

2011 OCT 20 PM 4:19

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBERS DESLEY BROOKS AND LARRY REID

CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE 12389 C. M. S. TO ADD LOCAL AND SMALL LOCAL BUSINESS CONTRACTING REQUIREMENTS TO OAKLAND'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM SPECIFIC TO THE DEMOLITION AND REMEDIATION CARRIED OUT AT THE OAKLAND ARMY BASE

WHEREAS, the City of Oakland faces the worst economic crises since the Great Depression; and

WHEREAS, the official unemployment rate in the City of Oakland is approximately 17%; the unofficial rate is estimated to be in the mid 20's.

WHEREAS, the 2010 Census data indicates that the jobs growth rate in the City of Oakland decreased by 3%; and

WHEREAS, it is the intent of the City of Oakland City Council to use the power of the public purse to stimulate the local Oakland economy and to ensure Oakland businesses have equal opportunities to do business with the City of Oakland; and

WHEREAS, the Oakland Army Base has a number of demolition and remediation projects which must be completed by August of 2013, and the Oakland Army Base currently has a \$9-million-dollar Remediation fund; and

WHEREAS, the Oakland City Council understands there is a direct correlation between high rates of unemployment and increased crime rates and as such is desirous of finding ways to create contracting opportunities for Oakland Businesses and employment opportunities for Oakland residents; and

WHEREAS, the Oakland City Council wishes to amend the City of Oakland's Local and Small Local Business Enterprise program to add new requirements, entitled the "Oakland Army Base Demolition and Remediation Contracting Program," specific to the demolition and remediation activities carried out at the Oakland Army Base which will mandate that all contracts for demolition and remediation work at the Oakland Army Base shall be awarded either through a solo-souroo-or competitive bid process open only to City of Oakland Certified Local Business Enterprise (LBE) or Small Local Business Enterprise (SLBE) firms; and

WHEREAS, this program will require prime contractors and their subcontractors that wish to obtain or participate in contracts for demolition and remediation at the Oakland Army Base to

submit bids showing that their Core Employee workforces for these jobs will must be comprised of at least thirty-three-percent (33%) Oakland residents; and

WHEREAS, all of the City of Oakland local hire requirements of the City's Local Employment program with respect to new hires shall continue to be applicable to demolition and remediation contracts subject to the Oakland Army Base Demolition and Remediation Contracting Program;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Oakland Army Base Demolition and Remediation Contracting Program.

Ordinance No. 12389 C. M. S., passed December 18, 2001, which established that the City of Oakland's Local and Small Local Business Enterprise, Local Employment, Prevailing Wages and Apprenticeship programs would apply to Oakland contracts involving construction and construction-related work, is hereby amended to add a new section titled the "Oakland Army Base Demolition and Remediation Contracting Program" to the City of Oakland's Local and Small Local Business Enterprise program (Program). This new Program adds new requirements specific to the demolition and remediation activities carried out at the Oakland Army Base, as follows:

- 1) all demolition and remediation contracts for the Oakland Army Base shall be awarded either through a solo-source-or competitive bid process open only to City of Oakland Certified Local Business Enterprise (LBE) or Small Local Business Enterprise (SLBE) firms; and
- 2) prime contractors and-their-subcontractors that wish to obtain or participate in contracts for demolition and remediation work at the Oakland Army Base must submit bids showing that their Core Employee workforces for these jobs ~~will~~ must be comprised of at least thirty-three-percent (33%) Oakland residents to be considered for the contract; and
- 3) requirements of Oakland's Local Employment program, which requires that a certain percentage of new hires be Oakland residents, shall continue to apply to all demolition and remediation contracts for the Oakland Army Base.

Section 2. Enforcement

The City Administrator shall ensure that the Oakland Army Base Demolition and Remediation policy outlined above is applied to all contracts for demolition and remediation work at the Oakland Army Base, to the extent permitted by law.

Section 3. Severability.

If any section, subsection, subpart or provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of the provisions of this Ordinance and the application of such to other persons or circumstances shall not be affected thereby.

Section 4. Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes on final adoption; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, (DATE), 20(YEAR)

PASSED BY THE FOLLOWING VOTE:

**AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN,
SCHAAF, NADEL, AND PRESIDENT REID**

NOES-

ABSENT-

ABSTENTION-

ATTEST:

**LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California**

REVISED
10-20-11

DRAFT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

NOTICE AND DIGEST

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ORDINANCE AMENDING ORDINANCE 12389 C. M. S. TO ADD LOCAL AND SMALL LOCAL BUSINESS CONTRACTING REQUIREMENTS TO OAKLAND'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM SPECIFIC TO THE DEMOLITION AND REMEDIATION CARRIED OUT AT THE OAKLAND ARMY BASE

This ordinance will amend Ordinance No. 12389 C. M. S., passed December 18, 2001, which established that the City of Oakland's Local and Small Local Business Enterprise, Local Employment, Prevailing Wages and Apprenticeship programs would apply to Oakland contracts involving construction and construction-related work, to add a new section titled the "Oakland Army Base Demolition and Remediation Contracting Program" to the City of Oakland's Local and Small Local Business Enterprise program (Program). This new Program adds new requirements specific to the demolition and remediation activities carried out at the Oakland Army Base, as follows:

- 1) all demolition and remediation contracts for the Oakland Army Base shall be awarded either through a sole-source-or competitive bid process open only to City of Oakland Certified Local Business Enterprise (LBE) or Small Local Business Enterprise (SLBE) firms; and
- 2) prime contractors and their subcontractors that wish to obtain or participate in contracts for demolition and remediation work at the Oakland Army Base must submit bids showing that their Core Employee workforces for these jobs will must be comprised of at least thirty-three-percent (33%) Oakland residents to be considered for the contract; and
- 3) requirements of Oakland's Local Employment program, which requires that a certain percentage of new hires be Oakland residents, shall continue to apply to all demolition and remediation contracts for the Oakland Army Base.