

Celso Ortiz (Oct 5, 2022 12:06 PDT)

City Attorney

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

RESOLUTION No. 89465 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO GRUENDL INC. DBA RAY'S ELECTRIC, FOR THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENT PROJECT, PROJECT NO. 1000844, THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF SIX MILLION, FIVE HUNDRED EIGHTY-SEVEN THOUSAND, EIGHT HUNDRED AND SEVENTY-SIX DOLLARS (\$6,587,876.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City of Oakland (City) applied for and awarded an Affordable Housing and Sustainable Communities Program (AHSC) grant in the amount of \$1,500,000.00 for Sustainable Transportation Infrastructure (STI) to construct a portion of the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project (Project) on International Boulevard between 36<sup>th</sup> Avenue and 45<sup>th</sup> Avenue.

**WHEREAS**, the City was granted by Caltrans the Clean California grant in the amount of \$9,921,587.00 to construct a portion of the Project on International Boulevard between 45<sup>th</sup> Avenue and 107<sup>th</sup> Avenue; and

**WHEREAS**, the improvements for the Project include Pedestrian Lighting, Sidewalk, Trash Capture Devices and Solar-Powered Waste Containers on International Blvd Project between 36<sup>th</sup> Avenue to 107<sup>th</sup> Avenue; and

**WHEREAS**, the Project was advertised on February 28, 2022 and two bids were received by the Office of the City Clerk on June 2, 2022; and

**WHEREAS**, Gruendl Inc. dba Ray's Electric, is deemed the lowest, responsive and responsible bidder for the project with a bid of \$6,587,876.00; and

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

- AHSC International Pedestrian Lighting Project (No. 1006068), Engineering Design: Project Management Organization (92270), AHSC STI Fund (2159), Construction Task (8.0), Award (24029)
- Clean California Grant: Boulevard Pedestrian Lighting and Sidewalk Improvement Project (No. 1000844), Engineering Design: Project Management Organization (92270), Department of Transportation Fund (2140), Construction Task (8.0), Award (24227) and;
- Enhanced Regulatory Trash Compliance Activities Project (No. 1006124), Engineer Design: Watershed and Stormwater Program Organization (92245), Measure Q Fund (2244), Construction Task (8.0), Award (23799)

**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 Council finds and determines that 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; and

**WHEREAS**, the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; now therefore be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract to Gruendl Inc. dba Ray's Electric, the lowest responsive and responsible bidder, in accordance with project plans, specifications and contractor's bid dated June 2, 2022 for the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project, Project No. 1000844, in the amount of Six Million, Five Hundred Eighty-Seven Thousand, Eight Hundred and Seventy-Six Dollars (\$6,587,876.00); 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 is hereby authorized to approve and execute 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 the Project without return to the City Council; and be it

**FURTHER RESOLVED:** That the City Administrator 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 the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator 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; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determine that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities); the project is also exempt from CEQA pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), and/or 15061(b)(3) (No Significant Effect on the Environment); and each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the Project that is named in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 1 2022

**PASSED BY THE FOLLOWING VOTE:**


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