


Celso Ortiz (May 27, 2026 21:58:17 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (1) AWARDING A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER FOR THE BROADWAY STREETSCAPE IMPROVEMENTS PROJECT NUMBER 1006953, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN ACCORD WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWENTY MILLION EIGHT HUNDRED EIGHTY-ONE THOUSAND SIX HUNDRED FIFTY DOLLARS (\$20,881,650.00) AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, the Broadway Street Improvements (Project) will construct transportation safety and transit operational improvements along Broadway between 2nd Street and 11th Street and between 20th Street and Grand Avenue, including bus-only lanes, bus shelters, pedestrian crossing improvements, pedestrian lighting, and upgraded traffic signals; and

WHEREAS, the City Council passed Resolution Number 89039 C.M.S., which authorized the City Administrator to accept and appropriate federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE/BUILD) grant funds for the Project; and

WHEREAS, the City Council passed Resolution Number 89518 C.M.S., which authorized the City Administrator to accept and appropriate Measure BB funds from the Alameda County Transportation Commission to implement this Project; and

WHEREAS, the City Council passed Resolution Number 89519 C.M.S., which authorized the City Administrator to accept and appropriate California State Transportation Agency (CalSTA) grant funding to advance this Project and several other projects; and

WHEREAS, the City Council passed Resolution Number 91092 C.M.S., which authorized the City Administrator to accept and appropriate Affordable Housing and Sustainable Communities Program grant funds to construct this Project and to build 65 units of affordable housing at 285 12th Street; and

WHEREAS, sufficient grant funds, including federal funds, are available for this Project, which will be appropriated in Funds 2159, 2116, and 2214, Project Number 1006953; and

WHEREAS, Oakland Municipal Code §2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies, or combination required by the city in

any one transaction which exceeds \$50,000, and the award to the lowest responsible and responsive bidder of award is made; and

WHEREAS, on March 20, 2026, the City issued an advertisement inviting construction bids for the Project on iSupplier, the Bids/Contracts webpage of the City's website, and in various local newspapers; and

WHEREAS, on April 30, 2026, after a competitive bidding process, the City Clerk received three bids for the Project; and

WHEREAS, the bids remain valid for award at the time of Council action pursuant to the bid documents on file with the Capital Contracts Division of Oakland Public Works; and

WHEREAS, the bids were as follows: Bay Cities Paving and Grading, Inc. (\$21,180,436.10); McGuire and Hester (\$20,881,650.00); and A&B Construction (\$26,181,434.00); and

WHEREAS, McGuire and Hester is deemed the lowest responsible and responsive bidder for the Project with a bid of \$20,881,650.00, and said bid is compliant with the City's Equal Benefits Ordinance (EBO) and meets the Federal Disadvantaged Business Enterprise (DBE) participation requirements; and

WHEREAS, the City received a bid protest from Bay Cities Paving and Grading, Inc. concerning the identification of local trucking and suppliers, and after review by the Oakland Public Works Capital Contracts Division, the protest was denied and the bid evaluation upheld; 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 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; and

WHEREAS, the City Council finds and determines that 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 Project is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 21080.25(b) (Pedestrian and Bicycle), 15301(c) (Existing Facilities, Highways and Streets), 15302(c) (Replacement or Reconstruction), 15303(d) (Small Structures), and 15304(h) (minor alterations to land); each of the above exemptions provides a separate and independent basis for CEQA compliance, and the City filed a Notice of Exemption with Alameda County and the Office of Planning and Research's State Clearing House on March 8, 2024; and

WHEREAS, the City Council finds that the Project as approved is within the scope of the prior CEQA exemption determination and that none of the exceptions to categorical exemptions set forth in CEQA Guidelines section 15300.2 applies; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to McGuire and Hester in accordance with Project Plans and Specifications for Project 1006953, Broadway Streetscape Improvements, and the contractor's bid schedule, in the amount of \$20,881,650.00; 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 in 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: If the apparent low bidder fails or refuses to execute the contract or furnish the required bonds and insurance within the time specified in the bid documents, the City Administrator is authorized to award the contract to the next lowest responsive and responsible bidder at that bidder's bid price, or reject all bids and re-advertise, as in the City Administrator's discretion is in the City's best interest; and be it

FURTHER RESOLVED: That the contractor and all subcontractors shall comply with California prevailing wage requirements and shall be registered with the Department of Industrial Relations (DIR); and be it

FURTHER RESOLVED: That the City Administrator 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, and agreements and execute all related actions for the completion of the Project without return to the City Council; and be it

FURTHER RESOLVED: The plans and specifications prepared for the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the City Council finds that the Project is exempt from CEQA pursuant to Public Resources Code section 21080.25(b) and CEQA Guidelines sections 15301(c), 15302(c), 15303(d), and 15304(h), each providing a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Council further finds that none of the exceptions under CEQA Guidelines section 15300.2 applies; and be it

FURTHER RESOLVED: That all the preceding findings and determinations are hereby incorporated by reference and adopted herein by the Council; 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,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

OCA DOCUMENT NUMBER / ATTORNEY INITIALS