

APPROVED AS TO FORM AND LEGALITY

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OFFICE OF THE CITY CLERK
OAKLAND


Celso Ortiz (May 9, 2023 17:07 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89738 C.M.S.

RESOLUTION AUTHORIZING:

- (1) THE CITY ADMINISTRATOR TO EXECUTE CONSTRUCTION CONTRACTS FOR ON-CALL GENERAL CONSTRUCTION SERVICES THAT FOLLOW ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ARE AWARDED IN DIRECT SERVICE FOR A DURATION OF THREE YEARS TO THE FOLLOWING TIERS, WITHOUT RETURN TO CITY COUNCIL:
 - (A) TIER 1 FIRMS FOR AN AMOUNT NOT-TO-EXCEED FOUR MILLION DOLLARS (\$4,000,000.00) ANNUALLY TO QUALIFIED CONTRACTORS; AND
 - (B) TIER 2 FIRMS FOR AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000.00) ANNUALLY TO QUALIFIED CONTRACTORS; AND
- (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, On-Call General Construction Services contracts support the City's Capital Improvement Program by enabling the City of Oakland (City) to deliver projects in a prompt, efficient, and cost-effective manner; and

WHEREAS, these contracts may be used on various capital project types including but not limited to libraries, recreation and community centers, senior centers, restroom facilities, public safety facilities, playgrounds and ball fields, green infrastructure, wastewater, waterways and storm drainage; and

WHEREAS, On March 24, 2023, Oakland Public Works (OPW) issued a Request For Qualifications (RFQ) for On-Call General Construction Services in conformance with the Oakland Municipal Code Chapter 2.04; and

WHEREAS, OPW and the Department of Workplace and Employment Standards (DWES)

conducted extensive outreach to the certified local and small local contracting community to design the On-Call General Construction Services contract; and

WHEREAS, the On-Call General Construction Services will authorize the City Administrator to issue Tier 1 contracts in an amount not to exceed \$4,000,000.00 annually and Tier 2 contracts in an amount annually for a three-year terms, without return to City Council; and

WHEREAS, additionally, OPW will issue an RFQ for On-Call General Construction Services on an annual basis to allow new contractors to be prequalified to the existing on-call contractor pool; and

WHEREAS, all contractors will be required to comply with the City's Local/Small Local Business Enterprise (L/SLBE) Program requirements for every task order issued;

WHEREAS, work performed under the Tier 1 and Tier 2 on-call contracts will be funded through various capital improvement funds, bonds, and grant funds, and these funds will be identified prior to the issuance of each task order and performance of the construction services; and

WHEREAS, on-call construction contracts are essential to delivering capital improvement projects promptly, efficiently, and in a cost-effective manner by establishing a pool of contractors that are qualified to perform general construction work; and

WHEREAS, these on-call construction contracts comply with the applicable 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 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 performance of general construction 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 services nor result in the additional appropriation of funds; now, therefore, be it

RESOLVED: That the City Administrator is authorized to award construction contracts in the direct service of the On-Call General Construction Services that meet the City's fair and competitive bidding requirements, without return to City Council, within the limitation of the project specifications in two tiers: (1) Tier 1 firms each for an amount not-to-exceed four million dollars annually to qualified contractors and (2) Tier 2 firms each for an amount not-to-exceed one million dollars annually to qualified contractors for a duration of three years, without return to Council; and be it

FURTHER RESOLVED: That all construction contracts awarded under this resolution shall meet the City's Local and Small Local Business Enterprise Program requirements; and be it

FURTHER RESOLVED: That on-call construction contracts are essential to delivering capital improvement projects promptly, efficiently, and in a cost-effective manner by establishing a pool of contractors that are qualified to perform general construction work; and be it

FURTHER RESOLVED: That these on-call construction contracts comply with the applicable 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 be it

FURTHER RESOLVED: That 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 be it

FURTHER RESOLVED: That the performance of general construction 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 services nor result in the additional appropriation of funds; and be it

FURTHER RESOLVED: That the Plans and Specifications prepared for construction projects utilizing the On-Call General Construction Services contracts, including any subsequent changes during construction, will be reviewed and adopted by the Director of OPW, and are hereby approved; and be it

FURTHER RESOLVED: That City Council has reviewed the proposed project and independently finds and determines that this 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; and be it

FURTHER RESOLVED: That the City Council directs the City's Environmental Review Officer to file a Notice of Determination/Exemption, as necessary, with the Clerk of the County of Alameda on the projects named in this Resolution; and be it

FURTHER RESOLVED: The City Administrator is hereby authorized to approve and execute any additional on-call contracts issued through the annual qualification process provided that all contracts added shall be filed with the City Clerk's Office and provided that an annual

information memorandum shall be submitted to the City Council describing the annual qualification results; and be it

FURTHER RESOLVED: The City Administrator is hereby authorized to approve and execute any subsequent amendments to or extensions of said contracts, with the exception of those related to an increase in total compensation, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; 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, MAY 16 2023

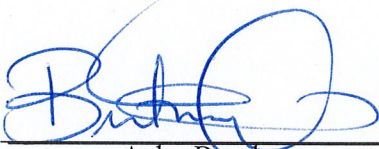
PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, RAMACHANDRAN, JENKINS 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