



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, FOR THE ACTIVE TRANSPORTATION PROGRAM (ATP) TELEGRAPH AVENUE COMPLETE STREET PROJECT, PROJECT NO. 1003233, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FIVE MILLION TWO HUNDRED THIRTY-SIX THOUSAND FIVE HUNDRED NINETY-THREE DOLLARS (\$5,236,593.00); AUTHORIZING THE CONSTRUCTION OF THE TELEGRAPH COMPLETE STREET PROJECT; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, on June 1, 2015, the City of Oakland applied for and received an Active Transportation Program (ATP) grant to fund the Telegraph Avenue Complete Street Project (Project No. 1003233) ("Project"); and

WHEREAS, on January 19, 2016, the City Council passed Resolution No. 85955 C.M.S., which authorized the City Administrator to accept and appropriate the ATP grant for the 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(a) (restriping of streets for bicycle lanes); and

WHEREAS, 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), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 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 Five Million Eight Hundred Fifty-Six Thousand Seven Hundred Forty Dollars and Sixteen Cents (\$5,856,740.16); and

WHEREAS, on November 27, 2020, the City invited bids for the Project by placing an advertisement in six newspapers; and

WHEREAS, on January 22, 2021, the Office of the City Clerk received five bids for the construction of the Project; and

WHEREAS, the City has determined that Ray's Electric, is the lowest, responsible, responsive bidder for the Project; and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and meet the Federal Disadvantaged Business Enterprise (DBE) 15% participation requirements; and

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

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

- Federal grant in the amount of Three Million One Hundred Twenty-Five Thousand Four Hundred Fifty Dollars (\$3,125,450) in Active Transportation Program (ATP) Telegraph Avenue Complete Street Project (No. 1003233), Project Delivery Organization (92270), Street Improvements Account (57411), Department of Transportation Fund (2116), Construction Task (8.0), Award (23078)
- Local match in the amount of Two Million One Hundred Eleven Thousand One Hundred Forty-Three Dollars (\$2,111,143.00) from the following sources:
 - \$402,276 from Telegraph Avenue Complete Street Project No. 1003233), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure KK Fund (5332), Administration Task (1.0), Award (23686) -
 - \$1,122,236 from Measure KK Complete Streets Project (No. 1003348), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure KK Fund (5332), Administration Task (1.0), Award (23686):
 - \$586,631 from Measure BB Local Match Project (No. 1001512), Engineering Design: Traffic/Parking Organization (92246), Street Improvements Account (57411), Measure B Fund (2211), Administration Task (1.0), Award (23234); and

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 ATP Telegraph Avenue Complete Street Project is hereby awarded to Ray's Electric, the lowest, responsible, responsive bidder, in accordance with project plans and specifications, state requirements and with contactor's bid in the amount of Five Million Two Hundred Thirty-Six Thousand Five Hundred Ninety-Three Dollars (\$5,236,593.00); 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, 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 Council hereby finds and determines that the Project is exempt from 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(a) (restriping of streets for bicycle lanes); and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 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 be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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