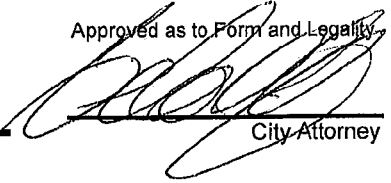


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

OAKLAND CITY COUNCIL

OCT 13 PM 4:48



City Attorney

RESOLUTION No. 86434 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID FOR THE MLK JR. STREETScape IMPROVEMENTS PROJECT (PROJECT NO. P414240) IN THE AMOUNT OF TWO MILLION THREE HUNDRED SIXTY-EIGHT THOUSAND NINE HUNDRED EIGHTY-SEVEN DOLLARS AND FIFTY CENTS (\$2,368,987.50)

WHEREAS, on May 21, 2013, the City Council authorized the City Administrator to apply for \$2,352,857.00 in Metropolitan Transportation Commission (MTC) funds for the MLK Jr. Way Streetscape Improvements project by Resolution No. 84390 C.M.S.; and

WHEREAS, the MLK Jr. Way Streetscape Improvements Project extends from West Grand Avenue to 40th Street and includes restriping, new bike lanes, sidewalk, bulbouts, curb and gutter, ADA ramps, pavement grinding and overlay, bike racks, benches, pedestrian lights, trees with associated irrigation and drainage systems, bus stop relocation, and traffic signal upgrades; and

WHEREAS, The City advertised the project in July 2016 and received three (3) bids with Ray's Electric's bid in the amount of \$2,368,987.50, being the lowest bid; and

WHEREAS, Ray's Electric is deemed the lowest responsive and responsible bidder meeting the federal DBE goal for the project and therefore is recommended for the award of contract; and

WHEREAS, funding for the work in the amount of \$2,368,987.50 will be available in the following project accounts:

- Department of Transportation Fund (2116); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414240; Engineering Design Program (IN05); \$1,845,432.00
- Measure B Fund (2211); Engineering Design: Streets & Structures Organization (92242); Street Construction Account (57411); Project P414240; Engineering Design Program (IN05); \$523,555.50; 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 is authorized to award a Construction Contract to Ray's Electric, the lowest responsive, responsible bidder, in accordance with plans and specifications and contractor's bid dated July 28, 2016 for the MLK Jr Way Streetscape Project (Project No. P414240) in the amount of Two Million Three Hundred Sixty-Eight Thousand Nine Hundred Eighty-Seven Dollars And Fifty Cents (\$2,368,987.50); and be it

FURTHER RESOLVED: That the amount of the bond for faithful performance bond, \$2,368,987.50, and the bond to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,368,987.50, with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with Ray's Electric on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; 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 Ray's Electric fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision without going back to City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the City Engineer, or 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, OCT 18 2016, 20

PASSED BY THE FOLLOWING VOTE:

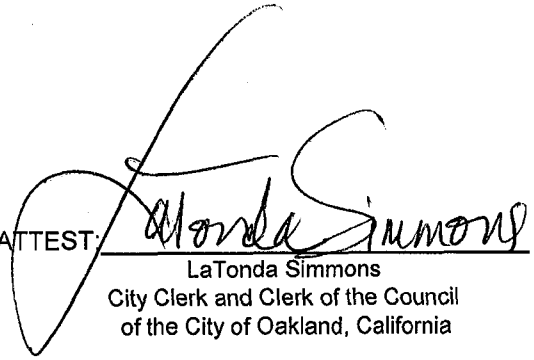
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, ~~AND REID~~
~~GIBSON MCELHANEY~~ - 1

NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - GIBSON
MCELHANEY - 1

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California