ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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Agenda Item 5.4
September 14, 2009

Memorandum

DATE: September 09, 2009

TO: Administration and Legislation Committee

FROM: Bijan Yarjani, Project Manager

SUBJECT: Grand MacArthur Boulevard Project: Authorization to Accept Construction Contract

Action Requested:

It is recommended the CMA Board accept the completed construction contract for the Grand Avenue – MacArthur Blvd. Rapid Bus – Transit Signal Priority/Emergency Vehicle Preemption (TSP/EVP) Project for Rays Electric Inc. through the adoption of Resolution number 09-010.

Discussion:

The Alameda County CMA, in association with AC Transit and the City of Oakland, developed the scope of the project and secured its funding. Regional Measure 2 (RM2), Federal, and TFCA funds were used to plan, design and deploy the Grand Avenue MacArthur Blvd. Rapid Bus program. The project included work on two major arterial corridors in the City of Oakland; The Grand Avenue and The MacArthur Blvd Corridors. These two corridors are critical AC Transit routes traveling through areas of high-density housing, with high-volume pedestrian and vehicular traffic. The purpose of the project was to implement an integrated, multi-modal advanced transportation management system consistent with previous SMART Corridors projects.

The Grand MacArthur Boulevard Rapid Bus TSP/EVP project opened bids on July 9, 2008. The CMA Board awarded the contract to Ray's Electric on July 31, 2008 for $1,324,058. The Board also allocated $133,000 for contingency and supplemental work. A summary of contract cost at completion is provided below:

<u>Contract Summary</u>

- Awarded Contract Amount: $1,324,058
- Total CCO Amount: $ 82,089
- Total: $1,406,147

On August 28, 2009, Ray's Electric Inc. completed the contract work in all respects in accordance with the plans and specifications. The contract was completed under budget and with no claims. The Construction Manager responsible for the management of the construction activities has recommended the acceptance of the completed contract after satisfying the contract requirements and completing the punch list items established in coordination with the local agencies and Caltrans.

Staff recommendation is for the CMA Board to accept the contract for the Grand Avenue – MacArthur Blvd. Rapid Bus – TSP/EVP through the adoption of Resolution 09-010.

Financial Impact to the Budget:

The projects and the equipment procurement contract were completed within the allocated budgets for construction including contingencies. There are no financial impacts to the approved CMA budget due to these actions.

ALAMEDA COUNTY CONGESTION MANGEMENT AGENCY
RESOLUTION 09-010
(Resolution of Contract Acceptance)

WHEREAS, on Jul 31st, 2008, the Alameda County Congestion Management Agency ("CMA") entered into Agreement No. A08-011 with Rays Electric, Inc. ("Contractor") for the Grand Avenue – MacArthur Blvd. Rapid Bus – TSP/EVP Project ("Project"); and

WHEREAS, the Contractor has completed all final "punch list" items, and CMA has completed its final inspection which indicated that the Project has been constructed in conformity with the Agreement for Construction with the exception of presently unknown defects not disclosed in the final inspection; and

WHEREAS, the Contractor has requested a Notice of Completion be filed and final payment be made; and

WHEREAS, the Project was acknowledged as completed on August 28, 2009;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Alameda County Congestion Management Agency hereby accepts the Project specified in Agreement No. A08-011.

2. The Project was completed on August 28, 2009.

3. The final contract price is the sum of $1,406,147

4. CMA's Board Secretary is hereby directed to file a Notice of Completion specifying August 28, 2009, as the completion date for this Project, copies of said Notice to be recorded in the Official Records of Alameda County, in the manner provided by law.

DULY PASSED AND ADOPTED by the Alameda County Congestion Management Agency at the regular meeting of the Board held on Thursday, September 24,2009 in Oakland, California, by the following votes:

AYES: **NOES:** **ABSTAIN:** **ABSENT:**

SIGNED:

_____

Mark Green, Chairperson

ATTEST:

_____

Gladys Parmelee, Board Secretary

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

ALAMEDA COUNTY CONGESTION
MANAGEMENT AGENCY
1333 Broadway, Suite 220
Oakland, CA 94612
Attn.: Contracts Administrator

Space Above This Line for Recorder's Use

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. Pursuant to Section 3093 of the California Civil Code, of the completion on __August 28, 2009, of the project undertaken by the Alameda County Congestion Management Agency ("CMA") commonly known as __Grand Avenue-MacArthur Blvd. Rapid Bus – TSP/EVP Project.

2. Said Project was undertaken pursuant to a contract entered with _Ray's Electric Inc.("Original Contractor") on __July 31 , 2008.

3. The location of the Project ("Project Site") is commonly known as Grand Avenue-MacArthur Blvd, in the City of Oakland, Alameda County.

4. CMA is the "owner" of the Project Site for purposes of this Notice of Completion, as provided in California Civil Code Sections 3093 and 3092(g).

5. The name and address of all other persons and entities who hold an ownership interest in the real property are: _City of Oakland, 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

6. The CMA Board accepted the Project during its regular meeting held on _September 24, 2009, and authorized the CMA Contract Administrator to execute this Notice of Completion and to record this Notice in the Office of the Alameda County Clerk-Recorder.

VERIFICATION

I, the undersigned, say that I am the Contract Administrator for the Alameda County Congestion Management Agency ("CMA"), and that I have been authorized to sign this Notice of Completion on behalf of CMA. I have read the foregoing Notice of Completion and know the contents thereof, and the same is true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____, 200_

_____
Name: