

APPROVED AS TO FORM AND LEGALITY

DRAFT

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO DISNEY CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS, FOR LEIMERT BRIDGE SEISMIC RETROFIT PROJECT (PROJECT NO. 1000820) IN THE AMOUNT OF FIVE MILLION FIVE HUNDRED SEVENTY THOUSAND ONE HUNDRED SIXTEEN DOLLARS TWENTY-FIVE CENTS (\$5,570,116.25); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, the City of Oakland (City) completed the construction documents for the Leimert Boulevard Bridge Seismic Retrofit Project (Project No. 1000820) and requested authorization to proceed with construction from the California Department of Transportation (Caltrans); and

**WHEREAS**, on June 28, 2022, Caltrans approved the construction phase of the project and obligated a grant of federal and state funds in the amount of \$4,184,715.00; and

**WHEREAS**, this grant requires additional federal and state grant funds of \$737,031.00 that has been submitted to Caltrans for approval and are anticipated to be programmed in the fiscal year 2023-2024 budget; and

**WHEREAS**, a local match of up to \$2,477,724.54 is needed to complete the project; and

**WHEREAS**, the bids received for the project were analyzed by the Department of Workplace and Employment Standards for Disadvantaged Business Enterprise (DBE) participation and Equal Benefits Ordinance (EBO) compliance, as required by the federal grant; and

**WHEREAS**, Disney Construction, Inc., bidding as a prime, is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, \$4,921,746 in federal and state funds for the work will be available in Project 1000820 pending approval of the accompanying resolution for this project; and

**WHEREAS**, \$2,477,724.54 in local match funds is available from Projects 1000819 and 1003217; 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, and finds 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**, 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; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to execute a construction contract with Disney Construction Inc., the lowest responsive and responsible bidder, in accordance with plans and specifications, for Leimert Boulevard Bridge Seismic Retrofit (Project No. 1000820) and with contractor's bid dated January 12, 2023 in the amount of Five Million Five Hundred Seventy Thousand One Hundred Sixteen Dollars Twenty-Five Cents (\$5,570,116.25) contingent upon the availability of funding; and be it

**FURTHER RESOLVED:** That the City Council hereby finds that 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; and be it

**FURTHER RESOLVED:** That the City Administrator or designee shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the projects named in this Resolution; 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 amount due under the Unemployment Insurance Act, shall be 100% of the contract price; and be it

**FURTHER RESOLVED:** That the City Administrator 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 plans and specifications prepared for this project, including any subsequent changes during construction, 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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

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