



City Attorney's Office

# OAKLAND CITY COUNCIL

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

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**A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO BAY AREA LIGHTWORKS INC., FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7, MARKET STREET AND SAN PABLO AVENUE IMPROVEMENT PROJECT, PROJECT NO. 1003204, THE LOWEST, RESPONSIBLE, RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWO MILLION THREE HUNDRED EIGHT THOUSAND FIVE HUNDRED SEVENTY-ONE DOLLARS (\$2,308,571)**

**WHEREAS**, on December 11, 2015, the City was awarded a Highway Safety Improvement Program (HSIP) Cycle 7 grant to fund the Market Street and San Pablo Avenue Improvement Project; and

**WHEREAS**, on March 1, 2016, the City Council passed Resolution No. 86027 C.M.S., which authorized the City Administrator to accept and appropriate the HSIP Cycle 7 grant for the Market Street and San Pablo Avenue Improvement Project; and

**WHEREAS**, on July 10, 2020, the City placed an advertisement in six newspapers inviting construction bids for the Market Street and San Pablo Avenue Improvement Project; and

**WHEREAS**, on August 20, 2020, four bids were received by the Office of the City Clerk for the construction of the Market Street and San Pablo Avenue Improvement Project (Project No. 1003204); and

**WHEREAS**, Bay Area Lightworks Inc. is the lowest, responsible, responsive bidder for the Market Street and San Pablo Avenue Improvement Project (Project No. 1003204); and the bid is compliant with the City's Equal Benefits Ordinance (EBO) and with the Federal Disadvantaged Business Enterprise (DBE) 19% participation requirements; and

**WHEREAS**, the Market Street and San Pablo Avenue Improvement Project includes grant funds for construction; and the grant requires a local match of forty-six percent (46%) as a condition of the grant; and

**WHEREAS**, there are sufficient funds in the project budget for construction work;

- Federal HSIP Grant of One Million Two Hundred Forty-Two Thousand Two Hundred Seventy dollars (\$1,242,270), State of California, Department of Transportation; Project 1003204, Organization 92246, Expense 57411, Task 8.0, Award 23000, Fund 2116, Program NB33.

- Local Match One Million Sixty-Six Thousand Three Hundred One dollars (\$1,066,301), Measure KK, Department of Transportation, Project 1003348, Organization 92246, Expense 57411, Task 8.0, Award 23686, Fund 5332, Program NB33.

**WHEREAS**, the engineer's estimate for the work is Two Million Seven Hundred Eighty Thousand Three Hundred Eighty-Four 25/100 dollars (\$2,780,384.25); and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Administrator has determined that the service is professional, scientific, or technical; and

**WHEREAS**, the service is temporary in nature and the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the contract for the construction of the HSIP Cycle 7 Market Street and San Pablo Avenue Improvement Project is hereby awarded to Bay Area Lightworks Inc., the lowest, responsible, responsive bidder, in accordance with project plans and specifications, State requirements, and Contractor's bid, in the amount of Two Million Three Hundred Eight Thousand Five Hundred Seventy-One dollars (\$2,308,571); and be it

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

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to enter into a contract with Bay Area Lightworks Inc., on behalf of the City of Oakland and execute any amendment or modifications to said agreement within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California