

FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL**2019 MAY 16 PM 5: **RESOLUTION No. 87721 C.M.S.**

City Attorney

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY COUNCIL ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS AND CONTRACTOR'S BID FOR THE PEDESTRIAN LIGHTING, SIDEWALK REPAIR AND CROSSWALK STRIPING ON INTERNATIONAL BOULEVARD FROM 1ST AVENUE TO 5TH AVENUE, AND 22ND AVENUE TO FRUITVALE AVENUE PROJECT (PROJECT NO. 1004422) INCLUDING BASE BID AND BID ALTERNATE FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ONE MILLION, TWO HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$1,237,500.00) AS ADDITIONAL FUNDS BECOME AVAILABLE

WHEREAS, the City of Oakland applied for and awarded an Affordable Housing and Sustainable Communities Program (AHSC) grant in the amount of \$726,050.00 for pedestrian lighting and sidewalk improvements on International Boulevard near the Camino 23 project which will build affordable housing units at 1245 23rd Avenue; and

WHEREAS, the City of Oakland applied for and awarded an AHSC grant in the amount of \$460,000.00 for pedestrian lighting along the AC Transit's East Bay Bus Rapid Transit (BRT) corridor near the Lakehouse Commons Project at E 12th and Lake Merritt Boulevard; and

WHEREAS, the Pedestrian Lighting, Sidewalk and Crosswalk Striping on International Blvd Project includes installation of pedestrian lighting, sidewalk and crosswalk striping improvements between 1st Avenue to 5th Avenue, and 22nd Avenue to Fruitvale Avenue; and

WHEREAS, this project was advertised on November 27, 2018 and three bids were received by the Office of the City Clerk of the City of Oakland on December 20, 2018; and

WHEREAS, Ray's Electric, is deemed the lowest responsive and responsible bidder for the project with a base bid of \$890,200.00 and a bid alternate of \$347,300.00; and

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

- AHSC grant associated with Camino 23 Project, State of California Fund (2159); Project Delivery Department Organization (92270); Street Construction Account (57411); AHSC International Blvd Project (1004422);
- Measure KK Fund (5330); Project Delivery Department Organization (92270); Street Construction Account (57411); AHSC International Blvd. (Project 1004422); and

- AHSC grant associated with Lakehouse Commons Project (2159), Projects Delivery Department Organization (92270), Street Construction Account (57411), AHSC International Blvd. (Project 1004422);

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, or designee, is authorized to award a construction contract to Ray's Electric, the lowest responsive and responsible bidder, in accordance with project plans, specifications and contractor's bid dated December 20, 2018 for the Pedestrian Lighting, Sidewalk Repair And Crosswalk Striping On International Boulevard From 1st Avenue to 5th Avenue, and 22nd Avenue To Fruitvale Avenue Project (Project No. 1004422) in an amount of Eight Hundred Ninety Thousand Two Hundred Dollars and Zero Cents (\$890,200.00) and authorize the City Administrator, or designee, to increase the same construction contract by the amount of Three Hundred Forty-Seven Thousand Three Hundred Dollars (\$347,300.00) for a total contract amount not-to-exceed One Million, Two Hundred Thirty-Seven Thousand, Five Hundred Dollars (\$1,237,500.00) as additional funds become available in accord; 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 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 said project without return to Council; 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 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 this project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director, or his/her designee, are hereby approved; and be it

