



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Fred Kelley, Director
Oakland Department of
Transportation

SUBJECT: Contract Award for Foothill Boulevard
Pedestrian Safety Improvement
Project No. 1005163

DATE: September 12, 2022

City Administrator Approval 

Date: Oct 5, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution (1) Waiving Further Advertising and Competitive Bidding, (2) Authorizing The City Administrator To Negotiate And Award A Construction Contract To The Lowest Bidder Beliveau Engineering Contractors For The Foothill Boulevard Pedestrian Safety Improvement Project, Project No. 1005163 In An Amount Not To Exceed Seven Hundred and Ten Thousand and One Hundred-Thirty Five Dollars (\$710,135.00) In Accord With Project Plans and Specifications, Contractor's Bid, City Contracting Programs, And State Requirements; and (3) Adopting Appropriate California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

Approval of this resolution will reject all of the three bids submissions for the Foothill Pedestrian Safety Improvement Project and allow staff to negotiate with the lowest bidder to meet the contract compliance requirements. After successful negotiations, the City Administrator will award the construction contract in an amount not to exceed \$710,135 to Beliveau Engineering Contractors, for the Foothill Boulevard Pedestrian Safety Improvement Project, Project No. 1005163. The project consists of the construction of safety improvements along various intersections and mid-block locations on Foothill Boulevard between 26th Avenue and Belvedere Street. Work includes installation of a pedestrian median refuge island at Belvedere Street, a crosswalk flashing beacon at 26th Avenue, a new traffic signal at 27th Avenue with signage and striping improvements at all three intersections.

City Council
October 18, 2022

BACKGROUND / LEGISLATIVE HISTORY

In 2018, the City worked with community members to identify locations to improve pedestrian safety on Foothill Boulevard. Three intersections were identified between 26th Avenue and Belvedere Street for pedestrian safety improvements project that include pedestrian refuge island, pedestrian rectangular rapid flashing beacon, a new traffic signal and improved crosswalk striping. The project will provide increased pedestrian visibility with breaks in the middle of the street for pedestrians crossing and prevent drivers from using the middle lane as a travel lane. The project scope was developed in coordination with the resident and school community on Foothill Boulevard, and District 5 Council Office.

For a map and additional detail on project features please refer to **Attachment A**. All bids received for construction are not responsive. Currently staff are seeking Council approval to negotiate with the lowest bidder to achieve City contract requirements in accordance with project plans, specifications, state requirements and upon successful negotiations, award a construction contract to the lowest bidder.

ANALYSIS AND POLICY ALTERNATIVES

On April 1, 2022, the City placed an advertisement in East Bay Times, Oakland Post, El Mundo, World Journal, The Korean Times, and Daily Pacific Builder/McGraw-Hill inviting construction bids. On April 28, 2022, the Office of City Clerk received three bids in the amounts of \$710,135.00, \$653,500.00 and \$643,410.00, from Mark Lee & Yong Ka dba Bay Construction, Gruendl Inc. dba Ray's Electric and Beliveau Engineering Contractors, respectively, as shown in **Attachment B**.

The Contract Compliance Division determined that Beliveau Engineering and Bay Construction failed to meet the 50% trucking requirement. Ray's Electric failed to meet the minimum 50% L/SLBE participation requirement. Therefore, all firms are deemed non-responsive. The Contract Compliance Memorandum is shown in **Attachment C**. Therefore, staff recommend that City reject all bids, and that the City negotiate and award contract to the lowest bidder, Beliveau Engineering Contractor to meet contract compliance requirements and the City L/SLBE, in an amount not to exceed \$710,135.00.

The project aligns with the Citywide policy and priorities for holistic community; vibrant, sustainable infrastructure; and responsive, trustworthy government. The project is in the lowest equity index area with high auto-pedestrians incidence and high pedestrians and transit activities. The project will improve safety for pedestrians and encourage walking mode to transit, businesses, and recreation centers in the area.

WAIVER OF FURTHER ADVERTISING AND COMPETITIVE BIDDING

Oakland Municipal Code (OMC) section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one

transaction which exceeds \$50,000, and the award to the lowest responsible, responsive bidder if award is made. However, OMC section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interest of the City to do so.

Staff recommends that pursuant to OMC section 2.04.050 I. 5, that it is in the best interests of the City to waive the advertising and bidding requirements of OMC section 2.04.050 because it will provide much needed safety for pedestrians with minimum delay.

FISCAL IMPACT

Approval of the proposed resolution will authorize the City Administrator to negotiate and execute a construction contract with the lowest bidder for an amount not to exceed \$710,135

The Project is funded by Transportation Development Act (TDA) and Measure KK:

- TDA Grant \$353,500, Project 1005163, Organization 92270, Expense 57411, Task 8.0, Award 24056, Fund 2162, Program NB33.
- Measure KK \$356,635, Project 1005163, Organization 92270, Expense 57411, Task 8.0, Award 23941, Fund 5335, Program NB3

PUBLIC OUTREACH / INTEREST

OakDOT staff reached out to the local community groups for their input, support and concurrence for the Project. The Project scope was developed in coordination with the residents and school community in the project area along Foothill Boulevard, contiguous side streets, and District 5 Council Office. On April 1, 2022, the City placed an advertisement in East Bay Times, Oakland Post, El Mundo, World Journal, The Korean Times, and Daily Pacific Builder/McGraw-Hill inviting construction bids.

The Office of the City Attorney and the Budget Bureau have reviewed this report and resolution. Staff coordinated with the following City departments and stakeholders that are listed below:

- Oakland Public Works (OPW) Project Delivery Division
- OPW Infrastructure Maintenance Division
- Department of Work and Equity Services (DWES)
- Bicyclist and Pedestrian Advisory Commission (BPAC)
- District 5 Council Office

SUSTAINABLE OPPORTUNITIES

Economic: The Project will improve transportation conditions and make Foothill Boulevard safer, more accessible, and more attractive. The improvements will also enhance the efficiency and affordability of the transportation network. In addition, the construction contract will create job opportunities for Oakland residents.

Environmental: The Project will provide a safer route for pedestrians, and thereby providing a more attractive alternative mode of transportation to single occupancy vehicles and helping to reduce Oakland's carbon footprint. Furthermore, during construction the Project will implement the Best Management Practices for the protection of storm water runoff to prevent pollutants from entering the storm drain systems.

Race & Equity: The Project is in the highest equity priority index zone provided by the 'Map of Priority Neighborhoods' by the OakDOT's Racial Equity Team. The Project will result in greater mobility, accessibility and safety for pedestrians, bicycles, transit, and vehicular traffic. It will benefit the schools in the project area. Persons with disabilities will be particularly benefited by the audible signals built into the traffic signal and beacons.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On a separate and independent basis, this Project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance. A copy of the CEQA documentation is provided in **ATTACHMENT D**.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution (1) Waiving Further Advertising and Competitive Bidding, (2) Authorizing The City Administrator To Negotiate And Award A Construction Contract To The Lowest Bidder Bellevue Engineering Contractors For The Foothill Boulevard Pedestrian Safety Improvement Project, Project No. 1005163 In An Amount Not To Exceed Seven Hundred and Ten Thousand and One Hundred-Thirty Five Dollars (\$710,135.00) In Accord With Project Plans and Specifications, Contractor's Bid, City Contracting Programs, And State Requirements; and (3) Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Ade Oluwasogo, Supervising Transportation Engineer, at 510-238-6103.

Respectfully submitted,



Fred Kelley (Oct 4, 2022 16:42 PDT)

Fred Kelley, Director
Oakland Department of
Transportation

Reviewed by:

Amit Salwan, P.E.

Manager

Department of Transportation

Reviewed by:

Ade Oluwasogo, P.E., T.E.

Supervising Transportation Engineer

Department of Transportation

Prepared by:

Teresa Peterson, P.E.

Transportation Engineer

Department of Transportation

Attachments (4):

A: Location Map

B: List of Bidders

D: Contract Compliance Report

D. CEQA Document