

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

15 FEB 25 PM 12:10

AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Brooke A. Levin

SUBJECT: Latham Square Streetscape
Improvements

DATE: February 13, 2015

City Administrator
Approval

Date:

2/20/15

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council adopt the following Resolutions to:

- 1) Award a construction contract to McGuire and Hester, the lowest responsive and responsible bidder, in accordance with project plans and specifications for the Latham Square Streetscape Improvements (Project No. C464560) and with contractor's bid in the amount of Four Million One Hundred Ninety Thousand One Hundred Fifty-Six Dollars (\$4,190,156.00)
- 2) Authorize the City Administrator or designee to negotiate and execute a reimbursement agreement with East Bay Municipal Utilities District ("EBMUD") in the amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) and to accept and appropriate these funds for the construction and City staff costs associated with the construction of EBMUD water main relocation for the Latham Square Project (No. C464560).

OUTCOME

Approval of the first resolution will award a construction contract to McGuire and Hester in the amount of \$4,190,156.00. The work is located in Council District 3 as shown in *Attachment A*.

Approval of the second resolution will authorize the City Administrator to enter into an agreement with EBMUD to receive reimbursement for the relocation of approximately 475 feet of 8-inch and 12-inch water mains along Broadway, in Latham Square, and on Telegraph Avenue.

Item: _____
Public Works Committee
March 10, 2015

BACKGROUND/LEGISLATIVE HISTORY

The Latham Square Streetscape Improvements Project (No. C464560):

The Latham Square improvements are part of a greater effort to improve Oakland's Uptown District identity, increase public safety, improve pedestrian movement, increase traffic efficiency and provide for shared bicycle and vehicular travel lanes. The goal is to increase economic development, support retail development, upgrade existing infrastructure and to compliment the public and private investments being made in the Uptown Area. The Project construction is being funded by the Alameda County Transportation Commission's (ACTC) Capital Projects Program (also known as Measure B).

On January 7, 2014, City Council passed Resolution No. 84793 C.M.S. authorizing the design of a permanently expanded and redesigned Latham Square Plaza with one travel lane in each direction along Telegraph Avenue. Following City Council direction, the Oakland Public Works (OPW), Bureau of Engineering and Construction, worked with the community to develop a design. Extensive community engagement and five community meetings lead to a concept design for the new plaza. The construction documents were completed and released for bid on December 16, 2014.

The proposed work consists, in general, of streetscape improvements, plaza improvements, and roadway realignment of the area around the Latham Square plaza in downtown Oakland. The Project area consists of Telegraph Avenue from Broadway to 17th Street, Broadway from 14th Street to 17th Street, and 16th Street from Telegraph Avenue to San Pablo Avenue. The project location is unique in that it is in downtown Oakland in a heavily traveled corridor. There are basements adjacent to the project site and under sidewalks within the right-of-way. In addition, there are historic landmarks adjacent to and within the project area. The project includes typical streetscape improvements in addition to specialty plaza paving, bio-infiltration areas (rain gardens) and conservation and restoration of a historic fountain.

ANALYSIS

1. The Latham Square Streetscape Improvements Project (No. C464560):

On January 22, 2015, the City Clerk received two bids for this project as shown below:

Item: _____
Public Works Committee
March 10, 2015

Latham Bids Received

Company	Bid Amount
Engineer's Estimate	\$3,191,207.00
McGuire and Hester	\$4,190,156.00
Gordon N. Ball	\$4,625,211.00

The City Administrator's Office, Contracts and Compliance Unit deemed two bidders as responsive as shown on **Attachment B**: Contracts and Compliance Bid Analysis, dated January 29, 2015.

Under the proposed contract with McGuire and Hester the Alameda County Transportation Commission (ACTC) Local Business Contract Equity Program's participation of Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) will be 80.09%, which exceeds ACTC's goal.

The Contractor meets all of the ACTC's L/SLBE Program requirements of 60% for local business enterprises which includes a 20% goal for small local business enterprises; or bidders must meet applicable good faith efforts criteria. The City of Oakland's Local Employment Program and 15% Apprenticeship programs also apply. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The LBE/SLBE information has been verified and shown in the attachment.

Construction is scheduled to begin in May 2015 and is estimated to be complete by November 2015. The contract specifies \$5,500.00 in liquidated damages per calendar day if the contract is not completed within 180 calendar days.

The bids exceeded the Engineer's Estimate, but staff has reviewed the submitted bids for the work and has determined that the bids are reasonable for the current construction climate. The economy has improved dramatically, contractors are in short supply and commodity prices have increased accordingly. Bid results for public projects have seen an increase in prices from 25% to 30%. The resulting bids reflect the current conditions and consequently increased costs to the City.

2. Agreement by and between the City Of Oakland and the East Bay Municipal Utility District (EBMUD) for the relocation of a 8-inch and 12-inch diameter water mains along Broadway:

Item: _____
Public Works Committee
March 10, 2015

Under the proposed agreement with EBMUD, the City's construction contractor will install the water main in lieu of EBMUD completing the work. EBMUD will reimburse the City for the construction, design consultant and City staff costs associated with contract administration, project management, and inspection of the construction of the water main.

PUBLIC OUTREACH/INTEREST

The City has worked closely with local stakeholders on the plaza design. Outreach activities included: Over 25 individual meetings with local businesses, property owners, residents and other stakeholders; public presentations to the Oakland Chamber of Commerce and Oakland Bicycle & Pedestrian Advisory Committee; and five community design meetings held between September 2013 and July 2014.

A website has been established since the initiation of this project to keep the community informed of the project, see:

<http://www2.oaklandnet.com/Government/o/PWA/o/EC/s/BicycleandPedestrianProgram/LSP/index.htm> . The website will be updated periodically with the latest information. Homeowners and businesses in the project vicinity will be notified individually prior to construction. To review final design renderings, see **Attachment C: Final Design Renderings**.

COORDINATION

The work to be done under these contracts was reviewed and coordinated with:

- Alameda-Contra Costa Transit District
- Bay Area Rapid Transit
- East Bay Municipal Utility District
- Other utility companies
- Oakland Public Works – Bureau of Infrastructure and Operations (Electrical Services and Traffic Maintenance and Infrastructure Maintenance Streets, Sewers, Storm Drains)
- Oakland Public Works – BEC ADA Program, Engineering Design and Right of Way, Transportation Planning and Funding, and Transportation Services Division)
- Oakland Public Works – Bureau of Facilities & Environment (Facilities Services)
- Oakland Planning & Building Department
- Oakland Economic and Workforce Development

In addition, the following Offices reviewed this report and resolutions:

- Office of the City Attorney
- Controller's Bureau

Item: _____
Public Works Committee
March 10, 2015

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

PROJECT	AMOUNT
The Latham Square Streetscape Improvements Project (Project No. C464560)	\$4,190,156.00

2. COST ELEMENTS OF AGREEMENTS/CONTRACTS: \$4,190,156.00

3. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194921	\$2,708,000.00
ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194922	\$1,182,156.00
Miscellaneous Grants (2999); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project No. TBD	\$300,000.00
TOTAL FUNDS	\$4,190,156.00

4. FISCAL IMPACT:

Approval of the resolution will authorize the City Administrator to execute a construction contract in the amount of \$4,190,156.00.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

McGuire and Hester has worked successfully with the City of Oakland on a number of projects through the decades. They completed two projects in the past year and currently working on two other projects. Their Contractor Performance Evaluations are satisfactory.

Item: _____
Public Works Committee
March 10, 2015

SUSTAINABLE OPPORTUNITIES

Economic: The contractors are all verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing. The contractors are required to have 50% of the work hours performed by Oakland residents and 15% are to be Oakland apprentices, which will result in dollars being spent locally. The enlarged and improved plaza area will be an asset to the downtown area and will serve to draw more economic activity to local businesses.

Environmental: The project includes stormwater management features such as rain gardens and inlet trash screens that will improve the water quality and reduce the peak flow and velocities of stormwater entering into the City's stormwater system and waterways. The improved traffic signals and intersections will reduce traffic delay and therefore reduce carbon in the environment. The contractor will be required to make every effort to reuse clean fill materials and use recyclable concrete and asphalt products. Best Management Practices for the protection of storm water runoff during construction will be required.

Social Equity: This project is improving traffic intersections, sidewalks, and a public plaza in downtown Oakland, thereby benefiting all Oakland residents.

CEQA

On January 7, 2014, the City Council adopted Resolution No. 84793 C.M.S. approving a permanently expanded and redesigned Latham Square Plaza, and found the project to be categorically exempt from the provisions of CEQA, since it is not expected to have a significant effect on the environment. The project was found to be exempt under CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15332 (infill), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance. These exemptions remain valid.

For questions regarding this report, please contact David Lau, Project Delivery Division Manager at (510) 238-7131.

Respectfully submitted,



Brooke A. Levin
Director, Oakland Public Works Department

Reviewed by:
Michael J. Neary, P.E., Assistant Director
Bureau of Engineering and Construction

Reviewed by:
David Lau, Project Delivery Division Manager

Prepared by:
Diane Tannenwald, CIP Coordinator
Project Delivery Division

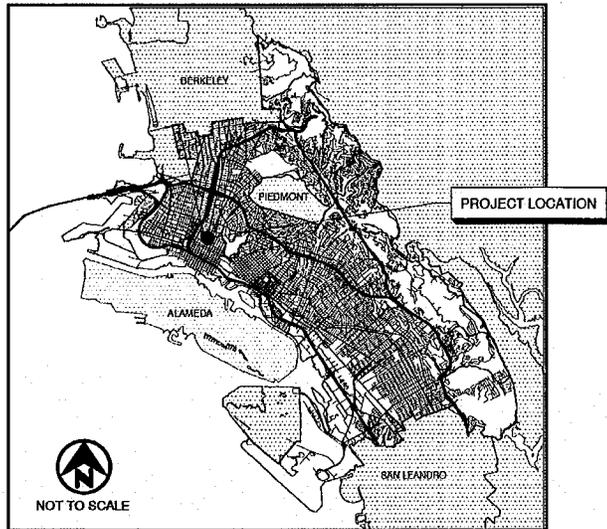
Attachments:

- Attachment A – Project Location Map
- Attachment B – Contracts and Compliance Bid Analysis
- Attachment C – Final Design Renderings

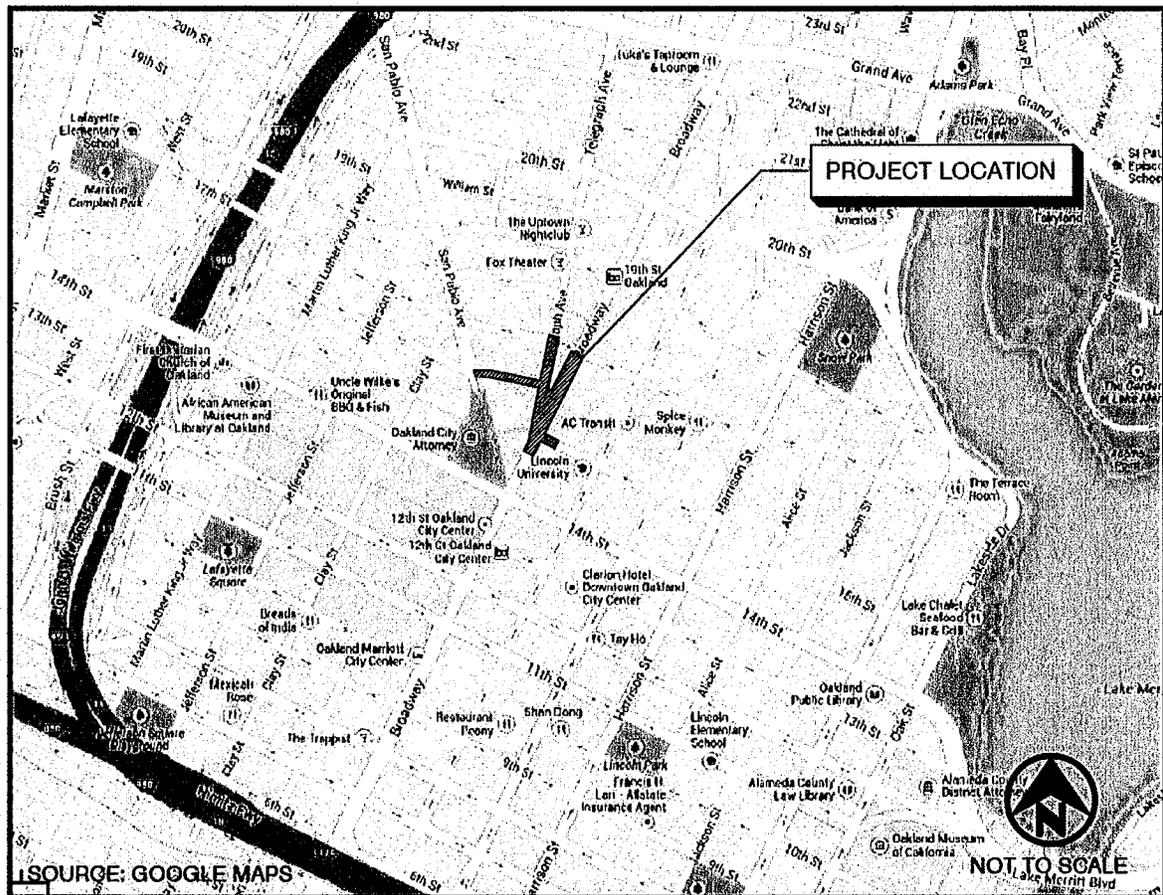
Item: _____
Public Works Committee
March 10, 2015

**Attachment A -
Project Location Map**

**Latham Square Streetscape
Improvements Project (C464560)**



CITY OF OAKLAND MAP



LOCATION MAP



INTER OFFICE MEMORANDUM

TO: Diane Tannenwald

FROM: Deborah Barnes, Director,
Contracts & Compliance

Deborah Barnes

SUBJECT: Compliance Analysis
Latham Square Streetscape Improvement
Project No. C464560

DATE: January 29, 2015

The Office of the City Administrator, Contracts and Compliance Unit, reviewed two (2) bids in response to the above referenced project. This project was funded by Alameda County Transportation Improvement Authority (ACTC) Reimbursable Grant Funds, Measure B and Vehicle Registration Funds. Due to the funding sources, ACTC's Local Business Contract Equity Program was applied to this project. ACTC's goal is 60% LBE and 20% SLBE participation for construction projects. SLBE contractors also count toward the LBE goal. Below is the outcome of our compliance evaluation based on ACTC's policy. Also contained is a preliminary review of compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation				Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	*SLBE	L/SLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
McGuire & Hester	\$4,190,156	80.09%	80.09%	26.70%	NA	NA	NA	NA	Y
Gordon N. Ball	\$4,625,211	57.07%	57.07%	29.74%	NA	NA	NA	NA	Y

Comments: As noted above, McGuire & Hester exceeded the ACTC goal of 60% LBE and 20% SLBE goal. Gordon N. Ball did not meet the ACTC 60% LBE goal. However, they submitted a sufficient Good Faith Effort (GFE). Therefore, they are compliant. Both firms are EBO compliant.

*Under ACTC policy SLBE contractors also count toward the LBE goal.

For Informational Purposes

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

Contractor Name: McGuire & Hester
Project Name: Pedestrian Safety Improvement Project
Project No. C371810

50% Local Employment Program (LEP)

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	N/A
Were all shortfalls satisfied?	Yes	If no, penalty amount	N/A

15% Oakland Apprenticeship Program

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	N/A
Were shortfalls satisfied?	Yes	If no, penalty amount	N/A

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)						15% Apprenticeship Program					
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Apprenticeship Hours	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C	D	E	F	G	H	I	J			
3164	0	50%	1582	100%	1582	NA	0	100%	475	15%	475	0

Comments: McGuire & Hester met the LEP and Apprentice hours for the above listed project.

Should you have any questions, you may contact Vivian Inman at (510) 238-6261.



CITY ADMINISTRATOR'S OFFICE

Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C464560

RE: Latham Square Streetscape Improvements

CONTRACTOR:

McGuire & Hester

Engineer's Estimate:
\$3,150,000

Contractors' Bid Amount:
\$4,190,156.00

Over/Under Engineer's Estimate
(\$1,040,156)

Discounted Bid Amount:
NA

Amt. of Bid Discount
NA

Discount Points:
NA

- 1. Did the 60% LBE and 20% SLBE goal apply: **YES**
- 2. Did the contractor meet the goal? **YES**
 - a) % of LBE participation **80.09%**
 - b) % of SLBE participation **26.70%**
- 3. Did the contractor submit good faith effort (GFE)? **YES**

4. Additional Comments.

The Contractor exceeded the 60% LBE goal and the 20% SLBE goal. This project is funded by Alameda County Transportation Commission (ACTC). Under ACTC policy, SLBE contractors also count towards the LBE goal.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/30/2015

Date

Reviewing Officer:

Vivian J. ...

Date: 1/30/2015

Approved By

Shelley Darenburg

Date: 1/30/2015

LBE/SLBE Participation McGuire & Hester

Project Name:		Latham Square Streetscape Improvements									
Project No.: C464560		Engineer's Estimate 3,150,000				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL		Ethn.	MBE	WBE	
						LBE/SLBE	Dollars				
PRIME	McGuire & Hester	Oakland	CB	2,131,002.00		2,131,002.00	2,131,002.00	C			
Trucking	S&S Trucking	Oakland	CB	144,000.00	144,000.00	144,000.00	144,000.00	H	144,000.00		
Asphalt	Gallagher & Burk, Inc.	Oakland	CB	49,500.00		49,500.00	49,500.00	C			
Concrete	Right Away Ready Mix	Oakland	CB	56,400.00		56,400.00	56,400.00	C			
Survey	Bellecci & Associates	Concord	CB	16,100.00	16,100.00	16,100.00	16,100.00	C			
Sealing	Performance Caulking	Hayward	UB				44,400.00	NL			
Fountain	California Waterscape	Sunnyvale	UB				88,760.00	NL			
Interlocking	European Paving Design	San Jose	UB				111,500.00	NL			
Concelator	Architectural Conservation	Berkeley	UB				16,360.00	NL			
Striping	Lineation Markings	Oakland	UB				23,414.00	C			
Electrical	Columbia Electric	San Leandro	CB	958,720.00	958,720.00	958,720.00	958,720.00	C			
Masonry	Hunt Masonry	Concord	UB				550,000.00	NL			
Project Totals				3,355,722.00	1,118,820.00	3,355,722.00	4,190,156.00		144,000.00	0.00	
				80.09%	26.70%	80.09%	100%		3.44%	0.00%	
Requirements: Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	TOTAL LBE/SLBE	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							



Contracts and Compliance Unit

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C464560

RE: **Latham Square Streetscape Improvements**

CONTRACTOR: Gordon N. Ball

<u>Engineer's Estimate:</u> \$3,150,000	<u>Contractors' Bid Amount</u> \$4,625,211.00	<u>Over/Under Engineer's Estimate</u> (\$1,475,211)
<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> \$0.00
1. Did the 60% LBE and 20% SLBE goal apply:		<u>YES</u>
2. Did the contractor meet the goal?		<u>NO</u>
a) % of LBE participation	<u>57.07%</u>	
b) % of SLBE participation	<u>29.74%</u>	
3. Did the contractor submit good faith effort (GFE)?		<u>YES</u>

4. Additional Comments.

This project is funded by Alameda County Transportation Commission (ACTC). Under ACTC policy, SLBE contractors also count towards the LBE goal. The Contractor failed to meet the 60% LBE goal. However, the firm submitted sufficient GFE documentation.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

1/30/2015
Date

Reviewing Officer: Vincent J. [Signature]

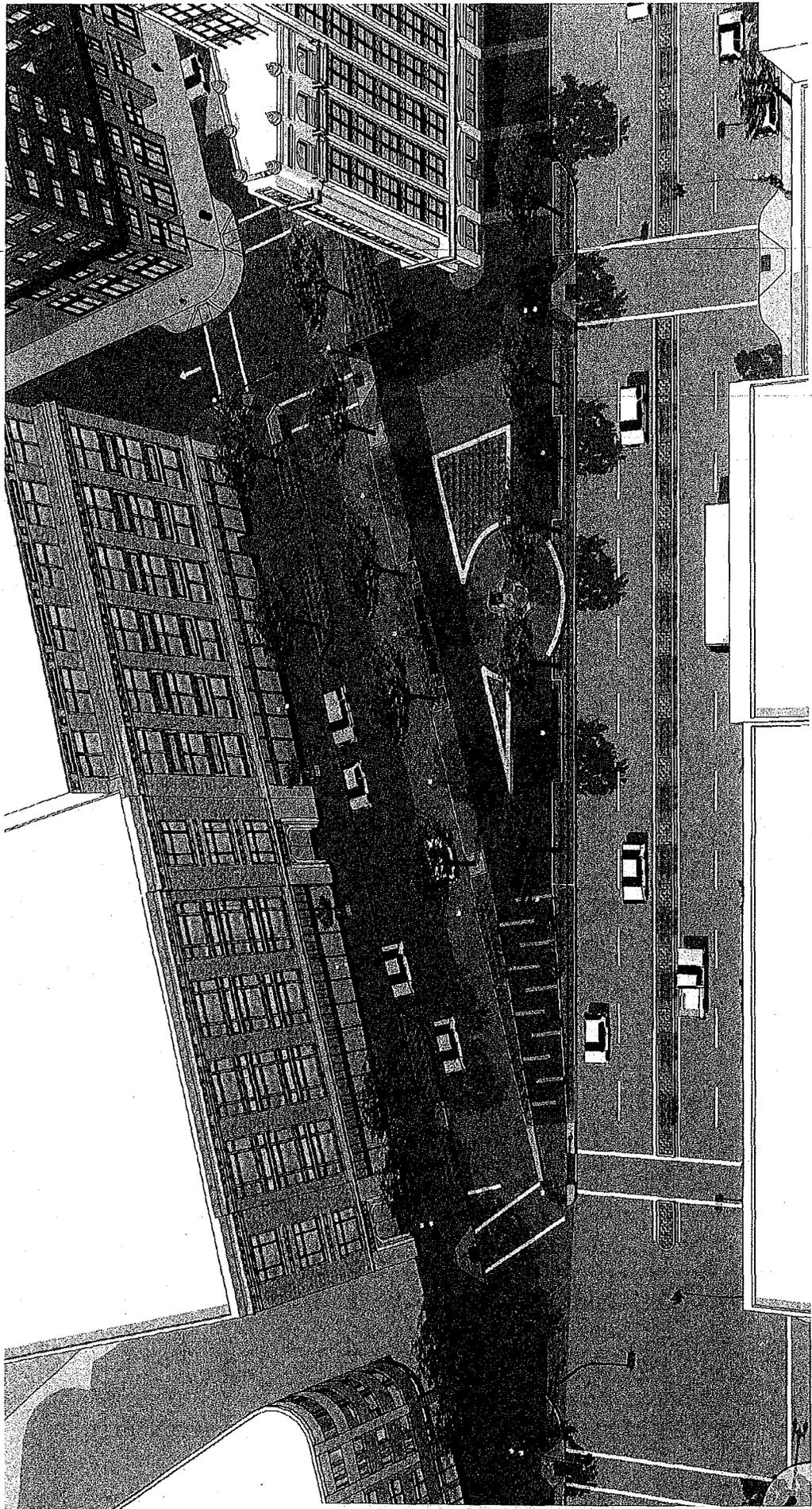
Date: 1/30/2015

Approved By Shelley Sarenburg [Signature]

Date: 1/30/2015

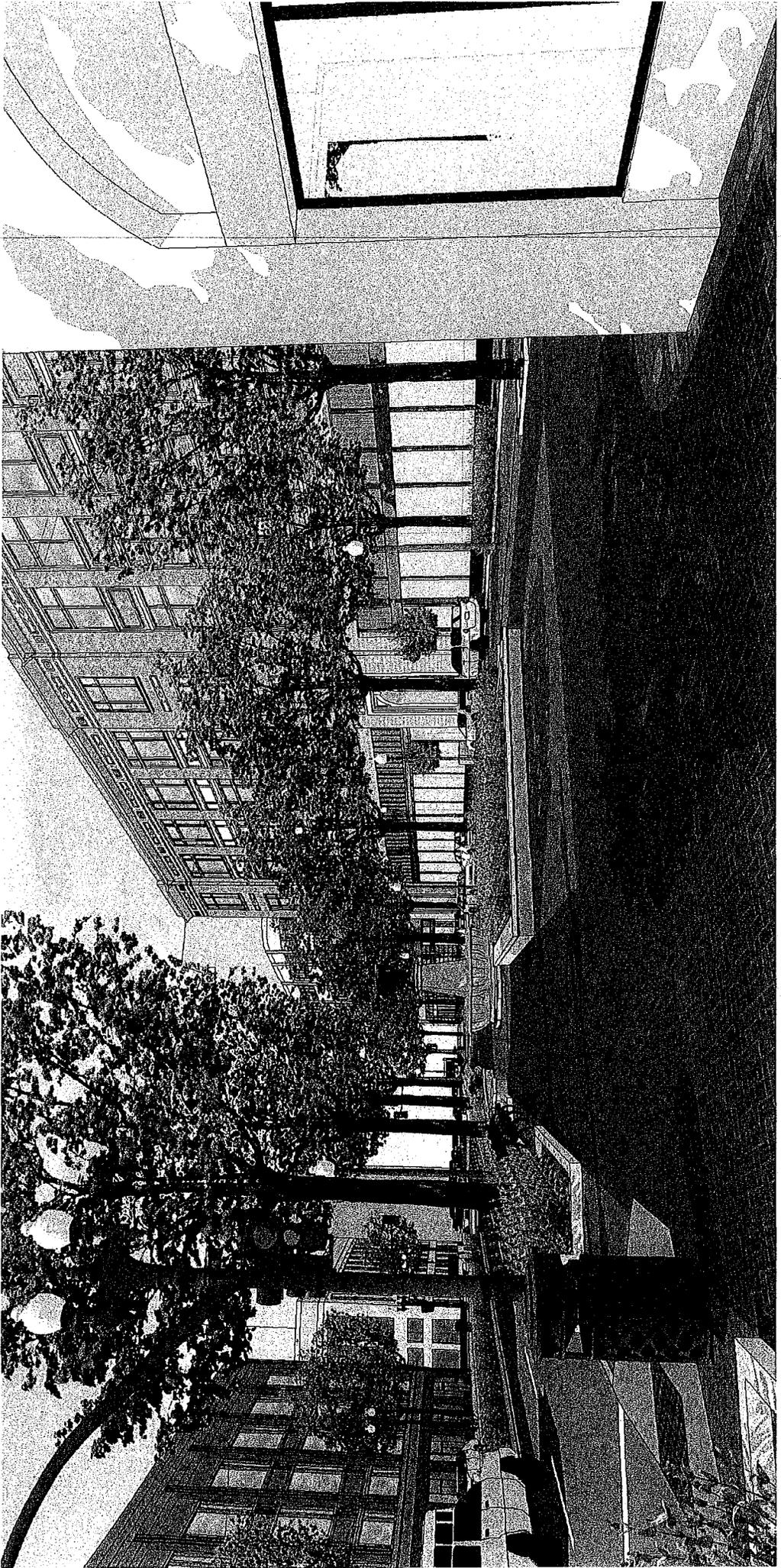
LBE/SLBE Participation Gordon N. Ball

Project Name: Latham Square Streetscape Improvements													
Project No.: C464560		Engineer's Estimate 3,150,000				Under/Over Engineers Estimate:							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE	
PRIME	Gordon N. Ball	Alamo	UB						1,354,197.00	C			
Landscape	RMT Landscape	Oakland	UB						142,000.00	H	142,000.00		
Striping & Signs	Lineation Marking	Oakland	UB						23,414.00	C			
Sitework (Partial)	D-Line Constructors	Oakland	CB	1,210,000.00		1,210,000.00			1,210,000.00	H	1,210,000.00		
Trucking	S&S Trucking	Oakland	CB	174,400.00	174,400.00				174,400.00	H	174,400.00		
Asphalt	Gallagher & Burk	Oakland	CB	54,200.00		54,200.00			54,200.00	C			
Concrete	Right Away Redy Mix	Oakland	CB	114,600.00	114,600.00	114,600.00			114,600.00	NL			
Trucking	S&S Trucking	Oakland	CB	17,400.00	17,400.00	17,400.00			17,400.00	H	17,400.00		
Interlocking	European Paving	San Jose	UB						114,000.00	NL			
Water Feature	Water Works Industries	Windsor	UB						352,000.00	NL			
Water proofing	Premium Roofing	Oakland	CB	109,000.00	109,000.00	109,000.00			109,000.00	NL			
Electrical	Columbia Electric	San Leandro	CB	960,000.00	960,000.00	960,000.00			960,000.00	NL			
Project Totals				2,639,600.00	1,375,400.00	2,639,600.00	0.00	0.00	4,625,211.00		1,543,800.00	0.00	
				57.07%	29.74%	57.07%	100%	100%	100%		33.38%	0.00%	
Requirements: Alameda County Transportation Authority and Alameda County Transportation Improvement Authority: The goal is 60% LBE and 20% SLBE. SLBE contractor also count toward the LBE goal.				LBE 60%	SLBE 20%	TOTAL LBE/SLBE	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific C = Caucasian AP - Asian Pacific H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses *Businesses located within Alameda County are considered local for this ACTIA funded project.				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise									



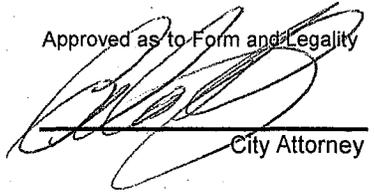
ATTACHMENT C





FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2015 FEB 25 PM 12:01 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LATHAM SQUARE STREETSCAPE IMPROVEMENTS (PROJECT NO. C464560) AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FOUR MILLION ONE HUNDRED NINETY THOUSAND ONE HUNDRED FIFTY-SIX DOLLARS (\$4,190,156.00)

WHEREAS, on January 26, 2015, two bids were received by the Office of the City Clerk of the City of Oakland for the Latham Square Streetscape Improvements Project (Project No. C464560); and

WHEREAS, McGuire and Hester meets the Alameda County Transportation Commission's Local Business Contract Equity Program requirements; and

WHEREAS, McGuire and Hester, a certified SLBE bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

WHEREAS, there are sufficient funds in the project budget for the work; 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 lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

WHEREAS, McGuire and Hester complies with all LBE/SLBE and trucking requirements; and

WHEREAS, the permanently expanded and redesigned Latham Square Plaza has been determined to be categorically exempt pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15332 (infill), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance; 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 service; now therefore be it

RESOLVED: That the City Administrator or designee is authorized to execute a construction contract for the Latham Square Streetscape Improvements Project (Project No. C464560) to McGuire and Hester, the lowest responsive and responsible bidder, in an amount of Four Million One Hundred Ninety Thousand One Hundred Fifty-Six Dollars (\$4,190,156.00) in accord with plans and specifications for the project and contractor's bid dated January 26, 2015; and be it

FURTHER RESOLVED: That there are sufficient funds in the project budget for the work under the following fund sources:

- ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194921;
- ACTC Reimbursable Grant Fund (2214); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project C194922;
- Miscellaneous Grants (2999); Capital Project – Transportation Planning and Funding Organization (92260); Structures and Improvements Account (57311); Project No. TBD

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

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if McGuire and Hester fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; 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, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

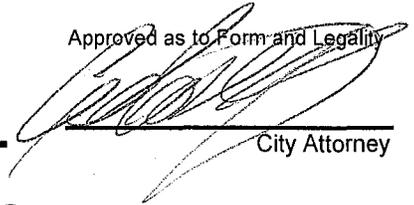
ATTEST: _____

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

2015 FEB 25 PM 12:25

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION TO AUTHORIZE THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A REIMBURSEMENT AGREEMENT WITH EAST BAY MUNICIPAL UTILITIES DISTRICT ("EBMUD") IN THE AMOUNT NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) AND TO ACCEPT AND APPROPRIATE THESE FUNDS FOR THE CONSTRUCTION AND CITY STAFF COSTS ASSOCIATED WITH THE CONSTRUCTION OF EBMUD WATER MAIN RELOCATION FOR THE LATHAM SQUARE PROJECT (NO. C464560)

WHEREAS, the City of Oakland will execute a construction contract for the Latham Square Streetscape Improvements Project (Project No. C464560) to be located on Broadway and Telegraph Avenue in the City of Oakland, hereinafter called the "PROJECT"; and

WHEREAS, the construction of the PROJECT necessitates the relocation of 475 linear feet of EBMUD's existing 8-inch and 12-inch diameter mains ("MAIN") in Broadway, and that this relocation be completed by December 31, 2015; and

WHEREAS, as required by law under certain circumstances, EBMUD is responsible for the relocation of its facilities in order to accommodate certain public street improvements projects; and

WHEREAS, the PROJECT has been determined by EBMUD to be a street improvement project for which EBMUD is responsible for the relocation of its facilities in Broadway; and

WHEREAS, EMBUD has designed and prepared plans and specifications for the MAIN relocation; and

WHEREAS, the City and EBMUD recognize that the most timely, mutually-beneficial and cost-effective way for execution of the PROJECT and relocation of the MAIN is for the City to require its construction contractor to install the MAIN as a component of completing the PROJECT, in coordination with and subject to inspection and approval by EBMUD; and

WHEREAS, the City has placed the PROJECT out for public bid pursuant to the procedures set forth in the California Public Contract Code; and

WHEREAS, the permanently expanded and redesigned Latham Square Plaza has been determined to be categorically exempt pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan, or zoning), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15332 (infill), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance; and

WHEREAS, the City included requirements for construction of the MAIN as separate bid line Item No. 79, which requires installation of the MAIN in conjunction with the roadway improvement work to be completed under the PROJECT; and

WHEREAS, the City has opened bids for the PROJECT and will award a construction contract (the "CONTRACT") to the lowest, responsive and responsible bidder McGuire and Hester (the "CONTRACTOR"), which has included as Item No. 79 a total bid price of \$165,000.00 for construction of the MAIN, inclusive of mobilization, as stated in Attachment B; and

WHEREAS, EBMUD agrees to reimburse the City for its reasonable MAIN construction costs, including actual construction costs as stated in the City's awarded contract, City contract administration costs, City inspection costs, City project management costs, and change orders related to contract bid Item No. 79, the sum total of such costs for which EBMUD shall reimburse the City not exceeding \$300,000.00; now therefore, be it

RESOLVED: That the City Administrator is authorized to negotiate and execute a reimbursement agreement with East Bay Municipal Utilities District (EBMUD) in the amount not to exceed Three Thousand Dollars (\$300,000.00) for the construction costs and City Staff costs associated with the construction of EBMUD water main relocation; and be it

FURTHER RESOLVED: That the Council shall appropriate and allocate funds under: Miscellaneous Grants Fund (No. 2999); Capital Project – Transportation Planning and Funding Organization (No. 92260); Structures and Improvements Account (No. 57311); Project TBD; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized and directed to conduct all negotiations, agreements, amendments, modifications, change orders, payment requests and procure all requisite permits, and to conduct all related actions that may be necessary for the completion of the delivery of the construction of the MAIN relocation; 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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