

2023 MAY 12 PM 2:59

APPROVED AS TO FORM AND LEGALITY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Celso Ortiz (May 12, 2023 13:10 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89675 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) AWARD A CONSTRUCTION CONTRACT THAT FOLLOWS ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR PROJECT NO. 1005340 COURTLAND CREEK RESTORATION PROJECT, AND WITH THE CONTRACTOR'S BID THAT INCLUDES BASE BID AND PARTIAL OR ALL OPTIONAL ITEMS, FOR AN AMOUNT NOT TO EXCEED FOUR MILLION THREE-HUNDRED THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS (\$4,300,475.00; 2) ENTER INTO A COOPERATIVE AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (DISTRICT) TO IMPLEMENT A PORTION OF THE PROJECT ON DISTRICT PROPERTY; AND 3) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

**WHEREAS**, the Courtland Creek Restoration Project (Project) scope includes (1) rehabilitate three urban reaches of Courtland Creek in the City of Oakland (City) by removing non-native and invasive vegetation, re-grading the channel bed, stabilizing steep channel banks, and installing park and landscape features; (2) the procurement of parts for the Cary Avenue Full Trash Capture and the Mandela Parkway Full Trash Capture Projects; and

**WHEREAS**, the Project is part of the City's Trust for Clean Water and Safe Parks Bond (Measure DD), and is ranked seventh on the Council-adopted DD Prioritized Creek Restoration Project List that was authorized in Council Resolution No. 79649 C.M.S.; and

**WHEREAS**, the City and the Alameda County Flood Control and Water Conservation District (District) have drawn up a Cooperative Agreement to implement a portion of the Project on District property; and

**WHEREAS**, the City issued a Notice of Inviting Bids for the Project on January 27, 2023;  
and

**WHEREAS**, the Bids received on March 30, 2023 will be evaluated by the Department of Workforce and Employment Standards, and the lowest, responsive and responsible bidder for the Project will be awarded the construction contract; and

**WHEREAS**, this Project advances the Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government; and

**WHEREAS**, funding for the Project is available in the following accounts: 1) Congress Culvert (5510); Organization (#92245); Project (1006503); 2) Federal Grant – Environmental Protection Agency (2125); Organization (#92245); Project (1005340); 3) Clean CA Grant - Caltrans (2140); Organization (#30245); Project (1005340); and 4) Measure DD (5322); Organization (#92254); Project (1005340); and

**WHEREAS**, funding for parts for the Mandela Parkway Full Trash Capture (FTC) Project is available in the following account: Mandela Parkway Full Trash Capture FTC Grant – Caltrans CIA (2140); Organization (#92245); Project (1006066); and

**WHEREAS**, funding for parts for the Cary Avenue FTC Project is available in the following account: Cary Avenue FTC Grant – Caltrans CIA (2140); Organization (#92245); Project (1006466); 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 will be 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 California Environmental Quality Act (CEQA) review has been completed for the Courtland Creek Restoration Project through review and incorporation into the Measure DD Programmatic Environmental Impact Report (EIR); and

**WHEREAS**, the Project will meet all mitigation requirements that are outlined for creek restoration projects in the Mitigation, Monitoring, and Reporting Plan of the EIR; and

**WHEREAS**, pursuant to Oakland Charter Article V, section 504 (I), the Project requires that the City Administrator negotiate and enter into a Cooperative Agreement with the District to implement a portion of the Project on District Property;

**WHEREAS**, the Cary Avenue and Mandela Parkway FTC Projects will implement minor alterations to existing, publicly owned utilities involving negligible or no expansion of an existing use; and

**WHEREAS**, the Cary Avenue and Mandela Parkway FTC Projects are each exempt from CEQA pursuant to CEQA Guidelines Section 15301, Alteration/Minor Addition to Existing Facilities; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract that follows all city advertising and competitive bidding requirements to the lowest responsive and responsible bidder, in accordance with project plans, specifications, and contractor's bid for the Project for an amount not to exceed Four Million Three-Hundred Thousand Four Hundred Seventy-Five Dollars (\$4,300,475.00), and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute a Cooperative Agreement with the District to implement a portion of the Project on District Property; and be it

**FURTHER RESOLVED:** That the City Administrator will provide a supplemental report to the Council summarizing bid result and compliance analysis result upon completion of the bid evaluation process; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for the Project, including any subsequent changes during construction, that will be reviewed and adopted by the Director of Public Works, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Workplace and Employment Standards Department; 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 for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to the execution of the contract; and be it

**FURTHER RESOLVED:** That the Council independently finds and determines that the CEQA review has been completed for the Project through review and incorporation into the Measure DD programmatic Environmental Impact Report (EIR); and be it;

**FURTHER RESOLVED:** That the construction contract and the agreement with the District 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 City Administrator is authorized to execute any amendments or modifications of the construction contract within the limitations of Project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the Cooperative Agreement with the District; and be it

**FURTHER RESOLVED:** That the Council independently finds and determines that the Cary Avenue and Mandela Parkway FTC projects are exempt from CEQA pursuant to CEQA Guidelines Section 15301, Alteration/Minor Addition to Existing Facilities.

IN COUNCIL, OAKLAND, CALIFORNIA,

APR 18 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND ~~7~~ 7  
~~PRESIDENT FORUM AND CLERK~~

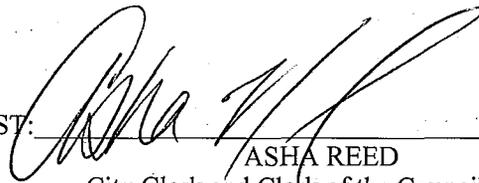
NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Bas

ATTEST:



ASHA REED

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