

## OAKLAND CITY COUNCIL

### RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE & HESTER; THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR PROJECT NO. 1006302, AND WITH THE CONTRACTOR'S BID, IN THE AMOUNT OF FOUR MILLION ONE HUNDRED NINETY THREE THOUSAND AND NINE HUNDRED FIFTY DOLLARS (\$4,193,950.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland (City) is committed to achieving full compliance with the Americans With Disabilities Act and as such maintains a robust curb ramp construction program; and

**WHEREAS**, Project 1006302 West Oakland STEP Grant (Project) scope includes 75 curb ramps; 480 square feet of retrofitting detectable warning dome pavers; approximately 100,000 SF of concrete sidewalk replacement, and related ancillary items required for the construction of sidewalk and curb ramps; and

**WHEREAS**, the City issued a Request for Bids for the Project on August 2, 2024, and one bids was received by the Office of the City Clerk on August 29, 2024; and

**WHEREAS**, McGuire & Hester is deemed the lowest, responsive and responsible bidder for the Project with a bid of \$4,193,950.00 and the bid is compliant with the City's Local Business Enterprise/Small Local Business Enterprise (L/SLBE) participation requirement.; and

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

**WHEREAS**, the City of Oakland applied for and was awarded an STEP grant in the amount of \$7,665,371.99 on June 23, 2022 (Resolution No. 89292 C.M.S.); and

**WHEREAS**, funding for this Project is available as follows: \$3,811,737.45 available in Fund 2159, Organization 92270, Project 1006302 and \$382,212.55 available in Fund 5335, Organization 35212, Project 1006302; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; 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 contracts approved hereunder are temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, the performance of this contract is in the public interest because of economy or better performance and these contracts are of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service now; and

**WHEREAS**, the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 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; now therefore be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract to McGuire & Hester 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 in the amount of four million one hundred ninety three thousand nine hundred fifty dollars (\$4,193,950.00); and be it

**FURTHER RESOLVED:** That the City Administrator will provide an informational memorandum to the Council and public summarizing bid and compliance analysis results 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, which will be reviewed and adopted by the Director of the Oakland Department of Transportation, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Department of Workplace and Employment Standards; 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

for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to the execution of the contract; 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 Council independently finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); 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; and be it

**FURTHER RESOLVED:** That the construction 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,

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