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City Attorney's Office

OAKLAND CITY COUNCIL
RESOLUTION NO. 88391 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GRUENDL INC., DOING BUSINESS AS RAY'S ELECTRIC, FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 TELEGRAPH AVENUE IMPROVEMENT PROJECT (PROJECT NO. 1003203), THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION ONE HUNDRED EIGHT THOUSAND THIRTY-NINE DOLLARS AND FIFTY-FIVE CENTS (\$2,108,039.55).

WHEREAS, on July 31, 2015, the City of Oakland applied for and received a Highway Safety Improvement Program (HSIP) Cycle 7 grant to fund the Telegraph Avenue Improvement Project; and

WHEREAS, on March 1, 2016, the City Council passed Resolution No. 86027 C.M.S., which authorized the City Administrator to accept and appropriate the HSIP Cycle 7 grant for the Telegraph Avenue Improvement Project ("Project"); and

WHEREAS, the proposed Project is exempt from the CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and

WHEREAS, on a separate and independent basis, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, the engineer's estimate for the Project is One Million Seven Hundred Ten Thousand Fifty-Three dollars (\$1,710,053); and

WHEREAS, on July 17, 2020, the City invited bids for the Project by placing an advertisement in six newspapers; and

WHEREAS, on August 20, 2020, the Office of the City Clerk received five bids for the construction of the Telegraph Avenue Improvement Project (Project No. 1003203); and

WHEREAS, the City has determined that Gruendl Inc., doing business as Ray's Electric, is the lowest, responsible, responsive bidder for the Telegraph Avenue Improvement Project (Project No. 1003203); and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and meet the Federal Disadvantaged Business Enterprise (DBE) 14.65% participation requirements; and

WHEREAS, the City received a federal grant for the construction of the Telegraph Avenue Improvement Project, which has a local match requirement; and

WHEREAS, there are sufficient funds in the project budget for the construction work; and

- Federal grant in the amount of One Million One Hundred Forty-Five Thousand Two Hundred Fifty dollars (\$1,145,250) in Highway Safety Improvement Program (HSIP) Cycle 7 Telegraph Avenue Improvement Project (No. 1003203), Project Delivery Organization (92270); Street Improvements Account (57411), Construction Task (8.0), Award (23032)
- Local match in the amount of One Million Three Hundred Twenty-Eight Thousand Four Hundred Thirty-Four dollars and Fifty-Five cents, (\$1,328,434.55) in Measure KK Complete Streets Project (No. 1003348), Engineering Design: Traffic/Parking Organization (92246); Street Improvements Account (57411), Administration Task (1.0), Award (23686), of which Nine Hundred Sixty-Two Thousand Seven Hundred Eighty-Nine dollars and Fifty-Five cents (\$962,789.55) shall be allocated for construction work and Three Hundred Sixty-Five Thousand Six Hundred Forty-Five dollars (\$365,645) shall be allocated for construction engineering and management work

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

WHEREAS, the City Administrator has determined that the service is professional, scientific, or technical; and

WHEREAS, 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 contract for the construction of the HSIP Cycle 7 Telegraph Avenue Improvement Project is hereby awarded to Ray's Electric, the lowest, responsible, responsive bidder, in accordance with project plans and specifications, state requirements and with contractor's bid in the amount of Two Million One Hundred Eight Thousand Thirty-Nine dollars and Fifty-Five cents (\$2,108,039.55); and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

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

FURTHER RESOLVED, That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or designee shall file a Notice of Exemption with the clerk of the County of Alameda.

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IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 0 1 2020

PASSED BY THE FOLLOWING VOTE:

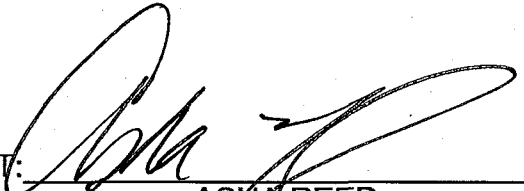
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


ASHA REED
Acting City Clerk and Clerk of the
Council of the City of Oakland,
California