

  
Celso Ortiz (Mar 10, 2022 12:21 PST)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

**INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]**

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**RESOLUTION (1) AWARDING A CONSTRUCTION CONTRACT TO S&H CONSTRUCTION, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR HENRY ROBINSON CENTER HEATING VENTILATION AND COOLING (HVAC) REPLACEMENT (PROJECT NO. 1003448) AND WITH CONTRACTOR'S BID, FOR AN AMOUNT NOT TO EXCEED SEVEN HUNDRED SIXTY- EIGHT THOUSAND, SIX HUNDRED DOLLARS (\$768,600.00); AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, in November 2016, Oakland voters passed the Measure KK General Obligation Bond to fund vital infrastructure improvement and Anti-Displacement and Affordable Housing Projects; and

**WHEREAS**, City Council approved the bond funding for the Henry Robinson Center HVAC Replacement (Project No. 1003448), allocating a total of nine hundred eighty-two thousand, five hundred dollars (\$982,500); and

**WHEREAS**, the Availability Analysis for certified local HVAC contractors conducted by the Department of Workplace and Employment Standards, resulted in the City's Local and Small Local Business Enterprise (L/SLBE) requirements being waived for this project; and

**WHEREAS**, this project was advertised by Oakland Public Works (OPW) Capital Contracts Division in accordance with Oakland Municipal Code (OMC) 2.04.050, and one bid was received from S&H Construction in the amount of seven hundred sixty-eight thousand, six hundred dollars (\$768,600.00) on January 6, 2022; and

**WHEREAS**, this project advances the Citywide priorities of a) vibrant, sustainable infrastructure by replacing and inefficient, aging, and undersized HVAC system at a City-owned facility, and b) housing security by providing transitional housing to unsheltered, single individuals living on the streets; and

**WHEREAS**, there is sufficient funding available for this contract in the Measure KK Infrastructure and Affordable Housing Bond Funds (5330 and 5332); Capital Project

Organization (92270); Henry Robinson Center HVAC Project (1003448); Awards (23253 and 23687); Program (IN06); with no impact on the General Purpose Fund; 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 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**, This project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; now, therefore, be it

**RESOLVED:** That the City Council adopt a resolution awarding a construction contract to S&H Construction, Inc., the only responsive and responsible bidder, in accordance with project plans and specifications for Henry Robinson Center HVAC Replacement (Project No. 1003448) and with contractor's bid, for an amount not to exceed seven hundred sixty-eight thousand, six hundred dollars (\$768,600.00); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, (\$768,600.00), and the bonds to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act (\$768,600.00), with respect to such work are hereby approved; 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 Public Works are hereby approved; and be it

**FURTHER RESOLVED:** That the Council finds that this Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for this project that is named in this resolution; and be it

**FURTHER RESOLVED:** That the contracts 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California