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OAKLAND

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**OAKLAND CITY COUNCIL**

**RESOLUTION No. 83942 C.M.S.**

**REVISED June 12, 2012**  
Approved as to Form and Legality

  
City Attorney

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A CONSTRUCTION CONTRACT WITH DOWNRITE CORPORATION IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED THIRTY-FOUR THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS (\$1,734,565) FOR THE OAKLAND ARMY BASE BUILDING 6, 6T, 60, AND 70 DEMOLITION AND REMEDIATION PROJECT (P294110)**

**WHEREAS**, the Redevelopment Agency (“Agency”) received through a no-cost Economic Development Conveyance from the United States Army approximately 165 acres of the former Oakland Army Base property, which has been divided into the West Gateway, East Gateway, North Gateway and Central Gateway Areas; and

**WHEREAS**, the Agency conducted environmental remediation activities at the former Army Base since about 2006 pursuant to agreements with the Army and the requirements of the California Department of Toxic Substances Control; and

**WHEREAS**, effective January 31, 2012, the City of Oakland (“City”) acquired the Agency’s Army Base property along with all rights and obligations associated with the property, including the Agency’s responsibility under the Environmental Services Cooperation Agreement (“ESCA”) to complete the environmental remediation required by the Army Base Remedial Action Plan and Risk Management Plan (“RAP/RMP”); and

**WHEREAS**, the ESCA is a binding agreement with the Army, which requires regulatory closure by July 31, 2013 of all 165 site-specific locations identified in the Army Base RAP/RMP; and

**WHEREAS**, ten of the site-specific RMP sites and portions of five of the area-wide RMP sites are located in the Central Gateway Area under and around Buildings 6, 6T, 60, and 70, which must be demolished to provide access to the sites; and

**WHEREAS**, remediation of the RMP sites in the vicinity of Building 6, 6T, 60, and 70 involves the following tasks: 1) abate and demolish 37,099 square feet of buildings, 2) excavate approximately 81,000 square feet of foundations and approximately 153,000 square feet of surrounding hardscape, 3) address 10 of the remaining 25 identified, but not yet evaluated, site-specific Risk Management Program (RMP) sites, and portions of five categorical RMP sites, 4) sample and remove any contaminated soil or materials and back fill with clean soil, and 5) address any previously unknown environmental issues discovered during the project (altogether the “Building 6, 6T, 60, and 70 Demolition and Remediation Project” or the “Project”); and

**WHEREAS**, the Project must begin by June 30, 2012 if the City is to achieve regulatory closure sites by July 31, 2013 of all 165 site-specific locations identified in the Army Base

**WHEREAS**, four previous environmental documents have been prepared for the former Army Base: 2002 Environmental Impact Report (“EIR”) for the Oakland Army Base Redevelopment Plan and Reuse Plan; 2006 Supplemental EIR for the Auto Mall project; 2007 Addendum to the Auto Mall Supplemental EIR, and a 2009 Addendum for an Aggregate Recycling and Fill project (collectively called “Previous CEQA Documents”); and

**WHEREAS**, the Public Works Agency, in administering a formal construction bid process for the Project issued a Notice Inviting Bids on January 9, 2012 and received bids from the following six firms:

- Downrite Corporation
- J.H. Fitzmaurice
- Turner Group Construction
- Innovative Construction services
- Parc services
- Cal Pacific Construction Inc.

and

**WHEREAS**, only Downrite, J.H. Fitzmaurice, and Turner Group Construction met the local participation requirements specified in Ordinance No. 13097 C.M.S. and were deemed responsive bidders; and

**WHEREAS**, Downrite submitted the lowest bid of the three responsive bidders and as the lowest responsive bidder must be awarded the contract for the Project pursuant to Oakland Municipal Code Section 2.04.050.E; and

**WHEREAS**, the contract to be awarded hereunder is in the public interest because of economy or better performance and involves services of a professional, scientific or technical and temporary nature and 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 is authorized to award a contract for the Building 6, 6T, 60, and 70 Demolition and Remediation Project at the Oakland Army Base to Downrite Corporation, the lowest responsible, responsive bidder, in the amount of one million seven hundred thirty four thousand five hundred sixty-five dollars (\$1,734,565); and be it

**FURTHER RESOLVED:** That all other bids for said project are hereby rejected; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator to execute any amendments or modifications of the contract with Downrite Corporation within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the plans and specifications for this project that the Director of the Public Works Agency had prepared; and be it

**FURTHER RESOLVED:** That funding for the contract for the Building 6, 6T, 60, and 70 Demolition and Remediation Project shall come from Army Base Joint Environmental Remediation Fund (Fund 5674) and OBRA Leasing & Utility Fund (Fund 5671), and that total payments from both Funds shall not exceed \$2,081,478, which includes a 20 percent contingency

amount; and be it

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

**FURTHER RESOLVED:** That the City hereby finds and determines that the Previous CEQA Documents are appropriate for the proposed project because (1) there are no substantial changes proposed as part of the project that would involve major revisions to the previous CEQA documents due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, (2) no substantial changes have occurred with respect to circumstances under which the project is undertaken (i.e., a significant change in the existing or future condition) that would involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and (3) there is no new information of substantial importance that indicates that the project may have a new significant environmental effect or a substantial increase in the severity of previously identified significant effects; and be it

**FURTHER RESOLVED:** That the Environmental Review Officer shall file a Notice of Determination with the appropriate agencies; and be it

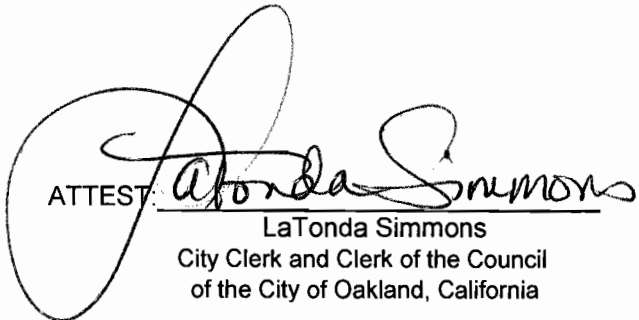
**FURTHER RESOLVED:** That, prior to execution: (1) issues regarding the "clawback" of assets under Health & Safety Code section 34167.5 of the redevelopment dissolution legislation (ABX1 26) regarding the transaction subject of this resolution shall have been resolved to the City's satisfaction; and (2) the City Attorney must approve the contract as to form and legality, and a copy shall be filed with the City Clerk.

**JUN 19 2012**

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

**PASSED BY THE FOLLOWING VOTE:**

- AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 7
- NOES - 0
- ABSENT - 0
- ABSTENTION - Brunner - 1

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