

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 FEB 25 PM 12:25

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

City Attorney

RESOLUTION NO. 85 456 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, MAR 17 2015 20

**PASSED BY THE FOLLOWING VOTE:**

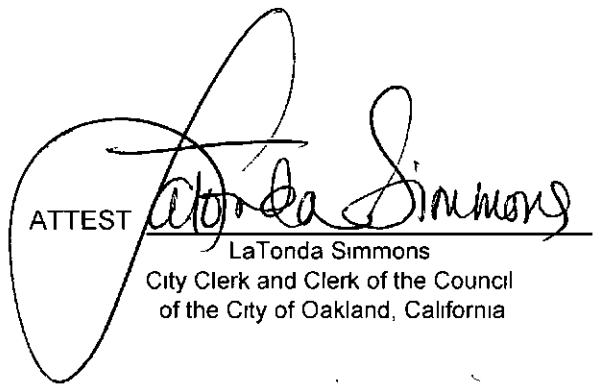
AYES - BROOKS, CAMPBELL WASHINGTON, ~~REID~~, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - Gallo - 1

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