

CITY OF OAKLAND

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OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUL 12 PM 5:37

# 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-Supplemental Report

**DATE:** June 12, 2018

City Administrator Approval

Date:

7/12/18

## 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 42<sup>nd</sup> Avenue To 107<sup>th</sup> Avenue Project (Project No. 1000844) In An Amount Not-To-Exceed Four Million Two-Hundred Thousand Dollars (\$4,200,000.00).**

## REASON FOR SUPPLEMENTAL

Since the writing of the original report dated June 12, 2018, and based on the competitive bidding environment, staff recommends increasing the "Not-To-Exceed" amount to \$4,200,000 for this project.

The current bidding climate has been drastically changing, with bid prices being received significantly above the engineering estimates. Therefore, to ensure contract award, staff recommends placing the "Not-To-Exceed" amount at a minimum of 32% above the engineer's estimate. This would place the City's "Not-To-Exceed" limit at four million two-hundred thousand dollars (\$4,200,000.00).

The additional \$200,000.00 funds will come from Measure KK funds, Fiscal Year 2018-2019.

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.

Item: \_\_\_\_\_  
Public Works Committee  
July 17, 2018

**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 42<sup>nd</sup> Avenue To 107<sup>th</sup> Avenue Project (Project No. 1000844) In An Amount Not-To-Exceed Four Million Two-Hundred Thousand Dollars (\$4,200,000.00).

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

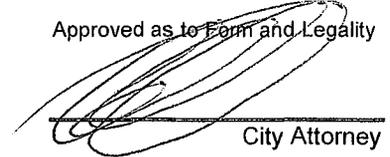
Prepared by:  
Pablo Miras, P.E., Civil Engineer  
Great Streets Delivery, Department of  
Transportation

*Attachments (3):*

- A: *Project Location Map*
- B: *Resolution No. 85106*
- C: *Resolution No. 86791*

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OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
\_\_\_\_\_  
City Attorney

2018 JUL 12 PM 5:37

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 TWO-HUNDRED THOUSAND DOLLARS (\$4,200,000.00).**

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 42<sup>nd</sup> Avenue and 107<sup>th</sup> Avenue; and

WHEREAS, the California Transportation Commission's deadline for award of this contract was May 31<sup>st</sup>, 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 \$4,200,000.00 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