bid Amount		
Fanfa, Inc.	\$843,075.63	44.83%	0.00%	44.83%	100%	4%	\$809,353	0%	Y
McGuire & Hester	\$794,925.00	98.40%	78.70%	19.70%	100%	3%	\$771,077	0%	Y
Gallagher & Burk	\$835,210.00	81.38%	55.36%	26.02%	100%	5%	\$793,450	0%	Y
Simco Construction, Inc.	\$1,296,833.79	58.87%	0.00%	58.87%	0%	5%	\$1,231,992	0%	N

As noted above, firms that met or exceeded the 20% L/SLBE requirement and are not in compliance with the Equal Benefit Ordinance (EBO) will have to come into compliance prior to contract execution.

Should you have any questions you may contact Dasco Munoz at 238-3970

# ATTACHMENT A

## Contract Compliance and Employment Services Evaluation Form

Project No.: C230610

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Contractor: Fanfa, Inc.

Contractor's Bid Amount: 843,075.63

Engineer's Estimate: 863,636.00

Over/Under the Engineers Estimate: 20,560.37

Bid Discounted Amount: \$33,723.03

Discount Points: 4%

Discounted Bid Price: \$809,352.60

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 0.00%  
b) % of SLBE 44.83%

3. Did the contractor meet the Trucking requirement? YES

a) % of Local Trucking 100.00%

4. Did the contractor received bid discount points? YES  
(If yes, list the points received) 4%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

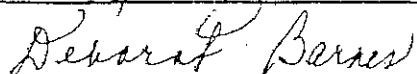
4/19/2005

Reviewing  
Officer:



Date: 4/19/2005

Approved By:



Date: 4/19/2005

# LBE/SLBE Participation Bidder 1

# ATTACHMENT A

Project Name: Railroad Avenue Improvements Phase 1 - 185th Avenue To Louisiana Street

Project No.: C230610		Engineers Est: 869,636.00				Under/Over Engineers Estimate: 20,560.37									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only					
										Ethn.	MBE	WBE			
PRIME	Fanta, Inc.	San Lorenzo	UB						452,379.83						
Concrete	Vanguard Construction	Oakland	CB		132,586.80	132,586.80			132,586.80						
Underground	Andes Const.	Oakland	CB		217,359.00	217,359.00			217,359.00	H	\$217,359.00				
Stripe	Riley's Stripe	Union City	UB						12,750.00						
Trucking	S&S Trucking	Oakland	CB		28,000.00	28,000.00	28,000.00	28,000.00	28,000.00	H	\$28,000.00				
<b>Project Totals</b>				0.00	377,945.80	377,945.80	28,000.00	28,000.00	843,075.63		\$245,359.00	\$0.00			
				0.0%	44.83%	44.83%	100.00%	100.00%							
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TRUCKING 20%	LBE/SLBE 20%			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other					
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business							
				SLBE = Small Local Business Enterprise				CB = Certified Business							
				Total LBE/SLBE = All Certified Local and Small Local Businesses.				MBE = Minority Business Enterprise							
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise							
				NPSLBE = NonProfit Small Local Business Enterprise											



# ATTACHMENT A

## Contract Compliance and Employment Services Evaluation Form

Project No.: C230610

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Contractor: McGuire & Hester

Contractor's Bid Amount: 794,925.00

Engineer's Estimate: 863,636.00

Over/Under the Engineers Estimate: -68,711.00

Bid Discounted Amount: \$23,847.75

Discount Points: 3%

Discounted Bid Price: \$771,077.25

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 78.70%  
b) % of SLBE 19.70%

3. Did the contractor meet the Trucking requirement? YES

a) % of Local Trucking 100.00%

4. Did the contractor received bid discount points? YES  
(If yes, list the points received) 3%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 4/19/2005

Reviewing  
Officer:

Date: 4/19/2005

Approved By:

Date: 4/19/05

# ATTACHMENT A LBE/SLBE Participation Bidder 2

Project Name: Railroad Avenue Improvements Phase 1 - 185th Avenue To Louisiana Street

Project No.: C230610		Engineers Est: 863,636.00				Under/Over Engineers Estimate: 68,711.00						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	McGuire & Hester	Oakland	CB	625,588.00		625,588.00			625,588.00			
Trucking	Williams Trucking	Oakland	CB		24,000.00	24,000.00	24,000.00	24,000.00	24,000.00	AA	\$24,000.00	
Striping	Riley's Striping	Union City	UB						12,750.00			
Concrete	Vanguard Construction	Oakland	CB		132,587.00	132,587.00			132,587.00	H		
<b>Project Totals</b>				625,588.00	156,587.00	782,175.00	24,000.00	24,000.00	794,925.00		\$24,000.00	\$0.00
				78.7%	19.70%	98.40%	100.00%	100.00%				
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise		UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						

# ATTACHMENT A

## Contract Compliance and Employment Services Evaluation Form

Project No.: C230610

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Contractor: Gallagher & Burk

Contractor's Bid Amount: 835,210.00

Engineer's Estimate: 863,636.00

Over/Under the Engineers Estimate: 28,426.00

Bid Discounted Amount: \$41,760.50

Discount Points: 5%

Discounted Bid Price: \$793,449.50

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 55.36%

b) % of SLBE 26.02%

3. Did the contractor meet the Trucking requirement? YES

a) % of Local Trucking 100.00%

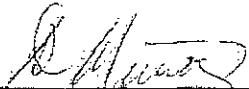
4. Did the contractor received bid discount points? YES  
(If yes, list the points received) 5%

5. Additional Comments.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept.

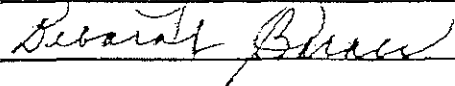
4/19/2005

Reviewing  
Officer:



Date: 4/19/2005

Approved By:



Date: 4/19/05

# ATTACHMENT A

## LBE/SLBE Participation

### Bidder 3

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Project No.: C230610		Engineers Est: 863,636.00				Under/Over Engineers Estimate: 28,426.00									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only					
										Ethn.	MBE	WBE			
PRIME	Gallagher & Burk	Oakland	CB	462,340.00		462,340.00			462,340.00						
Concrete	M.F. Maher	Vallejo	UB						140,411.00						
Strom Drain	Andes Construction	Oakland	CB		187,359.00	187,359.00			187,359.00	H	\$187,359.00				
Striping	Precision Co.	S.F.	UB						15,100.00						
Trucking	Williams Trucking	Oakland	CB		30,000.00	30,000.00	30,000.00	30,000.00	30,000.00	AA	\$30,000.00				
<b>Project Totals</b>				462,340.00	217,359.00	679,699.00	30,000.00	30,000.00	835,210.00		\$217,359.00	\$0.00			
				55.36%	26.02%	81.38%	100.00%	100.00%							
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE:10%	SLBE:10%	TRUCKING 20%	LBE/SLBE 20%		Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other						
<b>Legend</b>				LBE = Local Business Enterprise		SLBE = Small Local Business Enterprise		Total LBE/SLBE = All Certified Local and Small Local Businesses		NPLBE = NonProfit Local Business Enterprise			NPSLBE = NonProfit Small Local Business Enterprise		
				UB = Uncertified Business		CB = Certified Business		MBE = Minority Business Enterprise		WBE = Women Business Enterprise					

# ATTACHMENT A

## Contract Compliance and Employment Services Evaluation Form

Project No.: C230610

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Contractor: Simco Construction, Inc.

Contractor's Bid Amount: 1,296,833.79

Engineer's Estimate: 863,636.00

Over/Under the Engineers Estimate: -433,197.79

Bid Discounted Amount: \$64,841.69

Discount Points: 5%

Discounted Bid Price: \$1,231,992.10

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a)	% of LBE	<u>0.00%</u>
b)	% of SLBE	<u>58.87%</u>

3. Did the contractor meet the Trucking requirement? NO

a)	% of Local Trucking	<u>0.00%</u>
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4. Did the contractor received bid discount points? YES  
(If yes, list the points received) 5%

5. Additional Comments.

This contractor did not meet the 20% requirement for trucking, therefore deem a non-responsive bidder.

6. Date evaluation completed and returned to Contact Admin./Initiating Dept. 4/19/2005

Reviewing

Officer:

Date: 4/19/2005

Approved By:

Date: 4/19/05

# ATTACHMENT A

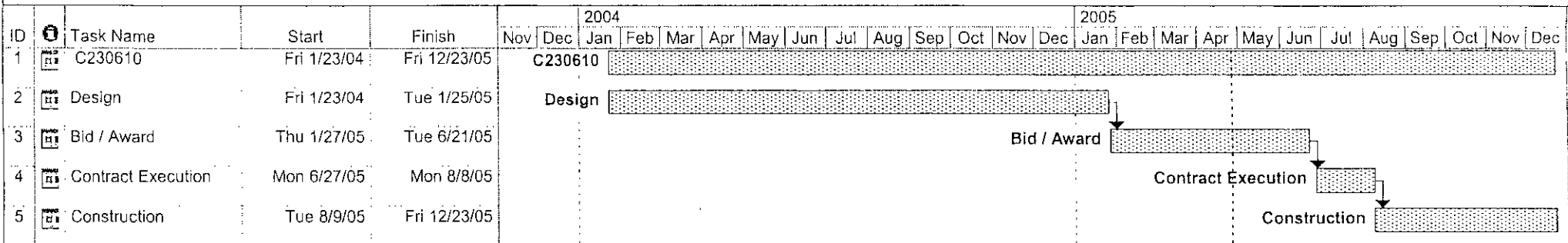
## LBE/SLBE Participation


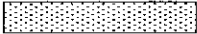









### Bidder 4

Project Name: Railroad Avenue Improvements Phase 1 -185th Avenue To Louisiana Street

Project No.: C230610		Engineers Est: 863,636.00				Under/Over Engineers Estimate: -433,197.79						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	S/LBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Simco Construction, Inc.	Oakland	CB		763,387.79	763,387.79			763,387.79	AA	\$763,387.79	
Traffic Control	Lane Safety Co., Inc.	Benecia	UB						36,050.00			
AC	JW Riley & Sons, Inc.	Oakland	CB						455,196.00			
Pipe	Andes Construction	Oakland	CB							H		
Striping	Riley's Striping	Union City	UB						35,000.00			
Tree Removal	Reliable Tree Expert	Oakland	UB						7,200.00	AP		
Trucking	Williams Trucking	Oakland	CB							AA		
<b>Project Totals</b>				0.00	763,387.79	763,387.79	0.00	0.00	1,296,833.79		\$763,387.79	\$0.00
				0.0%	58.87%	58.87%	0.00%	0.00%				
<b>Requirements:</b>				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TRUCKING 20%</b>	<b>LBE/SLBE 20%</b>			<b>Ethnicity</b>		
The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.										AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other		
<b>Legend</b>				LBE = Local Business Enterprise			UB = Uncertified Business					
				SLBE = Small Local Business Enterprise			CB = Certified Business					
				Total LBE/SLBE = All Certified Local and Small Local Businesses			MBE = Minority Business Enterprise					
				NPLBE = NonProfit Local Business Enterprise			WBE = Women Business Enterprise					
				NPSLBE = NonProfit Small Local Business Enterprise								

**ATTACHMENT B**  
**Project Schedule**  
**Railroad Avenue Improvements**  
**Phase I -- 85th Avenue to Louisiana Street**  
**City Project No. C230610**



Project: C230610 Railroad Avenue Date: June 14, 2005	Task		Rolled Up Task		External Tasks	
	Progress		Rolled Up Milestone		Project Summary	
	Milestone		Rolled Up Progress		Group By Summary	
	Summary		Split			

  
OFFICE OF THE CITY CLERK  
Deputy City Attorney

2005 JUN -2 PM 3:01

# OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN AN AMOUNT NOT TO EXCEED \$950,000 FOR CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I - 85<sup>TH</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610)**

**WHEREAS**, the City will be performing work to alleviate substandard drainage, general blight and unsanitary conditions caused by the deterioration, obsolescence and blight on Railroad Avenue between 85<sup>th</sup> Avenue and Louisiana Street (the "Railroad Avenue Improvement Project") in the Coliseum Redevelopment Project Area; and

**WHEREAS**, the Redevelopment Agency of the City of Oakland has authorized a contribution of \$950,000, including contingency, to the Railroad Avenue Improvement Project; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, there are sufficient funds in the Coliseum Tax Allocation Bond Series 2003 Fund (9453), Capital Improvement Projects – Economic Development Organization (94800), Structures and Improvements Account (57311), and Railroad Avenue Street Improvements Project (T248810) for the contract work; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; now, therefore, be it

**RESOLVED:** That the City Council hereby consents to the use of up to \$950,000 in Redevelopment Agency funds, including contingency, for the Railroad Avenue Improvement Project, and appropriates such funds to the Railroad Avenue Improvement Project; and be it



**FURTHER RESOLVED:** That such funds shall be placed into the Oakland Redevelopment Agency City Fund (7780), Capital Improvement Projects – Street Design Organization (92242), Structures and Improvements Account (57311), and Railroad Avenue Improvements Phase I – 85th Avenue to Louisiana Street Project (C230620) for the Railroad Avenue Improvement Project; and be it

**FURTHER RESOLVED:** That the City Council hereby finds and determines as follows:

1. That the funding of the Railroad Avenue Improvement Project will benefit the Coliseum Redevelopment Project Area by installing drainage improvements to alleviate the substandard drainage, and unsanitary and obsolete street conditions which are a blighting influence in the Coliseum Project Area;
2. That no other reasonable means of financing the Railroad Avenue Improvement Project are available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Coliseum Project Area for the Railroad Avenue Improvement Project will assist in the elimination of blight in the Coliseum Project Area by installing new drainage systems and elevating the roadway to alleviate the substandard drainage and flooding problems that created an unsafe and unsanitary road; and
4. That the use of tax increment funds from the Coliseum Project Area for the Railroad Avenue Improvement Project is consistent with the implementation plan adopted for the Coliseum Project Area.

and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to take whatever actions necessary with respect to this Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT DE LA FUENTE  
NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the  
Council of the City of Oakland, California

2005 JUN -2 PM 3:01  
Agency Counsel

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

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

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**RESOLUTION AUTHORIZING A CONTRIBUTION OF AN AMOUNT NOT TO EXCEED \$950,000 IN AGENCY FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I -- 85<sup>TH</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610)**

**WHEREAS**, the Redevelopment Agency wishes to fund construction costs to assist in the alleviation of substandard drainage, general blight and unsanitary conditions caused by the deterioration, obsolescence and blight on Railroad Avenue between 85<sup>th</sup> Avenue and Louisiana Street (the "Railroad Avenue Improvement Project") in the Coliseum Redevelopment Project Area; and

**WHEREAS**, the City of Oakland and Redevelopment Agency are implementing the 2003-2005 Agency Budget for the Coliseum Redevelopment Project, including the Railroad Avenue Improvement Project, to retain businesses and improve the industrial edge of the Coliseum Project Area; and

**WHEREAS**, the City and Redevelopment Agency are jointly implementing projects such as the Railroad Avenue Improvement Project as part of the Coliseum Capital Improvement program which was approved in 2003 to complement other projects such as the Airport Gateway - Doolittle Drive Streetscape Improvement Project; and

**WHEREAS**, the City and the Agency agree that economic development and redevelopment are goals of the Coliseum Redevelopment Project and that the Railroad Avenue Improvement Project will improve a substandard street with better drainage, sidewalks and paving to alleviate blight and support the retention of businesses along the corridor and will complement and enhance economic development efforts; and

**WHEREAS**, the Agency has supported a business retention program as part of its overall economic development and redevelopment program for the Coliseum Redevelopment Project Area, and the Railroad Avenue Improvement Project supports that business retention program; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment

of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, the Agency authorized an allocation of Agency funding in an amount not to exceed \$950,000, including contingency, to the Railroad Avenue Improvement Project from the Coliseum Tax Allocation Bond Series 2003 Fund (9453), Capital Improvement Projects – Economic Development Organization (94800), Structures and Improvements Account (57311), and Railroad Avenue Street Improvements Project (T248810) in the approval of its Fiscal Year 2003-2005 Budget in 2003; and

**WHEREAS**, there are sufficient funds in the Coliseum Tax Allocation Bond Series 2003 Fund (9453), Capital Improvement Projects – Economic Development Organization (94800), Structures and Improvements Account (57311), and Railroad Avenue Street Improvements Project (T248810) for the contract work; and

**WHEREAS**, these funds will be transferred on the City side to the Oakland Redevelopment Agency City Fund (7780), Capital Improvement Projects – Street Design Organization (92242), Structures and Improvements Account (57311), and Railroad Avenue Improvements Phase I – 85<sup>th</sup> Avenue to Louisiana Street Project (C230620) for the contract work; and

**WHEREAS**, the City Council is consenting to the use of Agency funding for the Railroad Avenue Improvement Project pursuant to Section 33445 of the California Health and Safety Code; now, therefore, be it

**RESOLVED:** That the Agency Administrator is authorized to contribute an amount not to exceed \$950,000, including contingency, under the Cooperation Agreement to the City of Oakland for the construction of Railroad Avenue Improvements Phase I – 85<sup>th</sup> Avenue to Louisiana Street (Project No. C230610); and be it

**FURTHER RESOLVED:** That the Agency contribution is appropriated with contingency funding up to a total amount of \$950,000 as set forth in the 2003-05 Redevelopment Budget; and be it

**FURTHER RESOLVED:** That the Agency hereby finds and determines as follows:

1. That the funding of the Railroad Avenue Improvement Project will benefit the Coliseum Project Area by installing drainage improvements to alleviate the substandard drainage, and unsanitary and obsolete street conditions which are a blighting influence in the Coliseum Project Area;

2. That the City Capital Improvement Program ("CIP") funds have been unable to provide financing for the Railroad Avenue Project in the period 2003-2005 and that no other reasonable means of financing the Railroad Avenue Improvement Project are available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Coliseum Project Area for the Railroad Avenue Improvement Project will assist in the elimination of blight in the Coliseum Project Area by installing new drainage systems and elevating the roadway to alleviate the substandard drainage and flooding problems that created an unsafe and unsanitary road; and
4. That the use of tax increment funds from the Coliseum Project Area for the Railroad Avenue Improvement Project is consistent with the implementation plan adopted for the Coliseum Project Area.

**FURTHER RESOLVED:** That the Agency Administrator or her designee is hereby authorized to take whatever action is necessary with respect to the Railroad Avenue Improvement Project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

**ATTEST:** \_\_\_\_\_  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California

**OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_

C.M.S. OFFICE OF THE CITY CLERK

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

2005 JUN -2 11 3:02

REQUIRES TWO-THIRDS VOTE OF THE COUNCIL

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO McGUIRE AND HESTER FOR THE CONSTRUCTION OF RAILROAD AVENUE IMPROVEMENTS PHASE I -- 85<sup>th</sup> AVENUE TO LOUISIANA STREET (PROJECT NO. C230610) FOR AN AMOUNT NOT TO EXCEED \$794,925**

**WHEREAS**, on March 21, 2005, four bids were received by the Office of the City Clerk of the City of Oakland for the Construction of Railroad Avenue Improvements Phase I -- 85<sup>th</sup> Avenue to Louisiana Street (Project No. C230610); and

**WHEREAS**, McGuire and Hester as a certified LBE bidding as a prime is the lowest responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in Coliseum Tax Allocation Bond Series 2003 Fund (9453), Capital Improvement Projects -- Economic Development Organization (94800), Structures and Improvements Account (57311), and Railroad Avenue Street Improvements Project (T248810) for the contract work; and

**WHEREAS**, these funds will be transferred on the City side to the Oakland Redevelopment Agency City Fund (7780), Capital Improvement Projects -- Street Design Organization (92242), Structures and Improvements Account (57311), and Railroad Avenue Improvements Phase I -- 85<sup>th</sup> Avenue to Louisiana Street Project (C230620) for the contract work; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, McGuire and Hester complies with all LBE/SLBE requirements; 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 services; now, therefore, be it

**RESOLVED:** That the contract for the construction of Railroad Avenue Improvements Phase I -- 85<sup>th</sup> Avenue to Louisiana Street (Project No. C230610) is hereby awarded to McGuire and Hester in accordance with the terms of its bid therefore, dated March 21, 2005, for an amount not to exceed seven hundred ninety-four thousand, nine hundred twenty-five dollars (\$794,925); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$794,925, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$794,925 with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments 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 and placed on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LATONDA SIMMONS

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