

  
Farrah Hussein (May 18, 2026 14:39:55 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO MCGUIRE AND HESTER FOR THE MARTIN LUTHER KING JR. WAY STREETScape IMPROVEMENTS PROJECT NUMBER 1006954, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF TWENTY-SIX MILLION FOUR HUNDRED NINETY-NINE THOUSAND THREE HUNDRED THIRTY-NINE DOLLARS AND FIFTY CENTS (\$26,499,339.50); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, Oakland Municipal Code (OMC) section 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 responsive bidder of award is made; and

**WHEREAS**, on December 26, 2025, 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 February 26, 2026, after a competitive bidding process, the City Clerk received four bids for the Martin Luther King, Jr. (MLK Jr.) Way Streetscape Improvements Project (Project) Number 1006954; and

**WHEREAS**, the bids remained 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: Gallagher and Burk, Inc. (\$25,081,142.00); Bay Cities Paving and Grading, Inc. (\$25,399,504.20); McGuire and Hester (\$26,499,339.50); and Redgwick Construction, Co. (\$28,981,853.50); and

**WHEREAS**, all four bids submitted were found by the Department of Workplace and Employment Standards (DWES) to meet the 16% L/SLBE participation requirement (8% LBE and 8% SLBE) for this Project, and McGuire and Hester and Redgwick Construction, Co. each

received the maximum 10% bid discount for having an approved Mentor-Protégé Agreement with certified Very Small Local Business Enterprise (VSLBE) firms; and

**WHEREAS**, after applying earned bid discounts pursuant to the City's Local and Small Local Business Enterprise (L/SLBE) Program, as analyzed in the Compliance Analysis Memorandum by DWES, the adjusted bids were as follows: Gallagher and Burk, Inc. (\$24,328,707.74); Bay Cities Paving and Grading, Inc. (\$24,891,514.12); McGuire and Hester (\$23,849,405.55); and Redgwick Construction, Co. (\$26,083,668.15); making McGuire and Hester the lowest responsive and responsible bidder after application of earned bid discounts; and

**WHEREAS**, the City received a bid protest from Gallagher and Burk, Inc. concerning application of the L/SLBE bid discount provisions, and after review by the Department of Workplace and Employment Standards, the protest was denied and the bid evaluation upheld; and

**WHEREAS**, McGuire and Hester's bid of \$26,499,339.50 is approximately 8% below the Engineer's Estimate of \$28,955,900; and

**WHEREAS**, the Project will construct transportation safety improvements on Martin Luther King Jr. Way between 2nd Street and 14th Street, including pedestrian crossing improvements, pedestrian lighting, street trees, seating, a two-way protected cycle track, and upgraded traffic signals, addressing a segment of Oakland's High Injury Network that comprises 8% of Oakland streets yet accounts for 60% of the City's severe and fatal traffic collisions; 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; and

**WHEREAS**, sufficient funds are available for this Project through Regional Measure 3 grant funds, which have been appropriated in Fund 2163, Project 1006954; 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 these contracts 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 McGuire and Hester in accordance with Project Plans and Specifications for Project 1006954, MLK Jr. Way Streetscape Improvements, and the contractor's bid schedule, in the amount of

Twenty-Six Million Four Hundred Ninety-Nine Thousand Three Hundred Thirty-Nine Dollars and Fifty Cents (\$26,499,339.50); and be it

**FURTHER RESOLVED:** That the contractor shall comply with all City contracting and compliance program requirements that apply to this contract, including the L/SLBE Program requirements, as verified by the Department of Workplace and Employment Standards; and be it

**FURTHER RESOLVED:** That, prior to execution of the contract, the contractor shall provide a faithful performance bond and a payment bond, each in an amount not less than 100% of the contract price; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to enter into a contract with McGuire and Hester on behalf of the City of Oakland and to execute any amendments or modifications of the construction contract within the limitations of the project specifications; 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 Director 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 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