

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 DEC -3 PM 6:19

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: December 15, 2009

RE: **A Resolution:**

- 1) **Awarding A Construction Contract To Ray's Electric, The Lowest Responsible Responsive Bidder, For Citywide Guardrail Installation And The Installation Of A Traffic Signal At The Intersection Of International Boulevard And 50th Avenue (City Project Nos. C313620, C270310 And C313810) In Accord With Project Plans And Specifications And Contractor's Bid In An Amount Not-To-Exceed Two Hundred Eighty-Three Thousand Three Hundred Twenty-Two Dollars (\$283,322.00), And**
- 2) **Waiving Advertising And Bidding For, And Awarding, A Contract To Ray's Electric For Installation Of An Additional Traffic Signal At The Intersection Of Foothill Boulevard And 64th Avenue For An Amount Not-To-Exceed Two Hundred Thousand Dollars (\$200,000.00); And**

A Resolution Accepting And Appropriating Funds From The Redevelopment Agency Up To Three Hundred Thousand Dollars (\$300,000.00) Under The Cooperation Agreement From The Foothill Boulevard And Seminary Avenue Streetscape Improvement Project For The Resurfacing Of MacArthur Boulevard From 90th Avenue To Foothill Boulevard; And

An Agency Resolution Contributing Central City East Redevelopment Funds In An Amount Up To Three Hundred Thousand Dollars (\$300,000.00) To The City Of Oakland Under The Cooperation Agreement From The Foothill Boulevard and Seminary Avenue Streetscape Improvement Project For The Resurfacing Of MacArthur Boulevard From 90th Avenue To Foothill Boulevard.

SUMMARY

Three resolutions have been prepared to:

- 1) Award a construction contract to Ray's Electric for the Citywide Guardrail and Traffic Signal Project (City Project Nos.C313620, C270310, C313810) in the total amount of \$283,322.00, and to waive the competitive bid process and award a contract to Ray's Electric for the

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installation of a traffic signal at the intersection of Foothill Boulevard and 64th Avenue for an amount of \$200,000.00.

- 2) Accept and appropriate \$300,000.00 of Central City East redevelopment funds for resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard (Project G339620); and
- 3) Contribute \$300,000.00 in Central City East Redevelopment Funds from the Foothill Boulevard and Seminary Avenue Streetscape Project to the resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard (Project G339620).

The project will install guardrails at various locations citywide, and install a traffic signal at the intersection of International Boulevard and 50th Avenue, and Foothill Boulevard and 64th Avenue in the total amount of four hundred eighty-three thousand, three hundred twenty-two dollars (\$483,322.00).

All of the projects were approved in the 2005-2007 and 2007-2009 Capital Improvement Programs except for the traffic signal at Foothill Boulevard and 64th Avenue, which is being funded by \$300,000.00 in Measure B Funds currently earmarked for street resurfacing on MacArthur Boulevard, from 90th Avenue to Foothill Boulevard. In exchange, Central City East Redevelopment Funds will be used to backfill the \$300,000.00 for the resurfacing on MacArthur Boulevard. This fund swap is necessary because redevelopment funds may not be used for installation of traffic signals.

FISCAL IMPACT

Approval of the resolution will award a construction contract to Ray's Electric in the total amount of \$483,322.00.

Funds are available in the following accounts:

Citywide Guardrail Installations

- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C270310) in the amount of \$36,433.00.
- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C313810) in the amount of \$74,120.00.

International Boulevard and 50th Avenue Traffic Signal Installation

- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C313620) in the amount of \$172,769.00.

Foothill Boulevard and 64th Avenue Traffic Signal Installation

- Funds will be allocated from: Measure B Fund (2211), Capital Improvement Projects, Citywide Street Resurfacing FY 2007-2008 Project (G339620) in the amount of \$200,000.00, to a new project number to be assigned upon approval of this item.
- Further, Redevelopment Agency funds will be contributed under the Cooperation Agreement in the amount of \$300,000.00 for the resurfacing of MacArthur Boulevard. Funds will be contributed to the Oakland Redevelopment Agency Projects Fund (7780), Projects to be determined.

Implementation of this project will increase annual operation and maintenance costs by an estimated \$6,000.00.

BACKGROUND

The projects consist of the installation of traffic signals at International Boulevard and 50th Avenue, and the installation of guardrails at various locations citywide and installation of traffic signals at Foothill Boulevard at 64th Avenue. On July 9, 2009 the following three (3) bids were received for the installation of traffic signals at International Boulevard and 50th Avenue and guardrails at various locations citywide:

Responsive Bidder:

- Ray's Electric (Oakland): \$283,322.00

Non Responsive Bidders:

- Phoenix Electric Company (San Francisco): \$311,530.00
- Columbia Electric (San Leandro): \$534,110.30

On November 5, 2009, the Office of the City Administrator, Contract Compliance & Employment Services Division determined that Ray's Electric exceeded the 20% Local/Small Business Enterprise (L/SLBE) Program participation requirement. The remaining two (2) bidders did not meet the L/SLBE Program requirements.

All firms are compliant with the Equal Benefits Ordinance. Ray's Electric has been determined to be the lowest responsible and responsive bidder, and is recommended for award of the construction contract. The Contract and Compliance & Employment Services Division memos and evaluation forms are provided in *Attachment A* and *Attachment B*.

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The second project - installation of traffic signals at Foothill Boulevard at 64th Avenue – is recommended for award to Ray's Electric without advertising and bidding to expedite the project. Ray's Electric will comply with all City programs.

KEY ISSUES AND IMPACTS

Execution of a contract will take approximately two (2) months resulting in a projected construction start date of February 2010. With construction scheduled for 60 working days, the project is expected to be completed by May 2010. However, the expected contract completion date may vary due to the lead time for material procurement, unforeseeable construction conditions, and inclement weather. The contract specifies that the contract will be assessed \$500.00 in liquidated damages per working day if the construction schedule of 60 working days is exceeded, taking into account inclement weather and lead time for material procurement. The Resident Engineer assigned to this construction project will monitor the contractor's progress to ensure the project is completed in a timely manner.

After bid opening in October, a traffic safety report commissioned by the Community and Economic Development Agency, Transportation Services Division recommended the installation of a traffic signal at the intersection of Foothill Boulevard and 64th Avenue, as well as other corridor safety improvements. The study considered input from the neighboring community, including schools and churches, who concur with the recommendation for a new signal. In order to meet the community's request for the installation to take place as soon as possible, staff recommends that the competitive advertising and bidding process be waived and that the work be awarded to Ray's Electric, and that an additional \$200,000.00 be added to the contract to pay for the work. Waiving the competitive bid process will result in substantial time and cost savings in design and construction because the low bid from Ray's Electric, the proposed contractor for signal installation at International Boulevard and 50th Avenue, will be used as a baseline for the construction costs. The signal at the two locations will be very similar when installed, and therefore it is in the City's best interest to award an additional contract to install a signal at Foothill Boulevard and 64th Avenue.

The contribution of \$300,000.00 in redevelopment funds to the citywide resurfacing program will allow for the resurfacing of MacArthur Boulevard from 90th to Foothill Boulevard, while freeing up Measure B funds in the same amount for the traffic signal at Foothill Boulevard and 64th Avenue. The \$300,000.00 budget includes design, construction contract, construction management and inspection services, as well as project contingencies.

PROJECT DESCRIPTION

The project consists of the installation of a new traffic signal at the intersection of International Boulevard and 50th Avenue, and the installation of guardrails at various locations citywide as shown in *Attachment C*. The projects were approved by the City Council in the 2005-2007 and

2007-2009 Capital Improvement Programs. The work under this resolution also includes the installation of a traffic signal at Foothill Boulevard and 64th Avenue. This signal will address safety issues that have been identified at this location.

The new traffic signals will be fully actuated with vehicular safety lights, accessible pedestrian signals, a video detection system, internally illuminated street name signs, signal interconnect, and curb ramps in compliance with the Americans with Disabilities Act. The new traffic signal and guardrails will improve access and safety for all modes of transportation.

EVALUATION OF PAST PERFORMANCE

Past performance records indicate that the recommended contractor's (Ray's Electric) performance is satisfactory. See *Attachment D* for the latest performance evaluation.

SUSTAINABLE OPPORTUNITIES

Economic: The improvements will have a positive impact on the local economy by improving vehicular and pedestrian safety, and the associated reduction of costs of injuries and property damage. The work will be done by a local construction firm, resulting in commensurate local benefits.

Environmental: The improvements to pedestrian facilities will aid in making walking a more attractive mode of transportation, thereby encouraging reduction in automobile usage and reducing vehicle emissions. Additionally the City's current construction contract guidelines encourage the use of recyclable materials and waste reduction.

Social Equity: The signal improvements will improve overall living conditions by providing greater accessibility and safety to pedestrians, in particular school children. Senior citizens, persons with disabilities and children will especially benefit from these improvements. The installation of guardrails will enhance safety for the immediate neighborhoods by reducing the impact of vehicles running off the road.

DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as wheelchair ramps with detectable warning domes, which will assist senior citizens and persons with disabilities.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council approve 1) A City resolution awarding construction contracts to Ray's Electric for the Citywide Guardrail and Traffic Signal Installation at International and 50th Avenue and Foothill Boulevard and 64th Avenue in the aggregate amount

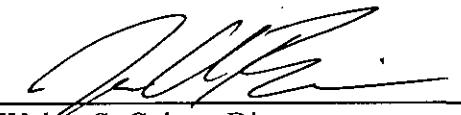
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of \$483,322.00; and 2) A City resolution accepting \$300,000.00 in Central City East redevelopment funds for the Foothill Boulevard and Seminary Avenue streetscape improvement project; and 3) An Agency resolution contributing \$300,000.00 in Central City East Redevelopment Funds to the Foothill Boulevard and Seminary Avenue streetscape improvement project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolutions.

Respectfully submitted,

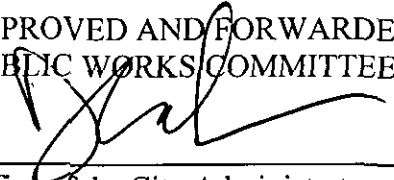

for Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael J. Neary, P.E.
Deputy Director
Department of Engineering and Construction

Wladimir Wlassowsky, P.E.
Manager
Transportation Services Division

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

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

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Public Works Committee
December 15, 2009

ATTACHMENT 'A'



Memo

Department of Contracting and Purchasing

Social Equity Division

To: Mohamed Alaoui, Assistant Transportation Engineer
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes - DC & P Director
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Dorensburg*
 CC: Gwen McCormick - Contract Administration Supervisor
 Date: November 5, 2009
 Re: C313620, C270310, C313810 -- Citywide Guardrail and 50th Ave at International Traffic Signal Installation

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project. The analysis includes one alternate.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Ray's Electric	\$293,322	61.75%	.93%	60.82%	100%	61.75%	5%	\$277,656	2%	Y

Comments: As noted above, Ray's Electric exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. The firm is EBO compliant.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Phoenix Electric	\$311,530	18.78%	.96%	17.82%	0%	0%	0%	\$0	0%	Y
Columbia Electric	\$534,110.30	54.30%	54.30%	0%	0%	0%	0%	\$0	0%	Y

Comments: As noted above, Columbia Electric and Phoenix Electric failed to meet the minimum 20% L/SLBE participation requirement and the 20% trucking requirement. Therefore, both firms are deemed non-responsive. Both firms are EBO compliant.



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: Ray's Electric

Project Name: Hegenberger Road East And airport Access Road Streetscape

Project No: C82660

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.

		50% Local Employment Program (LEP)							15% Apprenticeship Program			
Total Project Hours	Core Workforce Hours Deducted	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
A	B	C		D		E	F	G	H	I		J
		Goal	Hours	Goal	Hours					Goal	Hours	
10764	5382	50%	2691	100%	2691	0	0	100%	887	15%	887	0

Comments: Ray's Elected exceeded the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 444 on-site hours and 444 off-site hours.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.

ATTACHMENT 'B'

DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313620, C270310, C313810

RE:

Citywide Guardrail and 50th Ave at International Traffic Signal Installation

CONSULTANT/CONTRACTOR:

Ray's Electric Inc.

Engineer's Estimate:

\$387,920.40

Contractors' Bid Amount

\$283,322

Over/Under Engineer'sEstimate

-\$104,598.40

Bid discounted amount:

\$277,656

Discount/Points:

5%

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement YES
 - a) % of LBE participation 0.93%
 - b) % of SLBE participation 60.82%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total trucking participation 100%
4. Did the contractor receive bid discount points? YES
(If yes, list the points received) 5%
5. Additional Comments.

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

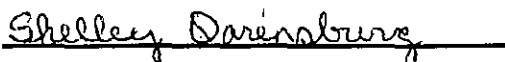
11/5/2009

Date

ReviewingOfficer:


Date: 11/5/2009

Approved By



Date: 11/5/2009

LBE/SLBE Participation Bidder 1

Project Name: Citywide Guardrail and 50th Avenue at International Traffic Signal												
Project No.: C313620, C270310, C313810		Engineer's Estimate		387,920.40		Under/Over Engineers Estimate: -385,280.40						
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 Guard Rails Traffic Signal Concrete Trucking Striping	Ray's Electric Inc.	Oakland	CB		162,804	162,804			162,804	C		
	Central Fence Co.	Sacramento	UB						72,772	C		
	Jam Services	Livermore	UB						35,605	C		
	Central Concrete	Oakland	CB	2,640		2,640			2,640	C		
	Williams Trucking	Oakland	CB		1,600	1,600	1,600	1,600	1,600	AA	\$1,600	
	Lineation Marking Corp.	Oakland	CB		7,901	7,901			7,901	C		
Project Totals				\$2,640	\$172,305	\$174,945	\$1,600	\$1,600	\$283,322		\$1,600	\$0
				0.93%	60.82%	61.75%	100%	100%	100%		0.56%	0.00%
Requirements: 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 NL = Not Listed			
Legend				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		



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313620, C270310, C313810

RE:

Citywide Guardrail and 50th Ave at International Traffic Signal Installation

CONSULTANT/CONTRACTOR:

Phoenix Electric

Engineer's Estimate:

\$387,920.40

Contractors' Bid Amount

\$311,530

Over/Under Engineer's

Estimate

-\$76,390.40

Bid discounted amount:

\$305,299

Discount/Points:

0%

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement NO
 - a) % of LBE participation 0.96%
 - b) % of SLBE participation 17.82%
3. Did the contractor meet the Trucking requirement? YES
 - a) Total trucking participation 100%
4. Did the contractor receive bid discount points? NO
(If yes, list the points received) 0%

5. Additional Comments.

Contractor failed to meet the minimum 20% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

11/5/2009

Date

Reviewing
Officer:

Vincent Gunn

Date: 11/5/2009

Approved By

Shelley Oarensburg

Date: 11/5/2009

LBE/SLBE Participation Bidder 2

Project Name: Citywide Guardrail and 50th Avenue at International Traffic Signal												
Project No.: C313620, C270310, C313810		Engineer's Estimate 387,920.40				Under/Over Engineers Estimate: -356,420.40						
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	Phoenix Electric	San Francisco	UB						209,030	A	209,030	
Saw Cutting	Bayline	Oakland	CB	1,500		1,500			1,500	H	1,500	
Trucking	Williams Trucking	Oakland	CB		1,500	1,500	1,500	1,500	1,500	AA	1,500	
Supplier	Jam Services	Livermore	UB						31,500	NL		
Striping	Chrip Company	Fremont	UB						8,000	NL		
Supplier	Handy Rebar	Oakland	CB		1,000	1,000			1,000	AA	1,000	
Guardrail	Beliveau Engineering Contractors	Oakland	CB		53,000	53,000			53,000	C		
Supplier	Azco	Stockton	UB						4,500	H	\$4,500.00	
Supplier	Central Concrete	Oakland	CB	1,500		1,500			1,500	NL		
Project Totals				\$3,000	\$55,500	\$58,500	\$1,500	\$1,500	\$311,530		\$217,530	\$0
				0.96%	17.82%	18.78%	100%	100%	100%		69.83%	0.00%
Requirements: 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 NL = Not Listed		
Legend				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								



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C313620, C270310, C313810

RE:

Citywide Guardrail and 50th Ave at International Traffic Signal Installation

CONSULTANT/CONTRACTOR:

Columbia Electric

Engineer's Estimate:
\$387,920.40

Contractors' Bid Amount
\$534,110.30

Over/Under Engineer's
Estimate
\$146,189.90

Bid discounted amount:
\$523,428

Discount/Points:
0%

1. Did the 20% local/small local requirement apply: YES
2. Did the contractor meet the 20% requirement NO
- a) % of LBE participation 54.30%
- b) % of SLBE participation 0.00%
3. Did the contractor meet the Trucking requirement? NO
- a) Total trucking participation 0%
4. Did the contractor receive bid discount points? NO
- (If yes, list the points received) 0%
5. Additional Comments.
Contractor failed to meet the minimum 20% L/SLBE participation requirement.
Therefore, the firm is deemed non-responsive.

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

11/5/2009

Date

Reviewing
Officer:



Date: 11/5/2009

Approved By

Date: 11/5/2009

LBE/SLBE Participation Bidder 3

Project Name: Citywide Guardrail and 50th Avenue at International Traffic Signal												
Project No.: C313620, C270310, C313810				Engineer's Estimate		387,920.40		Under/Over Engineers Estimate: -377,444				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethnic	MBE	WBE
PRIME Guard Rails AC Dike Striping & Signage Detectable Working Dome	Columbia Electric	San Leandro	UB						225,954.30	C		
	RMT	Oakland	CB	290,000		290,000			290,000	H	290,000	
	AC Dike	Elk Grove	UB						5,280	NL		
	Chrisp	Fremont	UB						10,476	NL		
	Sposeto	Union City	UB						2,400	NL		
Project Totals				\$290,000	\$0	\$290,000	\$0	\$0	\$534,110.30		\$290,000	\$0
				54.30%	0.00%	54.30%	100%	100%	100%		54.30%	0.00%
Requirements: 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 NL = Not Listed		
Legend				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 'C'
Schedule L-2
City of Oakland
Public Works Agency
CONTRACTOR PERFORMANCE EVALUATION

Project Number/Title: G305010 – Safe Routes to School – Cycle 6

Work Order Number (if applicable): _____

Contractor: Ray's Electric

Date of Notice to Proceed: July 21, 2008

Date of Notice of Completion: February 18, 2009

Date of Notice of Final Completion: February 18, 2009

Contract Amount: \$339,433.00

Evaluator Name and Title: Henry Choi – 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.

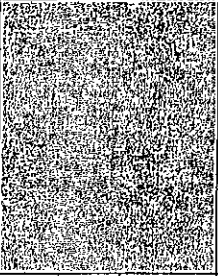
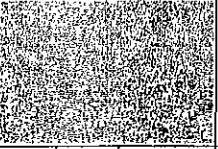

WORK PERFORMANCE

		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 type="checkbox"/>	<input checked="" 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.	<input type="checkbox"/>		Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 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.	<input type="checkbox"/>			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 checked="" type="checkbox"/>	<input 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"/>	<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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" 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 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"/>	

FINANCIAL

		Unsatisfactory	Marginal	Satisfactory	Outstanding	Not Applicable
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	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? Number of Claims: _____ Claim amounts: \$ _____ Settlement amount: \$ _____				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	Overall, how did the Contractor rate on financial issues? The score for this category must be consistent with the responses to the questions given above regarding financial 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"/>	

		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.	<input checked="" type="checkbox"/>			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.	<input checked="" type="checkbox"/>			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.	<input checked="" type="checkbox"/>			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.	<input checked="" type="checkbox"/>			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"/>	<input checked="" 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 = .5
2. Enter Overall score from Question 13 2 X 0.25 = .5
3. Enter Overall score from Question 18 2 X 0.20 = .4
4. Enter Overall score from Question 22 2 X 0.15 = .3
5. Enter Overall score from Question 28 2 X 0.15 = .3

TOTAL SCORE (Sum of 1 through 5): 2

OVERALL RATING: 2

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.

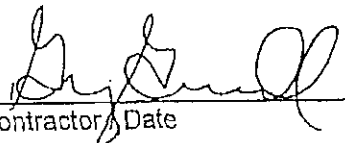
Contractors who receive an Unsatisfactory Overall Rating (i.e., Total Score less than 1.0) will be allowed the option of voluntarily refraining from bidding on any City of Oakland projects within one year from the date of the Unsatisfactory Overall Rating, or of being categorized as non-responsible for 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.*

 2/28/09
Contractor / Date

 02/18/09
Resident Engineer / Date

 2/18/09
Supervising Civil Engineer / Date

WORK PERFORMANCE

1a – Contractor was pro-active at a couple of the bulb-out locations when the elevations of the plans did not match the field conditions to work with the designers to correct the plans to build bulb-outs that would not create ponding.

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.

ATTACHMENT 'D'

CITYWIDE GUARD RAIL & TRAFFIC SIGNAL INSTALLATION @ INTERNATIONAL BLVD/50TH AVE CITY PROJECT NO. C270310 & C313620



THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT AND THE CITY PUBLIC WORKS AGENCY AT LEAST 48 HOURS (2 WORKING DAYS) PRIOR TO BEGINNING ANY EXCAVATION IN THE VICINITY OF UNDERGROUND FACILITIES.

INDEX

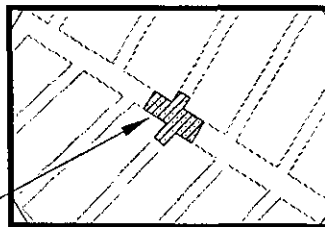
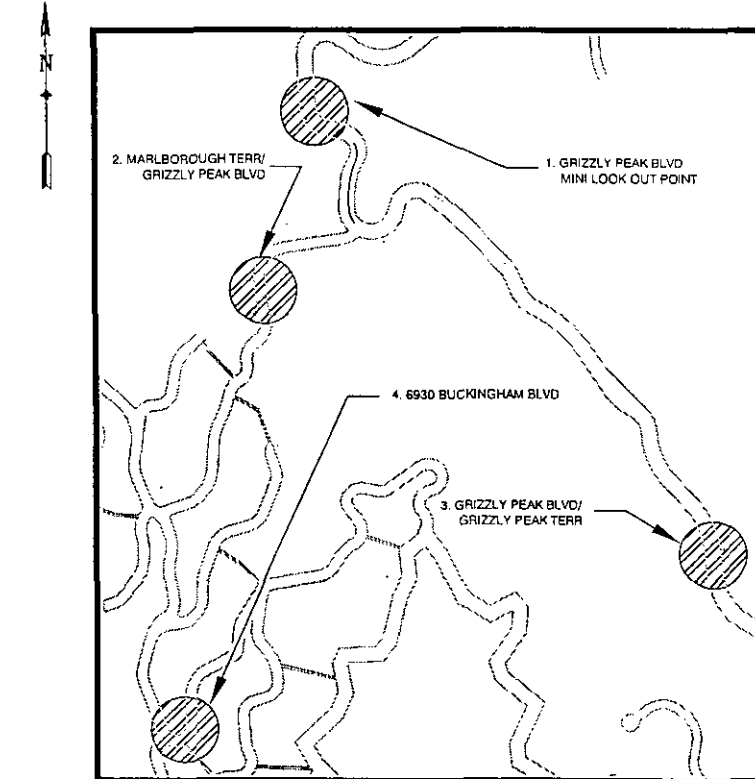
SHEET TITLE	SHEET NO.
TITLE SHEET, INDEX AND LOCATION MAP	1
LEGEND, ABBREVIATIONS AND GENERAL NOTES	2
GUARDRAIL LAYOUT PLAN & TYPICAL CROSS SECTION	3-7
INTERNATIONAL BLVD AND 50TH AVE	8-11
CITY STANDARD DETAILS	12
CALTRANS STANDARD DETAILS	13-20

GUARD RAIL LOCATIONS

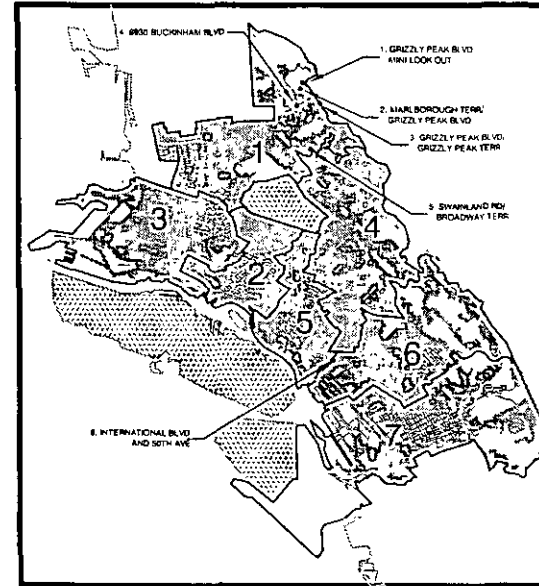
1. GRIZZLY PEAK BLVD - MINI LOOK OUT POINT
2. MARLBOROUGH TERR /GRIZZLY PEAK BLVD
3. GRIZZLY PEAK BLVD/GRIZZLY PEAK TERR
4. 6930 BUCKINGHAM BLVD
5. 8016 SWAINLAND RD /BROADWAY TERR

TRAFFIC SIGNAL LOCATION

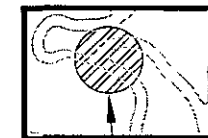
6. INTERNATIONAL BLVD/50TH AVE



6 INTERNATIONAL BLVD AND 50TH AVE



DISTRICT MAP



5. 8016 SWAINLAND RD AND BROADWAY TERR

MICHAEL NEARY, P.E.
DEPUTY DIRECTOR
DEPARTMENT OF ENGINEERING AND CONSTRUCTION



TRANSPORTATION SERVICES

DIVISION MANAGER
SUPERVISING TRANSPORTATION ENGINEER



CIVIL ENGINEER

DATE NO. 08/25/08 EXP. 08/25/10

ENGINEERING DESIGN AND RIGHT-OF-WAY DIVISION

PRINCIPAL CIVIL ENGINEER

PROJECT DELIVERY DIVISION

DIVISION MANAGER
PWA INFRASTRUCTURE AND OPERATIONS

ASSISTANT DIRECTOR
PWA FACILITIES & ENVIRONMENT

ASSISTANT DIRECTOR

CHECKED BY: HBA

DESIGNED BY: ERB

DRAWN BY: EBB

NO. BY DATE REFERENCE

2009 DEC -3 PM 6:19


City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION: AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIBLE RESPONSIVE BIDDER, FOR CITYWIDE GUARDRAIL INSTALLATION AND THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF INTERNATIONAL BOULEVARD AND 50TH AVENUE (CITY PROJECT NOS. C313620, C270310 AND C313810) IN ACCORD WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN AN AMOUNT NOT-TO-EXCEED TWO HUNDRED EIGHTY-THREE THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$283,322.00), AND WAIVING ADVERTISING AND BIDDING FOR AND AWARDING A CONTRACT TO RAY'S ELECTRIC FOR INSTALLATION OF AN ADDITIONAL TRAFFIC SIGNAL AT THE INTERSECTION OF FOOTHILL BOULEVARD AND 64TH AVENUE FOR AN AMOUNT NOT-TO-EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000.00).

WHEREAS, on July 9, 2009, three (3) bids were received by the City of Oakland Office of the City Clerk for the Citywide Guardrail and Traffic Signal Installation at International Boulevard and 50th Avenue Project (City Project Nos. C313620, C270310, C313810); and

WHEREAS, Ray's Electric submitted the lowest responsible and responsive bid; and

WHEREAS, for the construction of the citywide guardrails and the traffic signal at International Boulevard and 50th Avenue, there are sufficient funds for the construction contract in the Measure B Funds (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project Nos. C313620, C270310 and C313810 in the amount of \$283,322.00; and

WHEREAS, the City wishes to install an additional traffic signal on Foothill Boulevard and 64th Avenue in response to community concerns for traffic and school safety; and

WHEREAS, the Oakland Municipal Purchasing Ordinance provides for the Council to dispense with advertising and bidding upon a Council determination that it is in the best interests of the City; and

WHEREAS, staff recommends that the Council waive the advertising and bidding process for installation of the traffic signal on Foothill Boulevard and 64th Avenue and award the

work to Ray's Electric in order to meet the community's request for the installation to take place as soon as possible; and

WHEREAS, waiving the advertising and bidding process will result in substantial time and cost savings in design and construction because the low bid from Ray's Electric, the proposed contractor for a similar signal installation at International Boulevard and 50th Avenue, will be used as a baseline for the construction costs; and

WHEREAS, staff recommends a contract not to exceed an additional \$200,000.00 be awarded in order to install this traffic signal on Foothill Boulevard and 64th Avenue; and

WHEREAS, there are sufficient funds for the construction of the traffic signal at Foothill Boulevard and 64th Avenue, in the Citywide Street Resurfacing Project No. G339620 in the amount of \$200,000.00; and

WHEREAS, a resolution accepting and appropriating up to three hundred thousand dollars (\$300,000.00) from the Redevelopment Agency fund from the Foothill & Seminary Streetscape Improvement project, to the Resurfacing of Macarthur Boulevard from 90th Avenue to Foothill Boulevard Project to pay for traffic signal on Foothill Boulevard and 64th Avenue will accompany this resolution; and

WHEREAS, Ray's Electric complies with all Local/Small Local Business Enterprise (L/SLBE) Program requirements; and

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

WHEREAS, this contract is of a technical and temporary nature and 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 construction contract for the Citywide Guardrail and Traffic Signal Installation at International Boulevard and 50th Avenue Project (City Project Nos. C313620, C270310 and C313810) is hereby awarded to Ray's Electric, the lowest responsible responsive bidder, in accordance with plans and specifications for the project and terms of its bid, dated July 9, 2009, in an amount not-to-exceed two hundred eighty-three thousand three hundred twenty-two dollars (\$283,322.00); and be it

FURTHER RESOLVED: That the plans and specifications prepared by the Transportation Engineer of the Community and Economic Development Agency for the CIP Traffic Signal Project (City Project Nos. C313620, C270310, C313810) are hereby approved; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 2.04.050.I.5, and for the reasons stated above and in the City Administrator's report

accompanying this resolution, the City Council finds and determines that it is in the best interests of the City to waive advertising and bidding requirements for Installation of Traffic Signal at Foothill Boulevard and 64th Avenue, and so waives the requirements; and be it

FURTHER RESOLVED: That the construction contract for the Installation of a Traffic Signal at Foothill Boulevard and 64th Avenue is hereby awarded to Ray's Electric, in accordance with plans and specifications for the project and terms of its bid, in an amount not-to-exceed two hundred thousand dollars (\$200,000.00); and be it

FURTHER RESOLVED: That the Citywide Guardrail Project will be funded from:

- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C270310) in the amount of \$36,433.00, and
- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C313810) in the amount of \$74,120.00; and be it

FURTHER RESOLVED: That the signal installation at International Boulevard and 50th Avenue will be funded from:

- Measure B Fund (2211), Capital Improvement Projects, Transportation Services Division Organization (92246), Signal and Safety Account (57412), Project (C313620) in the amount of \$172,769.00; and be it

FURTHER RESOLVED: That the signal installation at Foothill Boulevard and 64th Avenue will be funded from the following account, pending the resolutions for transfer of Redevelopment Agency funds from the Foothill & Seminary Streetscape Improvement project, to the Resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard Project:

- Measure B Fund (2211), Capital Improvement Projects, Citywide Street Resurfacing FY 2007-2008, Project (G339620) in the amount of \$200,000.00, with a new project number to be assigned upon approval of this resolution and transfer resolutions; and be it

FURTHER RESOLVED: That the amount of the bonds for faithful performance bonds to guarantee payment of all claims for labor and materials furnished and for amount due under the Unemployment Insurance Act for each contract shall be 100% of the contract prices; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into the contracts with Ray's Electric Company on behalf of the City of Oakland and execute any amendments or modifications of said contracts within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids for the Citywide Guardrail and Traffic Signal Installation at International Boulevard and 50th Avenue Project (City Project Nos. C313620, C270310 and C313810) are hereby rejected; and be it

FURTHER RESOLVED: That the contracts shall be reviewed and approved for form and legality by the City Attorney, and copies of the contracts shall be kept on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

2009 DEC -3 PM 6:19

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION ACCEPTING AND APPROPRIATING FUNDS FROM THE REDEVELOPMENT AGENCY UP TO THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) UNDER THE COOPERATION AGREEMENT FROM THE FOOTHILL BOULEVARD AND SEMINARY AVENUE STREETScape IMPROVEMENT PROJECT FOR THE RESURFACING OF MACARTHUR BOULEVARD FROM 90TH AVENUE TO FOOTHILL BOULEVARD

WHEREAS, MacArthur Boulevard between 90th Avenue and Foothill Boulevard is public infrastructure owned and maintained by the City of Oakland ("City"), and located within the Central City East Redevelopment Project Area; and

WHEREAS, this portion of MacArthur Boulevard is substandard, blighted and in need of resurfacing improvements; and

WHEREAS, the City is planning resurfacing improvements to this facility (the "Project"), and has requested Redevelopment Agency ("Agency") funding of the Project; and

WHEREAS, the proposed resurfacing improvements funded by the Redevelopment Agency is consistent with and will further the purposes of the Central City East Redevelopment Plan and its Five-Year Implementation Plan, including but not limited to the elimination of blight; and

WHEREAS, the City and Agency agree that improving public infrastructure is one of the goals of the Central City East Redevelopment Project and that the proposed Project will improve the quality of life for residents and businesses throughout the Project Area and will complement and enhance other economic development and redevelopment efforts along the MacArthur corridor; 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, California Government Code Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, sufficient funds are available to fund the resurfacing project in the amount of \$300,000.00 in the Oakland Redevelopment Agency Project Fund (7780), Capital Improvement Project – Economic Development Organization (94800), Central City East Foothill Boulevard and Seminary Avenue Streetscape Improvement Project (S233373); and

WHEREAS, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (“CEQA”); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City have been satisfied; now therefore be it

RESOLVED: That the City hereby accepts and allocates \$300,000.00 in Redevelopment Agency funds from Oakland Redevelopment Agency under the Cooperation Agreement and appropriates them into Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), (Projects to be determined) for the resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard, as part of the Citywide Street Resurfacing FY 2007-2008 Project, (G339610); and be it

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

- That the funding of the MacArthur Resurfacing Improvement Project will benefit the Central City East Redevelopment Project Area by helping to eliminate blight within in the Project Area by improving public infrastructure that is a blighting influence in the Project Area, improving serious deteriorated physical conditions, improving conditions of public infrastructure that prevent or substantially hinder viable use, and complementing and enhancing other economic development and redevelopment efforts along the MacArthur corridor within the Project Area, and
- That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the MacArthur Resurfacing Improvement Project and therefore no other reasonable means of financing are available to the City other than Redevelopment Agency funding, and
- That the use of tax increment funds from the Central City East Project Area for the MacArthur Resurfacing Improvements Project is consistent with the implementation plan adopted for the Central City East Project Area; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator, or his designee, as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests and related actions which may be necessary for completion of the resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to California Government Code Section 15301 (operation, repair, or minor alteration of existing structures or facilities) and California Government Code Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator, or his 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, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 DEC -3 PM 6:19

APPROVED AS TO FORM AND LEGALITY:


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AGENCY RESOLUTION CONTRIBUTING CENTRAL CITY
EAST REDEVELOPMENT FUNDS UP TO THREE HUNDRED
THOUSAND DOLLARS (\$300,000.00) TO THE CITY OF
OAKLAND UNDER THE COOPERATION AGREEMENT
FROM THE FOOTHILL BOULEVARD AND SEMINARY
AVENUE STREETScape IMPROVEMENT PROJECT FOR
THE RESURFACING OF MACARTHUR BOULEVARD FROM
90TH AVENUE TO FOOTHILL BOULEVARD

WHEREAS, MacArthur Boulevard from 90th Avenue to Foothill Boulevard is public infrastructure owned and maintained by the City of Oakland, and located within the Central City East Redevelopment Project Area; and

WHEREAS, this portion of MacArthur Boulevard is substandard, blighted and in need of resurfacing improvements; and

WHEREAS, the City of Oakland is planning resurfacing improvements to this facility (the "Project"), and has requested Redevelopment Agency ("Agency") funding of the Project; and

WHEREAS, the proposed resurfacing improvement Project funded by the Redevelopment Agency is consistent with and will further the purposes of the Central City East Redevelopment Plan and its Five-Year Implementation Plan, including but not limited to the elimination of blight; and

WHEREAS, the City and Agency agree that improving public infrastructure is one of the goals of the Central City East Redevelopment Project and that the proposed Project will improve the quality of life for residents and businesses throughout the Project Area and will complement and enhance other economic development and redevelopment efforts along the MacArthur corridor; and

WHEREAS, the City and 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, California Government Code 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, structures, and other improvements if the legislative body has consented to such funding and has made certain findings; now, therefore, be it

RESOLVED: That the Agency hereby contributes up to \$300,000.00 in Redevelopment Agency funds to the City under the Cooperation Agreement from the Foothill Boulevard and Seminary Avenue Streetscape Improvement Project for the resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard, and be it

FURTHER RESOLVED: That Agency funds in an amount not-to-exceed \$300,000.00 is allocated and appropriated to the Foothill Boulevard and Seminary Avenue Streetscape Improvement Project for the Resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard from the Oakland Redevelopment Agency Entity (5), Central City East Operations (9540), Central City East Redevelopment Organization (88699), and Central City East Foothill Boulevard and Seminary Avenue Streetscape Improvement Project (S233373); and be it

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

- That the funding for the Resurfacing of MacArthur Boulevard from 90th Avenue to Foothill Boulevard is of benefit to the Central City East Redevelopment Project Area by helping to eliminate blight within in the Project Area by improving public infrastructure that is a blighting influence in the Project Area, improving serious deteriorated physical conditions, improving conditions of public infrastructure that prevent or substantially hinder viable use, and complementing and enhancing other economic development and redevelopment efforts along the MacArthur corridor within the Project Area, and
- That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide financing for the MacArthur Resurfacing Improvement Project and therefore no other reasonable means of financing are available to the City other than Redevelopment Agency funding, and
- That the use of tax increment funds from the Central City East Project Area for the MacArthur Resurfacing Improvements Project is consistent with the implementation plan adopted for the Central City East Project Area; and be it

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

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

Attest: _____
LaTonda Simmons
Secretary of the Redevelopment Agency of
the City of Oakland, California