

DRAFT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) AWARD A CONSTRUCTION CONTRACT THAT FOLLOWS ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR PROJECT NO. 1005340 COURTLAND CREEK RESTORATION PROJECT, AND WITH THE CONTRACTOR'S BID THAT INCLUDES BASE BID AND PARTIAL OR ALL OPTIONAL ITEMS, FOR AN AMOUNT NOT TO EXCEED FOUR MILLION THREE-HUNDRED THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$4,300,475.00; 2) ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (DISTRICT) TO IMPLEMENT A PORTION OF THE PROJECT ON DISTRICT PROPERTY; AND 3) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, the Courtland Creek Restoration Project (Project) scope includes (1) rehabilitate three urban reaches of Courtland Creek in the City of Oakland (City) by removing non-native and invasive vegetation, re-grading the channel bed, stabilizing steep channel banks, and installing park and landscape features; (2) the procurement of parts for the Cary Avenue Full Trash Capture and the Mandela Parkway Full Trash Capture Projects; and

WHEREAS, the Project is part of the City's Trust for Clean Water and Safe Parks Bond (Measure DD), and is ranked seventh on the Council-adopted DD Prioritized Creek Restoration Project List that was authorized in Council Resolution No. 79649 C.M.S.; and

WHEREAS, the City and the Alameda County Flood Control and Water Conservation District (District) have drawn up a Cooperative Agreement to implement a portion of the Project on District property; and

WHEREAS, the City issued a Notice of Inviting Bids for the Project on January 27, 2023; and

WHEREAS, the Bids received on March 30, 2023 will be evaluated by the Department of Workforce and Employment Standards, and the lowest, responsive and responsible bidder for the Project will be awarded the construction contract; and

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

WHEREAS, funding for the Project is available in the following accounts: 1) Congress Culvert (5510); Organization (#92245); Project (1006503); 2) Federal Grant – Environmental Protection Agency (2125); Organization (#92245); Project (1005340); 3) Clean CA Grant - Caltrans (2140); Organization (#30245); Project (1005340); and 4) Measure DD (5322); Organization (#92254); Project (1005340); and

WHEREAS, funding for parts for the Mandela Parkway Full Trash Capture (FTC) Project is available in the following account: Mandela Parkway Full Trash Capture FTC Grant – Caltrans CIA (2140); Organization (#92245); Project (1006066); and

WHEREAS, funding for parts for the Cary Avenue FTC Project is available in the following account: Cary Avenue FTC Grant – Caltrans CIA (2140); Organization (#92245); Project (1006466); 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 will be 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, the California Environmental Quality Act (CEQA) review has been completed for the Courtland Creek Restoration Project through review and incorporation into the Measure DD Programmatic Environmental Impact Report (EIR); and

WHEREAS, the Project will meet all mitigation requirements that are outlined for creek restoration projects in the Mitigation, Monitoring, and Reporting Plan of the EIR; and

WHEREAS, pursuant to Oakland Charter Article V, section 504 (l), the Project requires that the City Administrator negotiate and enter into a Cooperative Agreement with the District to implement a portion of the Project on District Property;

WHEREAS, the Cary Avenue and Mandela Parkway FTC Projects will implement minor alterations to existing, publicly owned utilities involving negligible or no expansion of an existing use; and

WHEREAS, the Cary Avenue and Mandela Parkway FTC Projects are each exempt from CEQA pursuant to CEQA Guidelines Section 15301, Alteration/Minor Addition to Existing Facilities; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract that follows all city advertising and competitive bidding requirements to the lowest responsive and responsible bidder, in accordance with project plans, specifications, and contractor's bid for the Project for an amount not to exceed Four Million Four Hundred Seventy-Five Dollars (\$4,000,475.00), and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute a Cooperative Agreement with the District to implement a portion of the Project on District Property; and be it

FURTHER RESOLVED: That the City Administrator will provide a supplemental report to the Council summarizing bid result and compliance analysis result upon completion of the bid evaluation process; and be it

FURTHER RESOLVED: That the plans and specifications prepared for the Project, including any subsequent changes during construction, that will be reviewed and adopted by the Director of Public Works, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the Council independently finds and determines that the CEQA review has been completed for the Project through review and incorporation into the Measure DD programmatic Environmental Impact Report (EIR); and be it;

FURTHER RESOLVED: That the construction contract and the agreement with the District 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 authorized to execute any amendments or modifications of the construction contract within the limitations of Project specifications; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the Cooperative Agreement with the District; and be it

FURTHER RESOLVED: That the Council independently finds and determines that the Cary Avenue and Mandela Parkway FTC projects are exempt from CEQA pursuant to CEQA Guidelines Section 15301, Alteration/Minor Addition to Existing Facilities.

IN COUNCIL, OAKLAND, CALIFORNIA,

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