

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT FOR PROJECT 1007572 CITYWIDE PAVEMENT REHABILITATION TO MCGUIRE AND HESTER, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH CONTRACTOR'S BID AND PROJECT PLANS AND SPECIFICATIONS, FOR AN AMOUNT NOT-TO-EXCEED TWENTY-FIVE MILLION, NINE HUNDRED AND FORTY-EIGHT THOUSAND, EIGHT HUNDRED AND SEVENTY-FIVE DOLLARS (\$25,948,875.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, Oakland Municipal Code (OMC) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies, or combination required by the city in any one transaction which exceeds \$50,000, and the award to the lowest responsive bidder of award is made; and

WHEREAS, on November 15, 2024, the City issued an advertisement inviting construction bids for the project on iSupplier, the Bids/Contracts webpage of the City's website, and in various local newspapers; and

WHEREAS, on January 23, 2025, after a competitive bidding process, the City Clerk received three bids for the Project 1007572 Citywide Pavement Rehabilitation; and

WHEREAS, the bids were as follows: \$25,740,000.00 from Gallagher & Burk Inc.; \$25,948,875.00 from McGuire and Hester; and \$27,994,780 from Teichert Construction; and

WHEREAS, after applying the bid discounts per the Compliance Memo and Analysis by the Department of Workplace and Employment Standards (DWES) performed on February 11, 2025, to determine the actual lowest bid, discounted bids were as follows: \$25,246,750.00 from Gallagher & Burk Inc.; \$25,225,458.75 from McGuire and Hester; and \$27,507,784.40 from Teichert Construction; and

WHEREAS, this Project advances the Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government; and

WHEREAS, the Project will enable the City to deliver pavement construction for the 5-Year Paving Plan promptly, efficiently, and in a cost-effective manner; and

WHEREAS, the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with A Community Plan, General Plan, or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 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, funding for this project will be available through the Citywide Street Resurfacing program, as part of the FY 2025 CIP Budget (Funds 5335 and 5337, Measure KK) and the anticipated FY 2026-27 CIP Budget (Fund Numbers associated with forthcoming Measure U allocations), Organization 92242 Engineer Design Streets and Structures, and various project numbers; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, the performance of this contract is in the public interest because of economy or better performance and these contracts are of a professional, scientific or technical nature; and

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City Council finds and determines that the performance of these contracts 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 construction contract to McGuire and Hester in accordance with project plans and specifications for Project 1007572 Citywide Paving Rehabilitation and the contractor's bid schedule in the amount not to exceed Twenty-Five Million, Nine Hundred and Forty-Eight Thousand, Eight Hundred and Seventy-Five Dollars (\$25,948,875.00) dated January 23rd, 2025; and be it

FURTHER RESOLVED: That the contractor shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Department of Workplace and Employment Standards; and be it

FURTHER RESOLVED: That the amount of each bond for faithful performance, (\$25,948,875.00); and the bonds to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, (\$25,948,875.00); with respect to such work are hereby approved; and be it

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

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

FURTHER RESOLVED: There is no minimum commitment to this contract and funds will not be committed beforehand unless funding is identified; and be it

FURTHER RESOLVED: That the Council independently finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with A Community Plan, General Plan, or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 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 shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for this project that is named in this resolution; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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