

"Revised on 10/01/2021 to correct clerical error regarding project number"

Approved as to Form and Legality


City Attorney's Office

REVISED

**OAKLAND CITY COUNCIL
RESOLUTION NO. 88645**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

21 NOV -9 PM 3:50

RESOLUTION:(1) ACCEPTING AND APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) FROM THE MONTCLAIR VILLAGE ASSOCIATION, (2) AWARDED A CONSTRUCTION CONTRACT TO BELIVEAU ENGINEERING CONTRACTORS INC., THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER, FOR THE MONTCLAIR VILLAGE ANTIOCH COURT PEDESTRIAN IMPROVEMENTS PROJECT, PROJECT NO. 4004924 1001042 IN ACCORD WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF EIGHT HUNDRED FORTY THOUSAND AND SIXTY TWO DOLLARS (\$840,062) AND (3) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Urban Design Consulting Engineers was retained by the Montclair Village Association, a non-profit Business Improvement District serving businesses and customers in the Montclair District, to prepare a preliminary plan called the Antioch Court Pedestrian Improvement project, a community-initiated effort that began as early as 2002, when a group of citizens, artists, business owners and community leaders considered ways to improve the pedestrian experience in Montclair Village; and

WHEREAS, in July 2013, the Montclair Village Association made a presentation to the Bicycle and Pedestrian Advisory Committee (BPAC), and requested the BPAC to support future allocations of discretionary bike/pedestrian funds for the Antioch Court project; and

WHEREAS, at the March 2014 BPAC meeting, Antioch Court was identified as a project needing funds under the Pedestrian Master Plan Implementation program (Project No.C428310), and the BPAC approved a request for \$90,000 in funds for final design; and

WHEREAS, on May 19, 2015, the City Council passed Resolution No. 85591" C.M.S., which waived the competitive selection requirement and authorized the City Administrator to amend the professional services contract with Urban Design Consulting Engineers for Antioch Court Pedestrian Improvement Project design work to increase the contract by one hundred thousand dollars (\$100,000.00) from one hundred fifty thousand dollars (\$150,000.00) to a total amount not-to-exceed two hundred fifty thousand dollars (\$250,000.00); and extended the time of performance of the contract work from April 30, 2015 to December 31, 2016; and

WHEREAS, the proposed Project is exempt from the CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and

WHEREAS, on a separate and independent basis, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, the engineer's estimate for the work is Seven Hundred Forty-Seven Thousand One Hundred Thirty-Seven dollars (\$747,137); and

WHEREAS, on December 18, 2020, the City invited bids for the Project by placing an advertisement in six newspapers; and

WHEREAS, on January 21, 2021, three bids were received by the Office of the City Clerk for the construction of the Montclair Village Antioch Court Pedestrian Improvements Project (Project No. 1004924-1001042); and

WHEREAS, the City has determined that Beliveau Engineering Contractors Inc. is the lowest, responsible, responsive bidder for the Montclair Village Antioch Court Pedestrian Improvements Project (Project No. 1004924-1001042); and the bid is compliant with the City's Equal Benefits Ordinance and exceeds the minimum 50% L/SLBE participation requirements; and

WHEREAS, there are sufficient funds in the project budget for the construction work totaling \$840,062 as follows:

- \$150,000 in private contributions from the Montclair Village Association to be accepted and appropriated by this resolution;
- \$480,000 from Measure KK, 1st Tranche, Project 1004924, Organization 92246, Expense 54999, Task 8.0, Award 23248, Program IN05
- \$58,320 from Measure BB, Project 1004924, Organization 92246, Expense 57899, Task 8.0, Award 23729, Fund 2218, Program IN05
- \$151,742 from Measure F, Project 1004924, Organization 92246, Expense 57411, Task 8.0, Award 23638, Fund 2215, Program IN05; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined that the service is professional, scientific, or technical; and

WHEREAS, the City Administrator has determined 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; now, therefore, be it

RESOLVED: That the contract for the construction of the Montclair Village Antioch Court Pedestrian Improvements Project is hereby awarded to Beliveau Engineering Contractors Inc., the lowest, responsible, responsive bidder, in accordance with project plans and specifications in the amount of Eight Hundred Forty Thousand Sixty Two Dollars (\$840,062); and be it

FURTHER RESOLVED: That the City of Oakland accepts and appropriates one hundred fifty thousand dollars (\$150,000) from the Montclair Village Association to support this project; and be it

FURTHER RESOLVED: That the plans and specifications prepared including any subsequent changes during construction, that will be reviewed and adopted by the Director of Department of Transportation or designee for this project, are hereby approved; 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 Administrator or designee is hereby authorized to enter into a contract with Beliveau Engineering Contractors Inc., on behalf of the City of Oakland, and execute any amendment or modifications to said agreement within the limitations of the project specifications; and be it

FURTHER RESOLVED: That all other bids are hereby rejected; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 18 2021

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AN PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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