


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO A) AWARD A CONSTRUCTION CONTRACT TO ROSAS BROTHERS, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, AND WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING AND B) NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT TO RAY'S ELECTRIC, THE SECOND LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PROVIDED THAT RAY'S ELECTRIC MEETS THE CONTRACTOR'S BID SCHEDULE OF THE LOWEST BID OF ROSAS BROTHERS CONSTRUCTION, EACH FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE LOWEST BID IN THE AMOUNT OF FIVE MILLION, FOUR HUNDRED AND SEVENTY-THREE THOUSAND, FIVE HUNDRED DOLLARS (\$5,473,500.00) EACH, AND 2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, on October 14, 2021, the City Clerk received three bids for the Citywide Curb Ramps and Sidewalk Repair Project; and

WHEREAS, the bids for the project were as follows: \$5,965,925.00 by J.J.R. Construction, Inc.; \$6,606,100.00 by Ray's Electric, Inc.; and \$5,473,500.00 by Rosas Brothers Construction; and

WHEREAS, Rosas Brothers Construction is deemed the lowest responsive and responsible bidder and is recommended for the award; and

WHEREAS, the City wishes to negotiate with Ray's Electric, the second lowest and only other responsive and responsible bidder, and to recommend for award with the stipulation that they meet the bid schedule of the lowest bid of Rosas Brothers Construction; and

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 if award is made; and

WHEREAS, OMC Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interest of the City to do so; and

WHEREAS, having multiple contractors will enable faster implementation of curb ramp improvements and sidewalk repairs to support the paving program; and

WHEREAS, the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, funding for this project will be available in the following project account as part of the FY 2021-22 CIP Budget in Fund 5335 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1005420.

WHEREAS, the City Council finds and determines based on the representations set forth in the staff 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, Rosas Brothers Construction and Ray's Electric comply with all local business enterprise and trucking requirements; 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 Rosas Brothers Construction in accordance with project plans and specifications for Citywide Curb Ramps and Sidewalk Repair for Paving 2022 and the contractor's bid schedule in the amount of five million, four hundred and seventy-three thousand, five hundred dollars (\$5,473,500.00), all dated October 14, 2021; and be it

FURTHER RESOLVED: The City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding for the negotiation and award of contracts to one additional responsive and responsible bidder, Ray's Electric, per OMC Section 2.04.050.1.5, to ensure contractor availability, additional

work constructed at lowest bid unit prices, and the reasons set forth in the staff report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and award a construction contract to Ray's Electric in accordance with project plans and specifications for Citywide Curb Ramps and Sidewalk Repair for Paving 2022 provided they meet the October 14, 2021 bid schedule of Rosas Brothers Construction, the lowest bidder on the project, in the amount of five million, four hundred and seventy-three thousand, five hundred dollars (\$5,473,500.00); and be it

FURTHER RESOLVED: That the amount of each bond for faithful performance, \$5,473,500.00, and the bonds to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$5,473,500.00 with respect to such work are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to enter into a contract with 1) Rosas Brothers Construction and 2) Ray's Electric, on behalf of the City of Oakland and to execute any amendments or modifications of the contracts 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, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 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 or designee 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

