

APPROVED AS TO FORM AND LEGALITY

  
Celso Ortiz (Sep 2, 2025, 16:14:07 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION TO ENSURE COMPLIANCE WITH THE SEWER CONSENT DECREE BY AWARDED SANITARY SEWER CONSTRUCTION CONTRACTS TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS AND ALL CITY CONTRACTING PROGRAM REQUIREMENTS, EACH UP TO AN INDIVIDUAL CONTRACT AWARD OF TEN MILLION DOLLARS (\$10,000,000); AND FOR EACH ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, WITHOUT RETURN TO CITY COUNCIL**

**WHEREAS**, the City of Oakland (City) is committed to maintain full compliance with the Sewer Consent Decree and as such maintain a robust sewer main rehabilitation program; and

**WHEREAS**, the Sewer Consent Decree gives the Defendants (East Bay Municipal Utility District (EBMUD) and the seven Satellite Agencies to include the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont, and Stege Sanitary District) until 2036 to repair and replace sewer mains, reduce the amount of inflow and infiltration (I/I) and reduce discharges into San Francisco Bay during heavy storms and reduce sanitary sewer overflows; and

**WHEREAS**, “sanitary sewer construction contract” are defined as any construction contract for construction of sewer main rehabilitation, maintenance hole rehabilitation, private sewer lateral rehabilitation, root foam sewer mains, closed-caption television (CCTV) of sewer mains, cleaning of sewer mains, emergency repairs, elimination of cross-connections, paving, and ancillary work such as sidewalk/curb ramp/curb replacements when impacted; and

**WHEREAS**, by the end of the Consent Decree, December 31, 2035, the City shall have completed 264 miles of sewer main rehabilitation and associated maintenance structures; and

**WHEREAS**, failure to meet the annual requirements for sewer main rehabilitation may result in stipulated penalties; and

**WHEREAS**, preauthorized sanitary sewer construction contracts enable the City to streamline contract awards; and

**WHEREAS**, this resolution will help prevent delays in sanitary sewer construction contracts; and

**WHEREAS**, this resolution will avoid stipulated penalties on sanitary sewer rehabilitation requirement; and

**WHEREAS**, the City Council finds and determines that all applicable steps should be taken to streamline the project delivery of sanitary sewer construction; and

**WHEREAS**, the City Council finds and determines that quickly advancing sanitary sewer construction 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**, sanitary sewer and root foam projects are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and the performance of sanitary sewer construction contracts awarded under the provisions of this resolution are in the public interest and the interest of the City to satisfy full compliance of the Sewer Consent Decree; and

**WHEREAS**, the City Council finds and determines that the performance of sanitary sewer 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 service; now, therefore, be it

**RESOLVED:** City Council authorize the City Administrator, or designee, to ensure compliance with the Sewer Consent Decree by awarding sanitary sewer construction contracts to the lowest responsive and responsible bidder, in accordance with project plans and specifications and all City Contracting Program Requirements, each up to an individual contract award of ten million dollars (\$10,000,000.00) without return to City Council; and be it

**FURTHER RESOLVED:** There is no minimum commitment to any awarded contract, funds will not be committed beforehand unless funding is identified, and the contractor will have the right to accept or reject any proposed contract extension; and be it

**FURTHER RESOLVED:** That progress of sewer main rehabilitation continue to be reported to City Council on an annual basis; and be it

**FURTHER RESOLVED:** An Informational Report will be provided to Council in 2030 to summarize the sanitary sewer construction contracts and any impacts to local businesses; 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 undertaken under the provisions of this Resolution; and be it

**FURTHER RESOLVED:** That all contracts awarded under the provisions of 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; and be it

**FURTHER RESOLVED:** That this Resolution sunsets at the end of the Sewer Consent Decree.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California