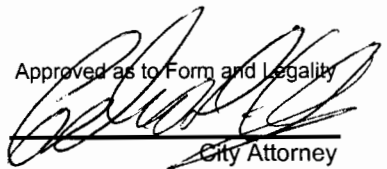


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality  
  
City Attorney

2009 OCT 29 PM 3:46 RESOLUTION No. 82400 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION ACCEPTING AN ADDITIONAL \$350,000 CONTRIBUTION FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT FOR THE SAN PABLO PEDESTRIAN STREETLIGHTS PROJECT, FOR A TOTAL PROJECT BUDGET OF \$1,850,000, AND WAIVING THE CITY'S COMPETITIVE BIDDING REQUIREMENT AND INCREASING THE CONTRACT WITH RAY'S ELECTRIC IN THE AMOUNT OF \$218,000, FOR A TOTAL CONTRACT AMOUNT OF \$835,000 FOR THE PROJECT**

**WHEREAS**, the San Pablo Pedestrian Streetlights Project in Oakland, is located on State Highway 123, between the Emeryville border and the Berkeley border, and pursuant to a competitive bid, Council Resolution No. 81953 C.M.S. had awarded a contract of \$617,502 to Ray's Electric, to construct the substructure, with City staff procuring the materials and doing the wiring; and

**WHEREAS**, the City wishes to add ADA ramps, restore uneven sidewalk and further add pedestrian streetlights in the project area, and it is necessary for the Council to (1) waive the City's competitive bidding requirement set forth in Section 2.04.040 B 2 and Section 2.04.050 of the Oakland Municipal Code (the "OMC") because it is in the best interest of the City to do so pursuant to Oakland Municipal Code Section 2.04.050 I, 5, and (2) authorize an increase of the contract with Ray's Electric by up to \$218,000 for the additional project work; and

**WHEREAS**, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

**WHEREAS**, a total of \$1,500,000 of Redevelopment Agency funds for this project was included in the Fiscal Year 2007-08 Proposed Agency Budget from Broadway/MacArthur/San Pablo Tax Allocation Bonds, Series 2006C-TE Fund (9537), Redevelopment Projects Organization (88669), San Pablo Lights - ORA (T314910); and

**WHEREAS**, the budget for this project has increased by \$350,000 to a total project budget of \$1,850,000; and

**WHEREAS**, the Redevelopment Agency has approved an additional \$350,000 contribution to the San Pablo Pedestrian Streetlights Project; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; 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; and

**WHEREAS**, the City Council finds that the City staff is installing and wiring the streetlights in the project, and there will be an increase in the scope of work for City staff, the budget for staff will also need to be increased to cover the additional material and labor needed; and

**WHEREAS**, the City Council finds that the increase in the scope of work for contractor and the City staff, Council hereby appropriate additional funds for this expanded scope of work by the amounts shown in Exhibit A: Details of Project Funding; now, therefore, be it

**RESOLVED:** That the City hereby accepts additional Agency funds in an amount not to exceed \$350,000 under the Cooperation Agreement for the San Pablo Pedestrian Streetlights Project, and appropriates such funds to the Oakland Redevelopment Agency Fund (7780), San Pablo Pedestrian Streetlights Project (C315010); and be it

**FURTHER RESOLVED:** That the City Council hereby finds and determines as follows:

1. That the funding of the San Pablo Pedestrian Streetlights Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving pedestrian safety along San Pablo Avenue between 53<sup>rd</sup> and 67<sup>th</sup> Streets;
2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program is unable to provide financing for this work, and therefore no other reasonable means of financing the San Pablo Pedestrian Streetlights Project are available to the City other than Redevelopment Agency funding; and
3. That the use of redevelopment funds from the Broadway/MacArthur/San Pablo Project Area for the San Pablo Pedestrian Streetlights Project will assist in the elimination of blight through streetscape improvements along San Pablo Avenue in the Broadway/MacArthur/San Pablo Project Area and is consistent with the implementation plan adopted for the Broadway/MacArthur/San Pablo Project Area; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that pursuant to OMC 2.04.050 I 5, it is in the best interests of the City to waive the City's competitive bidding requirements set forth in OMC Section 2.04.040 B 2 and OMC Section 2.04.050, because Ray's Electric has already been awarded the original contract which was formally and competitively bid out, and it would be disruptive and cause unnecessarily delay to the project to have to formally and competitively bid out the additional contract work for the project and to possibly have to switch project contractors in the middle of project construction; and be it

**FURTHER RESOLVED:** That the Council hereby authorize the City Administrator to increase the contract with Ray's Electric by up to \$218,000 for a total contract amount of up to \$835,000 for needed work to complete the implementation of street lighting in connection with the San Pablo Pedestrian Streetlights Project, and be it

**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator to increase funding for City staff, by up to \$132,000, to cover for additional materials and labor; and be it

**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator to appropriate the additional funds of \$132,000 for staff to expend on materials and labor as per Exhibit A: Details of Project Funding; and be it

**FURTHER RESOLVED:** The contractor will be required to meet all the City's local business and employment program requirements; 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 City Council hereby approves the plans and specifications for the revised Project (C315010); and be it

**FURTHER RESOLVED:** That the City Administrator, or the City Administrator's designee, is hereby authorized to approve any subsequent amendments, modifications, change orders or extensions of said agreement, provided that such amendments, modifications, change orders or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 17 2009, 20      

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND ~~PRESIDENT BRUNNER~~ - 7


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST:



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

Exhibit A: Details of Project Funding dated October 14, 2009

**Exhibit A**

SAN PABLO PEDESTRIAN STREETLIGHTS PROJECT  
PROJECT No.C315010

Details of Project Funding

**Streetlights funding Code: 7780 92228 C315010 W733****Contractor: Ray's Electric**

Original Bid - 54 pedestrian lights, 5 replacement ped lights	7780 92228 54919 C315010 W733	\$ 557,000.00
Original Bid - 30 ADA ramps	7780 92228 54919 C315010 W733	\$ 60,000.00
Addition of 16 pedestrian streetlights over the quantity bid at 35% due to reduced trenching	10%	\$ 57,762.96
Addition of 10 ada ramps over the quantity bid	33%	\$ 20,000.00
Allowance for dual use of one streetlight pole for SL T; two conversions of driveway to sidewalk; two conversions of paver to sidewalk, eight removals of monuments, etc.	8%	\$ 44,560.00
	Subtotal	\$ 739,322.96
Contingency	13%	\$ 95,677.04
	<b>Subtotal Contract</b>	<b>\$ 835,000.00</b>

**City Material:**

Additional material 16 additional ped lights and poles, plus 2 ped lights and poles to replace cobras, plus 3 spares	7780 92228 52511 C315010 W733	\$ 63,000.00
Wires, controls, etc.	7780 92228 52511 C315010 W733	\$ 60,000.00
Environmental Consultant Soil Test Lab	7780 30683 54919 C315010 W733	\$ 183.00
	Subtotal of Material to be procured	\$ 123,183.00
Contingency	14%	\$ 18,428.67
Streetlights - Already procured	7780 92228 52511 C315010 W733	\$ 352,435.00
	<b>Subtotal Material</b>	<b>\$ 494,046.67</b>

**City Labor:**

PWA Environmental	7780 30683 56611 C315010 SC16	\$ 12,900.00
CEDA Design Division	7780 30242 56611 C315010 W733	\$ 3,000.00
CEDA ROW Inspection	7780 88343 56611 C315010 W733	\$ 65,000.00
CEDA Compaction Test	7780 88332 56611 C315010 W733	\$ 12,000.00
PWA Painter	7780 30673 56611 C315010 W733	\$ 18,900.00
City Construction	7780 30528 56611 C315010 W733	\$ 185,333.33
Construction Management	7780 30528 51912 C315010 W733	\$ 120,000.00
	Subtotal of Labor to be expended	\$ 417,133.33
Contingency	15%	\$ 62,570.00
PWA DIO Electrical Design - Already incurred	7780 30528 51912 C315010 W733	\$ 41,250.00
	<b>Subtotal Labor</b>	<b>\$ 520,953.33</b>
	<b>Total</b>	<b>\$ 1,850,000.00</b>