



CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 JUL -5 PM 4:49

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, Oak DOT

SUBJECT: Pedestrian Lighting and Sidewalk
Improvement On International Blvd.
(1000844) Construction Contract
Award

DATE: June 12, 2018

City Administrator Approval

Date:

7/3/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans and Specifications, For The Pedestrian Lighting And Sidewalk Improvements On International Boulevard From 42nd Avenue To 107th Avenue Project (Project No. 1000844) In An Amount Not-To-Exceed Four Million Dollars (\$4,000,000.00).

EXECUTIVE SUMMARY

Approval of this resolution will allow the City Administrator to award a construction contract for the Pedestrian Lighting and Sidewalk Improvements on International Boulevard from 42nd Avenue to 107th Avenue Project (Project No. 1000844) in an amount not-to-exceed four million dollars (\$4,000,000.00) to the lowest responsive and responsible bidder. The work is located in Council Districts 2, 5, 6 and 7 as shown in **Attachment A**.

The project includes installation of pedestrian light poles and fixtures, pull boxes, electrical conduit, electrical conductor, replacement of damaged sidewalks and driveways, and other minor incidental items including tree root pruning and curb and gutter replacement.

BACKGROUND/LEGISLATIVE HISTORY

The Pedestrian Lighting and Sidewalk Improvements On International Boulevard from 42nd Avenue to 107th Avenue Project will provide a safer walking experience for pedestrians along International Boulevard in conjunction with AC Transit's East Bay Bus Rapid Transit (BRT) project, as it will draw many pedestrians to the corridor.

The AC Transit's BRT project will be providing a new service along the International Blvd, connecting downtown Oakland to the San Leandro BART Station with bus-only lanes, improved

Item: _____
Public Works Committee
July 17, 2018

accessible stations, and utilizing transit signal technology thus increasing bus arrival and travel time. While the BRT project included improvements for pedestrians at bus stops, it does not provide pedestrian lighting and sidewalk improvements in between the bus stops.

The City of Oakland applied for and was awarded a \$2,481,000.00 federal Active Transportation Program (ATP) grant. The grant was approved by City Council Resolution No. 85106 C.M.S. on July 15, 2014 as shown in **Attachment B**.

ANALYSIS / POLICY ALTERNATIVES

The Pedestrian Lighting And Sidewalk Improvements On International Boulevard From 2nd Avenue To 107th Avenue Project (1000844) was advertised for bids on March 9, 2018. Direct outreach was performed to various contractors, but only two bids were received on April 12, 2018, and they were at \$7,388,993.00 and \$9,558,885.50. The Engineer's Estimate was \$3,849,840.00. Both bidders did not comply with the federal Disadvantaged Business Enterprise (DBE) requirements. Therefore, both bids were deemed unresponsive.

BIDDERS FOR APRIL 12, 2018 BID OPENING	BID AMOUNT
Ray's Electric, Inc.	\$7,388,993.00
Tennyson Electric Inc.	\$9,558,885.50

The grant deadline to award the construction contract was May 31, 2018. The City is coordinating with the California Transportation Commission (CTC), to extend the award deadline if the City conditionally awards the construction contract by July 31, 2018.

If the ATP award deadline cannot be extended, staff proposes an alternate source of funding to complete the project funding and keep it on schedule. This funding source is from \$4,792,000 in One Bay Area Grant (OBAG) funds granted to the City for design and construction of the Lakeside Family Streets project, and accepted and appropriated by Council on June 20, 2017 (Resolution No. 86791 C.M.S.), as shown in **Attachment C**. The engineering design phase of the Lakeside Family Streets project has not yet begun, and in this scenario engineering design will remain fully funded and alternate sources of funding will be sought to complete construction. The Metropolitan Transportation Commission (MTC) has agreed to propose reprogramming the funds for this purpose, if needed.

The project was re-advertised on June 15, 2018 with a reduced scope which included work from 65th Avenue to 107th Avenue with an Engineer's Estimate of \$2,023,053.00. A bid alternate is included to allow the project to extend to 42nd Avenue if available funds allow. The Engineer's Estimate for the bid alternate work is \$1,085,455.80.

The bid opening is on July 10, 2018. Bids will be analyzed by Contracts and Compliance Division for DBE participation and Equal Benefits Ordinance (EBO) compliance. To meet the funding

Item: _____
Public Works Committee
July 17, 2018

deadline, staff requests that the City Council approve the resolution authorizing the City Administrator to award a contract to the lowest responsive and responsible bidder in an amount not-to-exceed four million dollars (\$4,000,000.00).

The current bidding climate has been drastically changing, with bid prices being received at 30% and above the engineering estimates. Therefore, to ensure contract award, staff has recommended placing the "Not-To-Exceed" amount at a minimum of 30% above the estimate. This would place the City's "Not-To-Exceed" limit at four million dollars (\$4,000,000.00). Construction work is anticipated to begin this fall 2018 and should be completed by Summer 2019 contingent on weather conditions. The contract specifies \$2,330.00 in liquidated damages per calendar day if the contractor exceeds the contract completion time of 120 working days.

FISCAL IMPACT

Approval of this resolution will allow the City Administrator to execute a construction contract with the lowest responsive and responsible bidder in an amount not-to-exceed \$4,000,000.00.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

PROJECT	AMOUNT
Pedestrian Lighting And Sidewalk Improvements On International Boulevard From 42nd Avenue To 107th Avenue Project (Project No. 1000844)	Not-To-Exceed \$4,000,000.00

2. SOURCE OF FUNDING:

FUNDING SOURCES	AMOUNT
Active Transportation Program (ATP) Grant (Fund 2116), Street and Structures Org (92242), Street Construction Account (57411), International Boulevard Street Improvement (Project 1000844), (Fiscal Year 2017-2018); Or One Bay Area Grant (OBAG) (Fund 2116), Street and Structures Org (92242), Street Construction Account (57411), Lakeside Green Streets Project (Project No. To Be Determined)	\$2,481,000.00
Measure KK (Fund 5330), Traffic Parking Org (92246), Street Construction Account (57411), International Boulevard Street Improvement (Project 1000844), (Fiscal Year 2017-2018)	\$956,904.00
Measure KK (Fund 5330), Traffic Parking Org (92246), Street Construction Account (57411), Streetscapes/Complete Street Capital (Project 1003348), (Fiscal Year 2018-2019)	\$562,096.00
TOTAL FUNDS	\$4,000,000.00

PUBLIC OUTREACH/INTEREST

Per standard City procedures, a notification letter will be sent to residents prior to start of construction.

During the engineering design phase, staff met with the BRT project team and coordinated the proposed improvements with the BRT improvements. The work falls within California Department of Transportation (Caltrans) right-of-way, and the City has obtained a Caltrans Encroachment Permit to make the improvements.

COORDINATION

The Office of the City Attorney and the Controller's Bureau were consulted in preparation of this report and resolution.

The work to be done under these contracts was reviewed and coordinated with:

- The California Department of Transportation (Caltrans)
- Alameda County Transit (AC Transit)
- Safe Streets Division of the Department of Transportation (OakDOT)
- Infrastructure Maintenance Division of the Oakland Public Works (OPW)
- Electrical Services Division of OakDOT

SUSTAINABLE OPPORTUNITIES

Economic: This project will improve transportation conditions and make the International Boulevard corridor safer, well lit, and more attractive. The project improvements will enhance the efficiency and affordability of the transportation network and increase the potential for economic and housing development in the neighborhood.

Environmental: The project will provide a safer route for pedestrians in the International Boulevard corridor and therefore reduce the use of automotive mode of transport that causes air pollution. The project will implement the Best Management Practices for the protection of storm water runoff during construction to prevent pollutants from entering the storm drain systems.

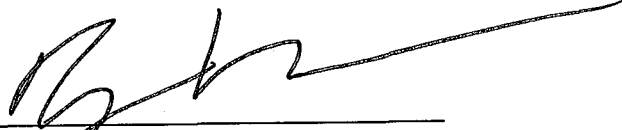
Social Equity: This project is intended to provide maximum mobility for those without access to vehicles by improving the pedestrian infrastructure. Project is within or abutted against an area of high disadvantage as designated by California's Metropolitan Transportation Commission (MTC) Disadvantage Index.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Award A Construction Contract To The Lowest Responsive And Responsible Bidder, In Accordance With Project Plans and Specifications For The Pedestrian Lighting And Sidewalk Improvements On International Boulevard From 42nd Avenue To 107th Avenue Project (Project No. 1000844) In An Amount Not-To-Exceed Four Million Dollars (\$4,000,000.00).

For questions regarding this report, please contact Mohamed Alaoui, P.E., Principal Civil Engineer at DOT, Great Streets Delivery at (510) 238-3469.

Respectfully submitted,



Ryan Russo
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E., Interim Assistant
Director, Department of Transportation

Reviewed by:
Mohamed Alaoui, P.E., T.E. Principal Civil
Engineer, Great Streets Delivery, Department
of Transportation

Reviewed by:
Si Lau, P.E., T.E. Supervising Civil Engineer,
Great Streets Delivery, Department of
Transportation

Prepared by:
Pablo Miras, P.E., Civil Engineer
Great Streets Delivery, Department of
Transportation

Attachments (3):

A: *Project Location Map*

B: *Resolution No. 85106*

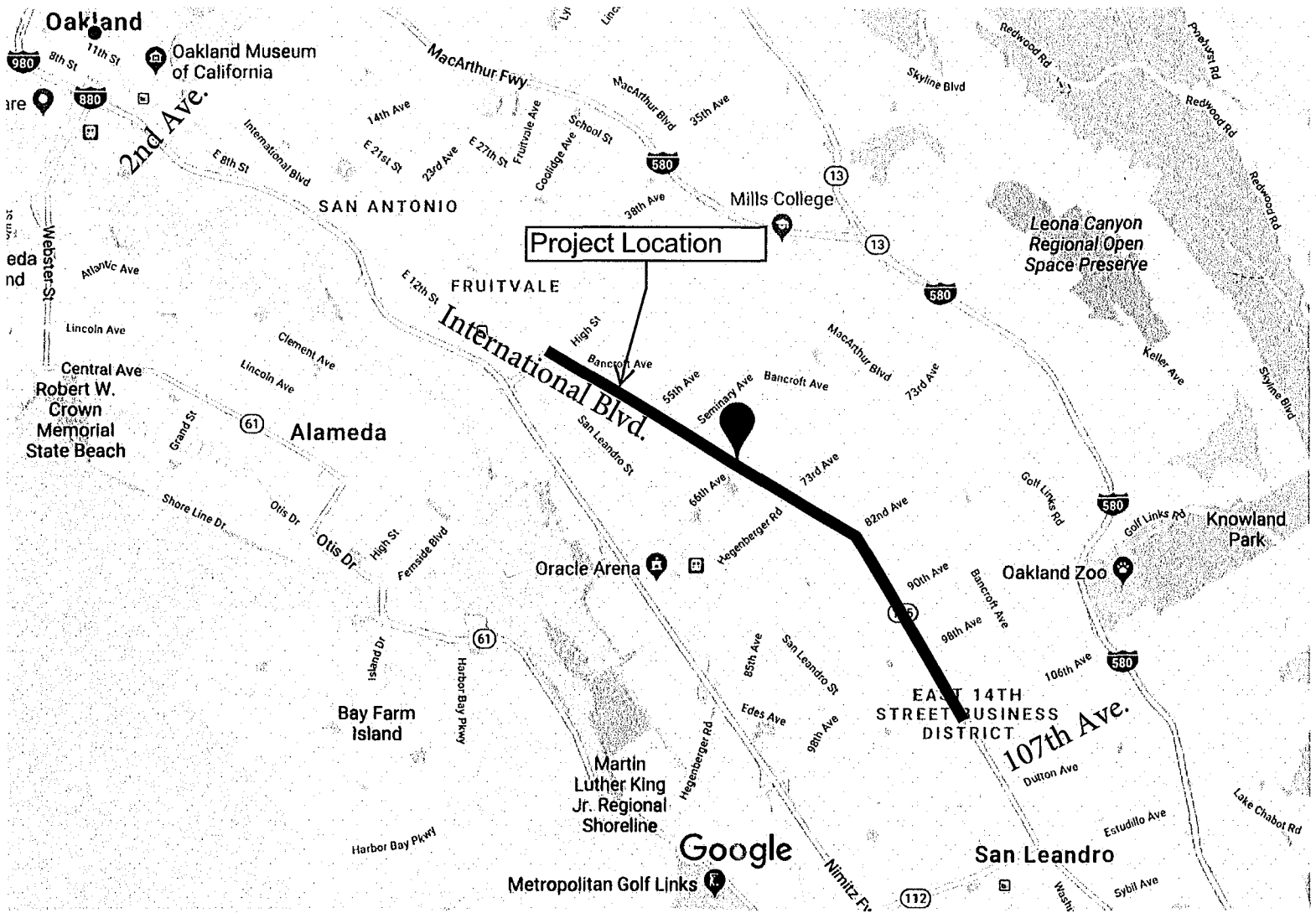
C: *Resolution No. 86791*

Attachment A

Pedestrian Lighting and Sidewalk Improvement on International Boulevard (SR 185) from 42nd Avenue to 107th Avenue
(Project No.: 1000844)

Project Location Map

Not to scale



Attachment B

Approved as to Form and Legality

[Signature]
City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 JUN 26 PM 3: 12

OAKLAND CITY COUNCIL

RESOLUTION No. 85106 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

(A) APPLY FOR, ACCEPT AND APPROPRIATE UP TO SEVENTEEN MILLION THREE HUNDRED ELEVEN THOUSAND ONE HUNDRED SIXTY DOLLARS (\$17,311,160.00) IN ACTIVE TRANSPORTATION PROGRAM FUNDS ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION;

(B) COMMIT MATCHING FUNDS OF UP TO SIX HUNDRED FORTY SEVEN THOUSAND FOUR HUNDRED SIXTY DOLLARS (\$647,460.00) FROM MEASURE B (FUND 2211) GRANT MATCHING FUNDS

(C) IF FUNDED, ASSURE COMPLETION OF THE FOLLOWING TEN ACTIVE TRANSPORTATION PROGRAM PROJECTS: THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK REPAIR PROJECT, THE INTERNATIONAL BOULEVARD PEDESTRIAN REFUGES PROJECT, THE CITY OF OAKLAND IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE PARK BOULEVARD AREA IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE THORNHILL DRIVE/MOUNTAIN BOULEVARD IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HIGH STREET – COURTLAND AVENUE-YGNACIO AVENUE INTERSECTION IMPROVEMENTS FOR SAFE ROUTES TO SCHOOL PROJECT, THE HARRISON STREET/ 27TH STREET/ 24TH STREET INTERSECTION IMPROVEMENTS PROJECT, THE LAKE MERRITT TO BAY TRAIL BICYCLE PEDESTRIAN GAP CLOSURE PROJECT, THE LAUREL ACCESS TO MILLS MAXWELL PARK AND SEMINARY ACTIVE TRANSPORTATION CONNECTIONS PROJECT AND THE TELEGRAPH AVENUE GREAT STREETS PROJECT.

WHEREAS, the City of Oakland (“City”) is submitting an application to the Metropolitan Transportation Commission (“MTC”) for Seventeen Million Three Hundred Eleven Thousand One Hundred Sixty Dollars (\$17,311,160.00) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (“FHWA”) and federal or state funding administered by the California Transportation Commission (“CTC”) such as Surface Transportation Program (“STP”) funding, Congestion Mitigation and Air Quality Improvement (“CMAQ”) funding, Transportation Alternatives (“TA”)/Active Transportation Program (“ATP”) funding, and Regional Transportation Improvement Program (“RTIP”) funding, herein collectively referred to as Regional

Discretionary Funding, for the following projects:

International Boulevard Corridor Pedestrian Projects

- International Boulevard Pedestrian Lighting and Sidewalk Repair Project (\$2,481,000.00)
- International Boulevard Pedestrian Refuges Project (\$602,120.00)

Safe Routes to School-type Projects

- City of Oakland Improvements for Safe Routes to School Project (\$1,236,000.00)
- Park Boulevard Area Improvements for Safe Routes to School Project (\$1,147,000.00)
- Thornhill Drive/Mountain Boulevard Improvements for Safe Routes to School Project (\$660,000.00)
- High Street – Courtland Avenue-Ygnacio Avenue Intersection Improvements for Safe Routes to School Project (\$1,128,000.00)
- Harrison Street/ 27th Street/ 24th Street Improvements (\$850,000.00)

Other Active Transportation Projects

- Lake Merritt to Bay Trail Bicycle Pedestrian Gap Closure Project (\$3,210,000.00)
- Laurel Access to Mills Maxwell Park and Seminary Project (\$3,597,040.00)
- Telegraph Avenue Great Streets Project (\$2,400,000.00)

(herein referred to as Projects) for the Active Transportation Program (“ATP”); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, State statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

FURTHER RESOLVED that, in the case of an RTIP project, Projects is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it

FURTHER RESOLVED that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

FURTHER RESOLVED that there is no legal impediment to the City making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and be it

FURTHER RESOLVED that the City authorizes its City Administrator, or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

FURTHER RESOLVED that the City Council hereby appropriates funds in an amount not to exceed \$17,311,160.00 that are received for these Projects under the ATP Program into the MTC Program Fund (Fund 2163) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents the use of up to \$647,460.00 in matching funds for the Laurel Access to Mills Maxwell Park and Seminary Active Transportation Connections Project from Fund 2211 (Local Street and Roads, Grants Matching Fund); and be it

FURTHER RESOLVED that should additional funds be received for these projects, the City Administrator or his designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it

FURTHER RESOLVED that the City Council hereby authorizes the City Administrator or his designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the MTC ATP grants and these Projects in accordance with this Resolution and its basic purposes; and be it

OAKLAND CITY COUNCIL

City Attorney

RESOLUTION No. 86791 C.M.S.

Introduced by Councilmember _____

Attachment C

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT AND APPROPRIATE NINE MILLION SIX HUNDRED EIGHTY SEVEN THOUSAND DOLLARS (\$9,687,000) IN ONE BAY AREA GRANT FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE OAKLAND LOCAL STREETS AND ROADS (LSR) PAVING PROGRAM PROJECT AND THE LAKESIDE FAMILY STREETS PROJECT; COMMIT MATCHING FUNDS OF UP TO ONE MILLION TWO HUNDRED FIFTY SEVEN THOUSAND DOLLARS (\$1,257,000); AND ASSURE COMPLETION OF THE PROJECTS

WHEREAS, the City of Oakland (City) is submitting an application to the Metropolitan Transportation Commission (MTC) for Nine Million Six Hundred Eighty Seven Thousand Dollars (\$9,687,000) in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as Regional Discretionary Funding) for the Oakland LSR Paving Program Project and the Lakeside Family Streets Project (Projects) for the One Bay Area Grant Program (Program); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the Federal Transportation Act) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of Regional Discretionary Funding; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Projects will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Projects as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Projects will have adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and
- that the Projects will comply with all project-specific requirements as set forth in the Program; and
- that the City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and

WHEREAS, that the City is authorized to submit an application for Regional Discretionary Funding for the Project; and

WHEREAS, there is no legal impediment to the City making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and

WHEREAS, the City authorizes its City Administrator or designee to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application; now, therefore be it

RESOLVED that the City is authorized to execute and file an application for funding for the Projects for Regional Discretionary Funding under the Federal Transportation Act or continued funding; and be it

FURTHER RESOLVED that the City will provide any required matching funds; and be it

FURTHER RESOLVED that City understands that the Regional Discretionary Funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it

FURTHER RESOLVED that City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and City has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and be it

FURTHER RESOLVED that the Projects will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

FURTHER RESOLVED that the City has reviewed the Projects and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the project application; and be it

FURTHER RESOLVED that Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it

FURTHER RESOLVED that the City is an eligible sponsor of Regional Discretionary Funding funded projects; and be it

FURTHER RESOLVED that the City is authorized to submit an application for Regional Discretionary Funding for the Projects; and be it

FURTHER RESOLVED that there is no legal impediment to the City making applications for the funds; and be it

FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed Projects, or the ability of the City to deliver such Projects; and be it

FURTHER RESOLVED that the City authorizes its City Administrator or her designees, the Director of Transportation or Assistant Director of Transportation, to execute and file an application with MTC for Regional Discretionary Funding for the Projects as referenced in this resolution; and be it

FURTHER RESOLVED that the City authorizes its City Administrator or her designees, the Director of Transportation or the Assistant Director of Transportation, to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Program and these Projects in accordance with this Resolution and its basic purposes; and be it

FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it

FURTHER RESOLVED that the MTC is requested to support the application for the Projects described in the resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming; and be it

FURTHER RESOLVED that the City Council hereby appropriates any funds that are received for these Projects into the Metropolitan Transportation Commission Grant Fund (2116) under project numbers to be established; and be it

FURTHER RESOLVED that the City Council hereby consents to the use of up to \$1,257,000 in funds, from sources as follows for each project:

- 1) Oakland LSR Paving Program:
 - \$95,000 from Measure B/BB Matching Funds in FY 17/18 for engineering phase
 - \$540,000 from Measure B/BB Matching Funds in FY 18/19 for construction phase;
- 2) Lakeside Family Streets Project:
 - \$53,000 from Measure BB Grant Matching Funds in FY 17/18 for engineering phase;
 - \$569,000 from Measure B/BB Grant Matching Funds in FY 18/19 for construction phase

FURTHER RESOLVED that should additional funds be received for these Projects, the City Administrator, or her designees the Director of Transportation or Assistant Director of Transportation, is hereby authorized to accept and allocate the same for the purposes stated above, including necessary matching funds from the aforementioned sources.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2017

PASSED BY THE FOLLOWING VOTE:

AYES - ~~XXXXXX~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

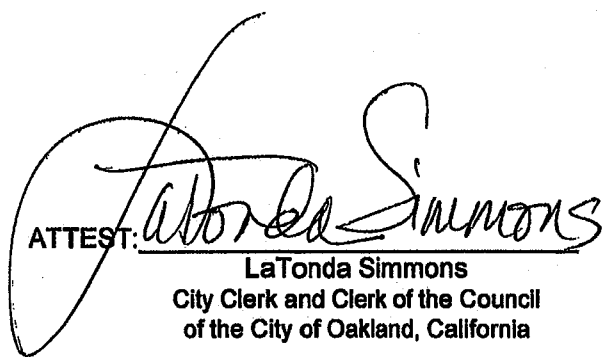
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 - Brooks

ATTEST:



LaTonda Simmons

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

2018 JUL -5 PM 4:49 RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS, FOR THE PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENTS ON INTERNATIONAL BOULEVARD FROM 42ND AVENUE TO 107TH AVENUE PROJECT (PROJECT NO. 1000844) IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).

WHEREAS, the City of Oakland applied for and awarded an Active Transportation Program (ATP) federal grant in the amount of \$2,481,000.00 for the Pedestrian Lighting and Sidewalk Improvements On International Boulevard (Project No. 1000844); and

WHEREAS, the Pedestrian Lighting and Sidewalk Improvements on International Blvd Project includes installation of pedestrian lighting and sidewalk improvements between 42nd Avenue and 107th Avenue; and

WHEREAS, the California Transportation Commission's deadline for award of this contract was May 31st, 2018; and

WHEREAS, award of the contract is contingent upon action of the CTC to extend the grant award deadline; and

WHEREAS, if such an extension is not granted, the City of Oakland must identify alternate funds for construction; and

WHEREAS, One Bay Area Grant (OBAG) funds pledged to the Lakeside Family Streets project (Reso. No. 86791 C.M.S.) by the Metropolitan Transportation Commission (MTC) is a potential source of funding for this project; and

WHEREAS, this project was advertised on June 15, 2018 and bid opening on July 10, 2018; and

WHEREAS, the bids to be received for the project will be analyzed the Contracts and Compliance Division for Disadvantaged Business Enterprise (DBE) participation and Equal Benefits Ordinance (EBO) compliant; and

WHEREAS, funds for the work are available in the following project account:

- ATP grant (Fund 2116); Street and Structures Org (92242); Street Construction Account (57411); Project (1000844); (Fiscal Year 2017-2018); or, alternatively
- OBAG Grant (Fund 2116), Streets and Structures Org (92242); Street Construction Account (57411); Project Number to be determined;
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction

- Account (57411); Project (1000844); (Fiscal Year 2017-2018); and Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Streetscapes/Complete Street Capital (Project 1003348); (Fiscal Year 2018-2019); 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 is 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 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 service; now therefore be it

RESOLVED: That the City Administrator, or designee, is authorized to execute a construction contract for the Pedestrian Lighting and Sidewalk Improvements Project on International Blvd, to the lowest responsive and responsible bidder, in an amount of the bid not-to-exceed \$4,000,000.00 in accord with plans and specifications for the project and contractor's bid dated July 10, 2018; and be it

FURTHER RESOLVED: That this award is conditional upon the California Transportation Commission, grantor of the Active Transportation Program (ATP) federal grant, consenting to the extension of the project award date deadline to July 31, 2018; and be it

FURTHER RESOLVED: That if funds are not available through the ATP grant, then Council assents to reprogramming a portion of the One Bay Area Grant funds dedicated to the Lakeside Family Streets project for completion of this project, contingent upon approval from MTC for funding and reprogramming; 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 and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the 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, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

OAKLAND CITY COUNCIL

DRAFT
City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS, FOR THE PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENTS ON INTERNATIONAL BOULEVARD FROM 42ND AVENUE TO 107TH AVENUE PROJECT (PROJECT NO. 1000844) IN AN AMOUNT NOT-TO-EXCEED FOUR MILLION DOLLARS (\$4,000,000.00).

WHEREAS, the City of Oakland applied for and awarded an Active Transportation Program (ATP) federal grant in the amount of \$2,481,000.00 for the Pedestrian Lighting and Sidewalk Improvements On International Boulevard (Project No. 1000844); and

WHEREAS, the Pedestrian Lighting and Sidewalk Improvements on International Blvd Project includes installation of pedestrian lighting and sidewalk improvements between 42nd Avenue and 107th Avenue; and

WHEREAS, the California Transportation Commission’s deadline for award of this contract was May 31st, 2018; and

WHEREAS, award of the contract is contingent upon action of the CTC to extend the grant award deadline; and

WHEREAS, if such an extension is not granted, the City of Oakland must identify alternate funds for construction; and

WHEREAS, One Bay Area Grant (OBAG) funds pledged to the Lakeside Family Streets project (Reso. No. 86791 C.M.S.) by the Metropolitan Transportation Commission (MTC) is a potential source of funding for this project; and

WHEREAS, this project was advertised on June 15, 2018 and bid opening on July 10, 2018; and

WHEREAS, the bids to be received for the project will be analyzed the Contracts and Compliance Division for Disadvantaged Business Enterprise (DBE) participation and Equal Benefits Ordinance (EBO) compliant; and

WHEREAS, funds for the work are available in the following project account:

- ATP grant (Fund 2116); Street and Structures Org (92242); Street Construction Account (57411); Project (1000844); (Fiscal Year 2017-2018); or, alternatively
- OBAG Grant (Fund 2116), Streets and Structures Org (92242); Street Construction Account (57411); Project Number to be determined;
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Project (1000844); (Fiscal Year 2017-2018); and
- Measure KK grant (Fund 5330); Traffic Parking Org (92246); Street Construction Account (57411); Streetscapes/Complete Street Capital (Project 1003348); (Fiscal Year 2018-2019); 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 is 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 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 service; now therefore be it

RESOLVED: That the City Administrator, or designee, is authorized to execute a construction contract for the Pedestrian Lighting and Sidewalk Improvements Project on International Blvd, to the lowest responsive and responsible bidder, in an amount of the bid not-to-exceed \$4,000,000.00 in accord with plans and specifications for the project and contractor's bid dated July 10, 2018; and be it

FURTHER RESOLVED: That this award is conditional upon the California Transportation Commission, grantor of the Active Transportation Program (ATP) federal grant, consenting to the extension of the project award date deadline to July 31, 2018; and be it

FURTHER RESOLVED: That if funds are not available through the ATP grant, then Council assents to reprogramming a portion of the One Bay Area Grant funds dedicated to the Lakeside Family Streets project for completion of this project, contingent upon approval from MTC for funding and reprogramming; 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 and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of said project without return to Council; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without return to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the 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, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, , and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California