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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 88813 C.M.S.

RESOLUTION (1) AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC AS THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER FOR THE "CROSSING TO SAFETY" PROJECT (NO. 1004387) FUNDED BY THE ACTIVE TRANSPORTATION PROGRAM/CYCLE 3/AUGMENTATION ROUND AS THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORD WITH THE PROJECT PLANS, SPECIFICATIONS, AND STATE REQUIREMENTS, AND THE CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION NINE HUNDRED SEVENTY-ONE THOUSAND DOLLARS (\$2,971,000) AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

WHEREAS, in Fall 2017, the City was awarded an Active Transportation Program/Cycle 3/Augmentation Round Grant to fund the "Crossing to Safety" Project; and

WHEREAS, on November 28, 2017, the City Council passed Resolution No. 86974 C.M.S., which authorized the City Administrator to accept and appropriate the Active Transportation Program (ATP) grant for the "Crossing to Safety" Project; 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(a) (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), 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

WHEREAS, the engineer's estimate for the Project is two million nine hundred three thousand three hundred fifty dollars (\$2,903,350); and

WHEREAS, on March 26, 2021, the City invited bids for the Project by placing an advertisement in six newspapers; and

WHEREAS, on April 29, 2021, three bids were received by the Office of the City Clerk for the construction of the Project; and

WHEREAS, the City has determined that Ray's Electric is the lowest, responsible, and responsive bidder for the Project; and that the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 12.05% participation requirements; and

WHEREAS, there are sufficient funds in the project budget for the construction work:

- ATP/Cycle 3: \$1,559,000, Project 1004387, Organization 92270, Expense 57411, Task 8.0, Award 23576, Fund 2140
- Measure BB: \$691,300 Project 1003349, Organization 92246, Expense 57411, Task 8.0, Award 23234, Fund 2211
- Measure KK: \$33,951 Project 1004387, Organization 92246, Expense 57411, Task 8.0, Award 23248, Fund 5330
- Measure KK: \$686,749 Project 1003349, Organization 92246, Expense 57411, Task 8.0, Award 23686, Fund 5332; 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 "Crossing to Safety" Project is hereby awarded to Ray's Electric, the lowest, responsible, and responsive bidder, in accord with project plans and specifications and State requirements in the amount of two million nine hundred seventy-one thousand dollars (\$2,971,000); 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 Council finds that 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(a) (Restriping of Streets for Bicycle Lanes), and 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), 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 or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda; 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 Ray's Electric, 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,

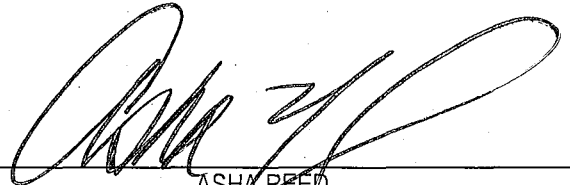
PASSED BY THE FOLLOWING VOTE:

SEP 21 2021

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND 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