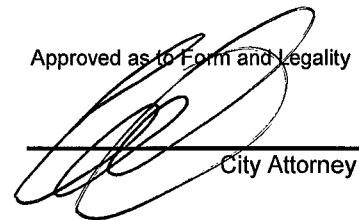


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2018 APR 26 PM 1:53 RESOLUTION No. 87182 C.M.S.

Introduced by Councilmember _____

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO GRUENDL INC. THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER, IN ACCORDANCE WITH PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID FOR THE CONSTRUCTION OF 7TH STREET WEST OAKLAND TRANSIT VILLAGE (WOTV) PHASE II STREETScape (PROJECT NO. 1001035) IN THE AMOUNT OF THREE MILLION FIVE HUNDRED THIRTY FIVE THOUSAND NINE HUNDRED AND TEN DOLLARS (\$3,535,910.00).

WHEREAS, on May 21, 2013, the City Council authorized the City Administrator to apply for \$3,288,000.00 in Metropolitan Transportation Commission (MTC), Congestion Mitigation and Air Quality Improvement (CMAQ) fund for 7th Street WOTV Phase II Streetscape project; and

WHEREAS, 7th Street, WOTV Phase II Streetscape project includes the construction of improvements on 7th Street between Peralta Street and Wood Street; and

WHEREAS, The City advertised the project in January 2018 and received four bids with Gruendl Inc. meeting the DBE goal and their bid in the amount of \$3,535,910.00 being the lowest bid; and

WHEREAS, funding for the project in the amount of \$3,535,910.00 will be available in the following project accounts:

- Federal Highway Administration (FHWA) – One Bay Area Grant (OBAG) Fund; Department of Transportation Fund (2116); Project Delivery Department; Organization (92270); Construction Account (57411); Project 1001035; Program IN05, in the amount of \$2,765,016.00
- Measure KK Fund (5330); Project Delivery Department; Organization (92270); Construction Account (57411); Project 1001035; Program IN05, in the amount of \$770,891.00

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 Gruendl Inc. the lowest responsive, responsible bidder, in accordance with plans and specifications and contractor's bid dated March 1, 2018 for the Construction of 7th Street WOTV Phase II Streetscape Project (Project No. 1001035) from Peralta Street to Wood Street in the amount of Three Million Five Hundred Thirty Five Thousand Nine Hundred and ten Dollars (\$3,535,910.00); 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, or designee, is hereby authorized to enter a contract with Gruendl Inc. 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 Gruendl Inc. 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, MAY 15, 2018

PASSED BY THE FOLLOWING VOTE:


AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, ~~WALTON~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 EXCUSED - Reid

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