

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 NOV 15 PM 4: 13

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: December 4, 2007

RE: **Supplemental Report to Resolution 1) Appropriating \$650,000.00 From Measure B-ACTIA Fund (2211) Fund Balance 2) Reallocating \$300,000.00 Already Budgeted Within The Measure B-ACTIA Fund (2211) And 3) Waiving Advertising And Authorizing The City Administrator To Award A Construction Contract Through A Modified Competitive Bid Process For The Emergency Construction Of Permanent Improvements To Restore A Washout On Tunnel Road (Project No. C99581) In A Not-To-Exceed Amount Of \$700,000.00 Without Return To Council**

SUMMARY

At the Public Works Committee on November 13, 2007, staff presented a resolution appropriating \$650,000.00 from the Measure B-ACTIA Fund Balance (2211), reallocating \$300,000.00 already budgeted within the Measure B-ACTIA Fund (2211) and waiving advertising and authorizing the City Administrator to award a construction contract through a limited competitive bid process for the Emergency Construction of Permanent Improvements to Restore a Washout on Tunnel Road (Project No. C99581) in a not-to-exceed amount of \$700,000.00 without return to Council.

During the meeting, Committee members requested a supplemental report to identify whether the City is required to use the ACTIA's local business program or whether the City can implement the City of Oakland's present LBE/SLBE program for the project. This supplemental report is in response to this request.

Pursuant to the ACTIA/City of Oakland Agreement No. 2002-10 dated April 23, 2002, the LBE/SLBE program requirements of ACTIA do not apply to projects funded by the Streets and Roads Pass-Through Measure B Fund, which is the source of funding for this emergency project.

For additional clarification, staff contacted ACTIA's Executive Director, Deputy Director, and Finance and Administration Manager. According to their responses and a recent e-mail communication from the ACTIA's Manager, Mr. Anees Azad, the ACTIA's LBE/SLBE program requirements do not apply to this project and those funded by the Streets and Roads Pass-Through Measure B Fund.

Item: _____
City Council
December 4, 2007

As stated in the construction contract specifications, the City's LBE/SLBE program requirements will be implemented in the procurement of the services of a construction contractor.

It is recommended that the resolution be approved.

FISCAL IMPACT

This is a supplemental report and there is no fiscal impact.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,




Claudia Cappio
Development Director
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Deputy Director, Community & Economic Development Agency

Prepared by:
Gus Amirzehni, P.E.
Acting Division Manager, Engineering Design Division

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Administrator

Item: _____
City Council
December 4, 2007