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FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89585 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO GRUENDL INC. DBA RAY'S ELECTRIC, FOR THE EAST BAY GREENWAY SEGMENT II PROJECT, PROJECT NO. 1005033, THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF FOUR MILLION TWO HUNDRED EIGHTY-TWO THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS AND TWENTY CENTS (\$4,282,125.20); AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE MAINTENANCE AGREEMENT WITH THE BAY AREA RAPID TRANSIT (BART); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, the East Bay Greenway Segment II Project (Project) will construct a protected mixed-use path and sidewalk widening, pedestrian lighting, landscaping, signal modification, and fencing along San Leandro Street from Seminary Avenue to 69th Avenue.

WHEREAS, the City of Oakland (City) was awarded multiple grants for the Project, including an Affordable Housing and Sustainable Communities Program (AHSC) grant in the amount of \$3,100,000.00 in Sustainable Transportation Infrastructure (STI) and Transportation Related Amenities (TRA) funds; Metropolitan Transportation Commission (MTC) Safe and Seamless Mobility Quick Strike Program in the amount of \$1,000,000.00; Federal Transit Administration (FTA) Section 5309 Bus and Bus Facilities Projects Grant Funding in the amount of \$750,699.00; and

Alameda County Transportation Authority (CTC) Transportation Fund for Clean Air (TFCA) funds in the amount of \$350,000.00; and

WHEREAS, the Project was advertised on June 24, 2022 and three bids were received by the Office of the City Clerk on August 4, 2022; and

WHEREAS, Guendl Inc. dba Ray's Electric, is deemed the lowest, responsive and responsible bidder for the Project with a bid of \$4,282,125.20; and

WHEREAS, funds for the Project are available in the following accounts:

- AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), AHSC STI Fund (2159), Construction Task (8.0), Award (23658)
- AHSC East Bay Greenway Segment II Project (No. 1005034), Engineering Design: Project Management Organization (92770), AHSC TRA Fund (2159), Construction Task (8.0), Award (23658)
- AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), BART Measure RR Fund (2999), Construction Task (8.0), Award (24258)
- AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Federal Transit Administration Section 5309 Bus and Bus Facilities Projects Grant Fund (2999), Construction Task (8.0), Award (24258)
- AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Transportation Fund for Clean Air (TFCA) Fund (2214), Construction Task (8.0), Award (TBD)
- AHSC East Bay Greenway Segment II Project (No. 1005033), Engineering Design: Project Management Organization (92770), Measure KK Fund (5335), Construction Task (8.0), Award (23941); 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 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, 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; and

WHEREAS, a maintenance agreement amendment with the Bay Area Rapid Transit (BART) would allow the City to access assets the City is responsible for maintaining, repairing, and improving in BART's Right-of-Way; and

WHEREAS, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; now therefore be it

RESOLVED: That the City Administrator is authorized to award a construction contract to Gruendl Inc. dba Ray's Electric, the lowest responsive and responsible bidder, in accordance with project plans, specifications and contractor's bid dated August 4, 2022 for the East Bay Greenway Segment II Project, Project No. 1005033, in the amount of Four Million Two Hundred Eighty-Two Thousand One Hundred and Twenty-Five Dollars and Twenty Cents (\$4,282,125.20); and be it

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 of 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 is hereby authorized to approve and execute 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 the Project without return to the City Council; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder 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 the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator 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; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve and execute amendments to the existing maintenance agreement between the City of Oakland and BART for the City to access its assets in BART's Right-of-Way for the purpose of maintaining, repairing, or improving; and be it

FURTHER RESOLVED: That the Council hereby finds and determine that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions 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 the Project that is named in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

FEB 07 2023

PASSED BY THE FOLLOWING VOTE

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST:



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