

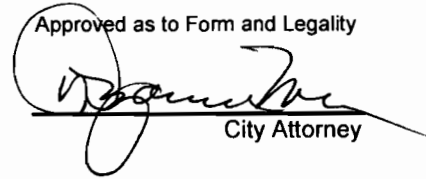
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JAN 28 PM 6:43

# OAKLAND CITY COUNCIL

RESOLUTION No. 82579 C.M.S.

Approved as to Form and Legality



City Attorney

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER FOR THE 12<sup>TH</sup> STREET RECONSTRUCTION PROJECT (PROJECT NO. C241610) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID IN THE AMOUNT NOT-TO-EXCEED THIRTY TWO MILLION THIRTY-SIX THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS AND FOURTEEN CENTS (\$32,036,418.14)**

**WHEREAS**, on December 3, 2009, seven bids were received by the Office of the City Clerk of the City of Oakland for the 12th Street Reconstruction Project (City Project No. C241610); and

**WHEREAS**, the two lowest bidders were deemed non-responsive; and

**WHEREAS**, McGuire and Hester, third lowest bidder, complies with the Race Conscious Underutilized Disadvantaged Business Enterprise and Equal Benefits Ordinance requirements bidding as a prime, and is the lowest responsive and responsible bidder for the project; and

**WHEREAS**, there are sufficient funds in the project budget for the work and in the following project accounts:

- \$26,560,000.00: Measure DD - the Oakland Trust for Clean Water and Safe Parks bond measure Fund (5321); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393310 (corresponding subprojects to be created)
- \$13,376,883.00: Federal Highway Administration (FHWA) - Highway Bridge Program (HBP) funding; Department of Transportation Fund (2116); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393320 (corresponding subprojects to be created)
- \$8,000,000.00: State Coastal Conservancy (Proposition 50) Grant Fund (2159); Engineering Design: Street and Structures Organization (92242); Street Construction Account (57411); Project C393330 (corresponding subprojects to be created); and

**WHEREAS**, the engineer's estimate for the work is \$45,517,000.00; and

**WHEREAS**, Measure DD, the Oakland Trust for Clean Water and Safe Parks includes the 12<sup>th</sup> Street Reconstruction Project at Lake Merritt; and

**WHEREAS**, the City hereby finds and determines on the basis of substantial evidence in the record that the Measure DD Environmental Impact Report ("EIR") fully analyzes the potential environmental effects of the Project and incorporates mitigation measures to substantially lessen or avoid potentially significant impacts where feasible in accordance with the California Environmental Quality Act ("CEQA"); and that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are

no substantial changes proposed in the Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects, and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

**WHEREAS**, the City lacks the equipment and qualified 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

**WHEREAS**, the City Council finds and determines 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 12<sup>th</sup> Street Reconstruction Project (City Project No. C241610) is hereby awarded to McGuire & Hester in accordance with the terms of its bid therefore, dated December 3, 2009, in the amount of thirty two million thirty-six thousand four hundred eighteen dollars and fourteen cents (\$32,036,418.14); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Deputy Director of the Community and Economic Development Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance and the bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$32,036,418.14, each, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

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

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010, 20      

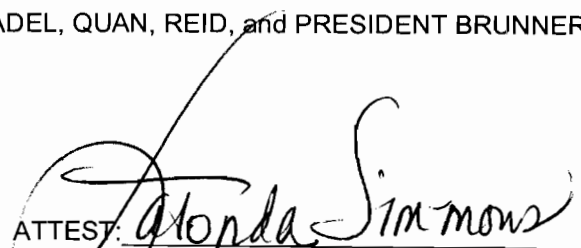
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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