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Celso Ortiz (Mar 25, 2021 12:10 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88587 C.M.S.

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**RESOLUTION:**

- 1) **AWARDING A CONTRACT IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED SEVENTY-ONE DOLLARS (\$1,738,671) TO AMERICAN AIR CONDITIONING, PLUMBING AND HEATING COMPANY, FOR THE REPLACEMENT OF THE OAKLAND ANIMAL SERVICES HEATING, VENTILATION AND COOLING, AND ENERGY MANAGEMENT SYSTEMS, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS; AND**
- 2) **REALLOCATING SIX HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$675,000) FROM FUND 5330 MEASURE KK MAIN LIBRARY IMPROVEMENT PROJECT (NO. 1003451) TO THE OAKLAND ANIMAL SERVICES HEATING, VENTILATION AND COOLING (HVAC), AND ENERGY MANAGEMENT SYSTEMS REPLACEMENT PROJECT (NO. 1003449) TO PARTIALLY FUND THE CONTRACT AWARDED TO AMERICAN AIR CONDITIONING, PLUMBING AND HEATING COMPANY, TO BE REIMBURSED UPON THE NEXT MEASURE KK BOND SALE.**

**WHEREAS**, the Oakland Animal Services Heating, Ventilation and Cooling (HVAC), and Energy Management Systems (EMS) Replacement Project was identified as a priority project in the FY17-19 Capital Improvement Budget approved by Council under Resolution No. 83773 C.M.S. in June 2019; and

**WHEREAS**, the project scope of work consists of removing and replacing the existing HVAC and EMS system; and

**WHEREAS**, the City issued a request for bids for the Oakland Animal Services HVAC and EMS Replacement Project in October 2019 and three bids were received all exceeding the available construction budget; and

**WHEREAS**, an Availability Analysis conducted by Contract Compliance was completed on January 30, 2020 and based on this analysis the City's Local and Small Local Business requirements were waived; and

**WHEREAS**, the City issued a second request for bids for the Oakland Animal Services HVAC and EMS Replacement Project in February 2020, and again three bids were received all exceeding the available construction budget; and

**WHEREAS**, on May 19, 2020, the City Council authorized the City Administrator, or Designee, to reject all bids, waive further advertising and bidding, and negotiate a construction contract for the Oakland Animal Services HVAC and EMS Systems Replacement Project on the open market (Resolution No. 88127 C.M.S.); and

**WHEREAS**, the City Administrator entered into negotiations with American Air Conditioning, Plumbing and Heating Company ("American Air Conditioning") which was the lowest bidder during the second round of bidding;

**WHEREAS**, staff determined that in order to meet the City's Equitable Climate Action Policy (ECAP) requirements and the full heating and cooling needs of the Animal Service facility the project would require additional funding before a contract could be awarded to American Air Conditioning and the project successfully implemented; and

**WHEREAS**, the project will replace an inefficient, aging, and inappropriately sized HVAC and associated EMS system to improve cooling and heating at the Oakland Animal Service facility; and

**WHEREAS**, existing available Project funding from Measure KK award is insufficient to meet the construction budget; and

**WHEREAS**, funds in the amount of Six Hundred and Seventy-Five Thousand (\$675,000.00) are available for reallocation from the Main Library Improvement Project (No. 1003451); and

**WHEREAS**, the Six Hundred and Seventy-Five Thousand (\$675,000.00) from Main Library Improvement Project (No. 1003451) funds to be reallocated to the Oakland Animal Service HVAC and EMS Systems Replacement Project (No. 1003449) will be reimbursed upon the third Measure KK bond sale; and

**WHEREAS**, the reallocation and future reimbursement of these funds will not impact the progress and delivery of the Main Library Improvement Project (No. 1003451); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of economy or better performance; 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 this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That the City Council hereby awards a construction contract to American Air Conditioning, Plumbing and Heating Company in the amount of One Million Seven Hundred Thirty-Eight Thousand Six Hundred Seventy-One Dollars (\$1,738,671) for the Oakland Animal Service HVAC and EMS Systems Replacement Project (No. 1003449), in accordance with the contractor's bid and the project plans and 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 Public Works, or designee, are hereby approved; and be it

**FURTHER RESOLVED,** That the Six Hundred and Seventy-Five Thousand (\$675,000.00) from Main Library Improvement Project (No. 1003451) funds to be reallocated to the Oakland Animal Service HVAC and EMS Systems Replacement Project (No. 1003449) will be reimbursed upon the third Measure KK bond sale; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the reallocation of funds in the amount of Six Hundred Seventy-Five Thousand Dollars (\$675,000.00) from the Main Library Improvement Project (No. 1003451) - Measure KK Bond Fund (Fund 5330) to the Oakland Animal Services Project (No. 1003449) to partially fund the contract awarded to American Air Conditioning, Plumbing and Heating Company; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to complete all negotiations and complete all contracts, amendments, modifications and extensions consistent with this resolution and its basic purposes with the exception of any further increases in compensation; and

**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: **APR 20 2021**


AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT  
FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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