

**CITY OF OAKLAND  
AGENDA REPORT**

OFFICE OF THE CITY CLERK

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: December 13, 2005

2005 NOV 28 PM 5:06

**RE: RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC FOR THE GRAND AVENUE PEDESTRIAN AND TRANSIT PROJECT BETWEEN PERKINS STREET AND EL EMBARCADERO AND ON HARRISON STREET AT 21<sup>ST</sup> STREET (CITY PROJECT NO. G266610, FEDERAL PROJECT NO. CML-5012(058)) FOR AN AMOUNT OF THREE HUNDRED NINETY-SEVEN THOUSAND SEVEN HUNDRED TWENTY-EIGHT DOLLARS AND FIFTY CENTS (\$397,728.50)**

---

**SUMMARY**

A resolution has been prepared authorizing the City Administrator to award a construction contract to Ray's Electric for the Grand Avenue Pedestrian and Transit Project between Perkins Street and El Embarcadero and on Harrison Street at 21<sup>st</sup> Street (City Project No. G266610, Federal Project No. CML-5012(058)) for an amount of \$397,728.50. The project consists of installing new curb bulb-outs at intersections on Grand Avenue at Perkins Street, Staten Avenue, Euclid Avenue, and El Embarcadero; and at the intersection of Harrison Street and 21<sup>st</sup> Street. The project is located in Council District 3.

**FISCAL IMPACT**

The resolution will authorize a \$397,728.50 construction contract with Ray's Electric. Funding for the contract is available in the Congestion Mitigation and Air Quality (CMAQ) Improvement Program, Congestion Mitigation and Air Quality (CMAQ) Fund (#2164), Lower Grand Pedestrian Bulb-outs Project (#G266610); Measure B Fund (#2210), Lower Grand Pedestrian Bulb-outs FD 2210 Project (#G266620); Miscellaneous Grants (#2999), Lower Grand Pedestrian Bulb-outs FD 2999 Project (#G266630); and Metropolitan Transportation Commission/Transportation Development Act (TDA) Article 3 Funds, Oakland Base Reuse Authority (OBRA) Lease Revenues Fund (#2162), Grand Avenue Pedestrian Transportation - 2162 Project (#G266640).

**BACKGROUND**

In late 2001, the City received a federal grant from the CMAQ Improvement Program. In 2002, the matching funds were allocated; however, the project was still short of full funding. In July 2005, additional funding from TDA Article 3 monies were allocated to fully fund the proposed project.

Item #: \_\_\_\_\_  
Public Work Committee  
December 13, 2005

In May 2005 the project was first advertised to solicit bids in the Oakland Tribune, the Daily Pacific Builder, and the San Francisco Chronicle. On June 20, 2005, the City Clerk received one bid for the project. Sposeto Engineers, Inc. of Union City submitted a bid of \$493,071.20. This amount exceeded the engineer's estimate of \$411,578.50 by \$81,492.70, or 20%. On July 18, 2005, Office of the City Administrator, Contract Compliance & Employment Services Division determined that the bid contained only 3.94% Disadvantaged Business Enterprise (DBE) participation, which did not meet the project goal of 8% DBE participation. DBE participation is required as a condition of the federal grant.

Staff evaluated the submitted bid and found that the bid price for some items were significantly higher than the engineer's estimate and these items could be done by Public Works Agency staff at a much lower cost. Staff revised the plans, removed those items, and re-advertised the construction contract.

The project was re-advertised in August 2005 to solicit bids in the same newspapers. On August 29, 2005, the City Clerk received three bids for the project. Mosto Construction (Oakland), Ray's Electric (Oakland), and Sposeto Engineering, Inc. (Union City) submitted bids of \$376,919.15, \$397,728.50, and \$455,541.00, respectively.

On September 28, 2005, the Office of the City Administrator, Contract Compliance & Employment Services Division determined that Ray's Electric meets the project goal of 8% Disadvantaged Business Enterprise (DBE) participation and qualifies as a responsible bidder as well. Mosto Construction and Sposeto Engineering, Inc. did not meet the DBE goal nor did they show a good faith effort.

The City Local/Small Local Business Enterprise (LBE/SLBE) requirements do not apply because this is a federally funded project. However, Ray's Electric is a Small Local Business Enterprise and would have exceeded the LBE/SLBE goals had they been required.

## **KEY ISSUES AND IMPACTS**

Execution of the contract will take approximately one month, resulting in a projected construction starting date in January 2006. With construction scheduled for 50 working days, work is expected to be completed by April 2006, weather permitting. The contract specifies that the contractor will be assessed \$1,900 in liquidated damages per calendar day if the construction schedule of 50 working days is exceeded. However, the expected completion date may vary due to unforeseeable construction delays and weather conditions. The Resident Engineer assigned to this project will monitor the contractor's progress to ensure the project is completed in a timely manner.

## PROJECT DESCRIPTION

The pedestrian improvements on Grand Avenue from Perkins Street to El Embarcadero and on Harrison Street at 21<sup>st</sup> Street consist of the installation of new curb bulb-outs at the intersections on Grand Avenue at Perkins Street, Staten Avenue, Euclid Avenue, and El Embarcadero; and at the intersection of Harrison Street and 21<sup>st</sup> Street. The project is designed to improve pedestrian safety and access to bus stops and to Lake Merritt by reducing the distance pedestrians travel to cross the street.

The proposed project is consistent with the 2005-07 Goals and Objectives of the City Council and Mayor in the following:

**Build Community and Foster Livable Neighborhoods** by improving the physical appearance, livability and integrity of these areas and by providing accessible sidewalks.

## SUSTAINABLE OPPORTUNITIES

Economic: By improving vehicular and pedestrian safety, this project will have a positive economic impact by reducing injury and property damage costs.

Environmental: This project will improve pedestrian facilities and make walking a more attractive mode of transportation, and thereby improve the environment by reducing vehicular congestion and emissions.

Social Equity: The improvements will improve the quality of life by providing greater accessibility and safety for pedestrians. Senior citizens, persons with disabilities and children will greatly benefit from these improvements.

## DISABILITY AND SENIOR CITIZEN ACCESS

This project includes accessibility improvements such as wheelchair ramps with detectable warning domes, which will assist senior citizen, and pedestrians with disabilities in crossing the street.


## RECOMMENDATION AND RATIONALE

Staff recommends that City Council approve the resolution authorizing the City Administrator, or her designee, to award a construction contract for an amount of \$397,728.50 to Ray's Electric, the lowest, responsible and responsive bidder, for the Grand Avenue Pedestrian and Transit Project between Perkins Street to El Embarcadero and on Harrison Street at 21<sup>st</sup> Street, and to reject all other bids.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

*for*   
\_\_\_\_\_  
RAUL GODINEZ II, P.E.  
Director, Public Works Agency

Reviewed by:  
Michael J. Neary, P.E.  
Assistant Director, Public Works Agency  
Design & Construction Department

Wladimir Wlassowsky, P.E.  
Transportation Services Manager

Prepared by:  
Si Lau, P.E.  
Transportation Engineer

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
OFFICE OF THE CITY ADMINISTRATOR

**DRAFT**

Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

Requires two-thirds vote of the Council

2005 NOV 28 PM 5:06  
OFFICE OF THE CITY CLERK

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC FOR THE GRAND AVENUE PEDESTRIAN AND TRANSIT PROJECT BETWEEN PERKINS STREET AND EL EMBARCADERO AND ON HARRISON STREET AT 21<sup>ST</sup> STREET (CITY PROJECT NO. G266610, FEDERAL PROJECT NO. CML-5012(058)) FOR AN AMOUNT OF THREE HUNDRED NINETY-SEVEN THOUSAND SEVEN HUNDRED TWENTY-EIGHT DOLLARS AND FIFTY CENTS (\$397,728.50)**

**WHEREAS**, the construction contract for the Grand Avenue Pedestrian and Transit Project between Perkins Street to El Embarcadero and on Harrison Street at 21<sup>st</sup> Street (City Project No. G266610, Federal Project No. CML-5012(058)) consists of installing new curb bulb-outs at the intersections on Grand Avenue at Perkins Street, Staten Avenue, Euclid Avenue, and El Embarcadero; and at the intersection of Harrison Street and 21<sup>st</sup> Street; and

**WHEREAS**, Ray's Electric submitted the lowest responsible and responsive bid; and

**WHEREAS**, there are sufficient funds for the construction contract in the Congestion Mitigation and Air Quality (CMAQ) Improvement Program, Congestion Mitigation and Air Quality (CMAQ) Fund (#2164), Lower Grand Pedestrian Bulb-outs Project (#G266610); Measure B Fund (#2210), Lower Grand Pedestrian Bulb-outs FD 2210 Project (#G266620); Miscellaneous Grants (#2999), Lower Grand Pedestrian Bulb-outs FD 2999 Project (#G266630); and Metropolitan Transportation Commission/Transportation Development Act (TDA) Article 3 Funds, Oakland Base Reuse Authority (OBRA) Lease Revenues Fund (#2162), Grand Ave Pedestrian Transportation -2162 Project (#G266640); and

**WHEREAS**, the City lacks the equipment and personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the best public interest because of economy and quality of work; and

**WHEREAS**, the project has 8% Disadvantaged Business Enterprise (DBE) participation requirement; and

**WHEREAS**, Ray's Electric has 8% DBE participation; and

**WHEREAS**, the City Council finds and determines 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 construction contract for the Grand Avenue Pedestrian and Transit Project between Perkins Street to El Embarcadero and on Harrison Street at 21<sup>st</sup> Street is hereby awarded to Ray's Electric for an amount of three hundred ninety-seven thousand, seven hundred twenty-eight dollars and fifty cents (\$397,728.50); and be it

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

**FURTHER RESOLVED:** That the amount of the bond for faithful performance and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved for form and legality by the City Attorney, and a copy of the contract shall be kept on file in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk; and be it

**FURTHER RESOLVED:** That the approval of this Resolution requires a two-thirds vote of the Council members.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
Of the City of Oakland, California