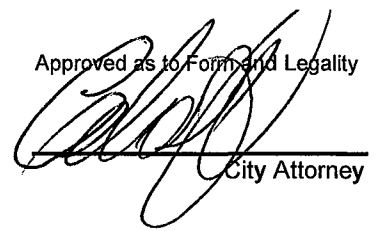


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2018 JUL -9 PM 2:15 RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS, FOR THE PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENTS ON INTERNATIONAL BOULEVARD FROM 42ND AVENUE TO 107TH AVENUE PROJECT (PROJECT NO. 1000844) IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).**

**WHEREAS**, the City of Oakland applied for and awarded an Active Transportation Program (ATP) federal grant in the amount of \$2,481,000.00 for the Pedestrian Lighting and Sidewalk Improvements On International Boulevard (Project No. 1000844); and

**WHEREAS**, the Pedestrian Lighting and Sidewalk Improvements on International Blvd Project includes installation of pedestrian lighting and sidewalk improvements between 42<sup>nd</sup> Avenue and 107<sup>th</sup> Avenue; and

**WHEREAS**, the California Transportation Commission’s deadline for award of this contract was May 31<sup>st</sup>, 2018; and

**WHEREAS**, award of the contract is contingent upon action of the CTC to extend the grant award deadline; and

**WHEREAS**, if such an extension is not granted, the City of Oakland must identify alternate funds for construction; and

**WHEREAS**, One Bay Area Grant (OBAG) funds pledged to the Lakeside Family Streets project (Reso. No. 86791 C.M.S.) by the Metropolitan Transportation Commission (MTC) is a potential source of funding for this project; and

**WHEREAS**, this project was advertised on June 15, 2018 and bid opening on July 10, 2018; and

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

- Account (57411); Project (1000844); (Fiscal Year 2017-2018); and Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Streetscapes/Complete Street Capital (Project 1003348); (Fiscal Year 2018-2019); and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now therefore be it

**RESOLVED:** That the City Administrator, or designee, is authorized to execute a construction contract for the Pedestrian Lighting and Sidewalk Improvements Project on International Blvd, to the lowest responsive and responsible bidder, in an amount of the bid not-to-exceed \$4,000,000.00 in accord with plans and specifications for the project and contractor's bid dated July 10, 2018; and be it

**FURTHER RESOLVED:** That this award is conditional upon the California Transportation Commission, grantor of the Active Transportation Program (ATP) federal grant, consenting to the extension of the project award date deadline to July 31, 2018; and be it

**FURTHER RESOLVED:** That if funds are not available through the ATP grant, then Council assents to reprogramming a portion of the One Bay Area Grant funds dedicated to the Lakeside Family Streets project for completion of this project, contingent upon approval from MTC for funding and reprogramming; and be it

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

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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