


City Attorney

Revised
Per Public Works Committee meeting
12/14/21

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION: AUTHORIZING THE CITY ADMINISTRATOR TO AWARD ALL PAVING AND CONCRETE CONSTRUCTION CONTRACTS THAT FOLLOW ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ARE AWARDED IN DIRECT SERVICE OF DELIVERING THE 2022 FIVE YEAR PRIORITIZATION PLAN IN A TOTAL AMOUNT NOT TO EXCEED SEVENTY-FIVE MILLION DOLLARS, WITHOUT RETURN TO COUNCIL.

WHEREAS, with the passage of Measure BB and Measure KK, the City has funding capacity to significantly increase repaving operations through contracted work; and

WHEREAS, significant efforts are underway to ensure the paving program can deliver a record volume of paving in the next three years; and

WHEREAS, the majority of this construction will utilize paving and concrete contracts, including an estimated 40 bid processes over five years; and

WHEREAS, current bid-award processes add six months of delay to before construction may begin, including 1.5 months for Council Award of Contracts which over the course of 20 contracts equates to 30 months of delay within a 36-month paving plan timeline; and

WHEREAS, the City Council finds and determines that all applicable steps should be taken to streamline project delivery of the \$300 Million in paving construction prioritized by the Five-Year Pavement Prioritization Plan; and

WHEREAS, the City Council finds and determines that quickly advancing paving and concrete contracts that have followed the provisions of the City Charter and Oakland Municipal Code Chapter 2.04 (Oakland Purchasing Ordinance) and all applicable City contracting programs to ensure fair and competitive bidding practices is in the best interest of the City; and

WHEREAS, the proposed Project is exempt from the California Environmental Quality

Act (“CEQA”) pursuant to CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets) because the proposed project would rehabilitate and maintain existing streets and would not result in additional vehicle travel lanes and which provides a basis for CEQA compliance; now be it

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 the economy or better performance; and

WHEREAS, the City Council finds and determines that the performance of paving and concrete contracts awarded under the provisions of this resolution shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and now, therefore, be it

RESOLVED: That the City Administrator is authorized to award all paving and concrete construction contracts in the direct service of the Five-Year Pavement Prioritization Plan that follow the City of Oakland’s fair and competitive bidding requirements without return to Council , including Section 14.16.2 of the current Memorandum of Understanding between the City and Local 1021 that the City shall provide the Union with notice of upcoming advertisements for contracts thirty (30) days in advance of such solicitation; and be it

FURTHER RESOLVED: The City Administrator is hereby authorized to enter into paving and concrete contracts on behalf of the City of Oakland in the service of the Five-Year Pavement Prioritization Plan and to execute any amendments or modification of the contract within the limitation of the project specification in a total amount not to exceed seventy-five million dollars; and be it

FURTHER RESOLVED: That with each paving and concrete contract let under these provisions, the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision, without return to Council; and be it

FURTHER RESOLVED: That the Plans and Specifications prepared for paving and concrete construction projects in the direct service of the Five-Year Pavement Prioritization Plan, including any subsequent changes during construction, will be reviewed and adopted by the Director of the Department of Transportation are hereby approved; and be it

FURTHER RESOLVED: That all paving and concrete contracts executed under the provisions of this resolution shall be reported to City Council on a biannual basis; and

FURTHER RESOLVED: That the Oakland Department of Transportation shall return to the Public Works Committee in approximately two (2) years to inform the City Council

on the status of the contracting, including but not limited to equity information relating to the contracting; and be it

FURTHER RESOLVED, that the Council finds and determines that the proposed Project is exempt from CEQA pursuant to CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets) which provides a basis for CEQA compliance; and be it

FURTHER RESOLVED, that this Resolution complies with CEQA and the City Administrator or designee shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the projects named in this Resolution; and be it

FURTHER RESOLVED: That all contracts executed under this resolution 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