

# CITY OF OAKLAND

## AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: September 28, 2010

RE: **Resolution (1) Rejecting All Bids, (2) Waiving Further Competitive Bidding And (3) Approving The Award Of A Negotiated Construction Contract To Root Tamers For The Sanitary Sewer Root Foaming Project (Project No. P188440) In Accord With Specifications For The Project And Contractor's Negotiated Bid Proposal In The Amount Of Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, or designee, to (1) reject all bids, (2) waive further competitive bidding and (3) approve an award of a construction contract in the amount of \$325,000.00 to Root Tamers for the Sanitary Sewer Root Foaming (Project No. P188440).

Staff presented a report and a resolution to the Public Works Committee on July 13, 2010 to award a construction contract for the sanitary sewer root foaming contract. Because of the bid price difference between the bidders and foaming products proposed, the Committee directed staff to reject all bids and negotiate with the bidders. The Committee further directed staff to consider the alternate product proposed with the apparent low bidder. This report is in response to that direction.

### FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to (1) reject all bids, (2) waive further competitive bidding and (3) approve an award of a root foaming contract to Root Tamers in the amount of \$325,000.00. Funding for this project is available in

- Sewer Service Fund (3100); Capital Project – Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project P188440; \$325,000.00.

This project will reduce short term maintenance demands and reduce worker's compensation claims due to injuries resulting from tree root removal. Root foaming application has resulted in the reduction of: sewer backups, damage to private and public properties, and citizen claims.

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## BACKGROUND

On October 29, 2009, the City Clerk received three bids for this project in the amounts of \$264,656.25, \$286,884.00 and \$478,581.25 as shown in *Attachment A*. Staff prepared bid documents with contract unit quantities for the purposes of comparing bids. Actual quantities and final payments will be based on actual work as directed to be done by the City for an amount of \$325,000. The Engineer's estimate for the work is \$325,000.00.

A Council Report and Resolution was presented to the Public Works Committee on July 13, 2010. The apparent low bidder and the second low bidder did not meet the project specification and were deemed non-responsive due to an alternate foaming product proposed in their bids. The third bidder, who met the project specification, submitted a bid amount 180% above the low bidder's bid amount. For this reason, the Committee directed staff to reject all bids and return to the bidders and negotiate. The price difference was primarily due to the difference in chemicals proposed with each bid. The two lowest bidders proposed an alternate root foaming product that was not specified in the original contract specification document. The Committee directed staff to consider the foaming product proposed with the apparent low bidder with considerations given to health and safety of the public.

This report and staff's recommendation to award this contract to Root Tamers is the result of negotiations with the contractor who submitted the lowest bid as directed by Council. Staff reviewed the root foaming product information for health and safety provided on the State's Department of Pesticide Regulation website. The product is approved and widely used to treat tree roots in sewer systems. In addition, staff has visited other agencies and observed the application of the foaming product by Root Tamers. Although this is the first time that this product will be used in Oakland, other local Bay Area public agencies have used this product and are fully satisfied with its results. Therefore, staff recommends awarding the root foaming contract to Root Tamers.

## KEY ISSUES AND IMPACTS

The objective of root foaming treatment is to reduce the number of sewer overflows related to tree root intrusion and establish a two-year treatment cycle. Under this contract, approximately 260,000 lineal feet (50 miles, or 5% of the system) of sewer lines will be treated and guaranteed for two years. The Contractor will only apply root foaming to sewer lines selected by the City. The majority of the sewer lines are located in the Oakland hills where access is limited for equipment/staff. Root foaming is applied directly to the roots in the sanitary sewer line via a hose that extends throughout the entire length of each sewer section. The root foaming application period will begin in November 2010 and end in October 2011.

Construction is scheduled for one calendar year and shall start from the date of the Notice to Proceed. The Contractor will notify the residents in the area several days in advance of the application of the root foaming product. The contract specifies \$1,000.00 in liquidated damages per working day if the contract completion time is exceeded.

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A Local and Small Local Business availability analysis was conducted for this contract and the results indicate there are no sufficient local certified firms that provide root foaming services to satisfy the 20% L/SLBE requirement. The City's database of certified firms does not contain at least three firms listing sanitary sewer root foaming contractors or vendors. In addition, there is no trucking work associated with root foaming. For these reasons, the Local/Small Local Business Enterprise and Trucking programs were waived for this contract. However, the contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents.

### **EVALUATION OF PAST PERFORMANCE**

The Contractor Performance Evaluation is not available. Root Tamers has not completed a previous project with the City that required a Contractor Performance Evaluation.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractor is required to have 50% of the work hours performed by Oakland residents, and 50% of all new hires are to be Oakland residents. Maintenance of Oakland's physical assets sustains the economic vitality of neighborhoods throughout Oakland.

**Environmental:** The root foaming of the sanitary sewers will eliminate the possibility of sewer leakage and overflows and thus prevent potential harm to groundwater resources and the bay. The program will help improve water quality in the Bay and connecting waterways, and extend the life expectancy of the City's sanitary sewer system. The chemical will be applied in a manner that protects neighborhoods, creeks and storm drains.

**Social Equity:** This project is part of the citywide program to eliminate wastewater overflows thereby benefiting all Oakland residents. This program will provide benefit to sewer lines in all areas throughout the City that are plagued with root intrusion and experience backups.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

There is no direct impact or benefit to seniors or people with disabilities. Access during construction will be maintained. All work will be performed underground and will not impact disability and senior citizen access.

**RECOMMENDATION AND RATIONALE**

It is recommended that the construction contract be awarded to Root Tamers in the amount of \$325,000.00 for the Root Foaming Project (Project No. P188440). There are sufficient funds in the project account. The Root Foaming Program is needed to reduce the number of sewage overflows and backups caused by root intrusion into sewer lines. Root foaming application has resulted in the reduction of: sewer backups and damage to private and public properties.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt the resolution.

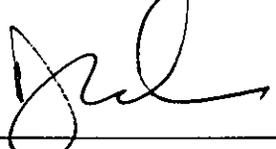
Respectfully submitted,

  
\_\_\_\_\_  
Vitaly Troyan, P.E., Interim Director  
Public Works Agency

Reviewed by:  
Michael Neary, P.E., Assistant Director  
Department of Engineering and Construction

Prepared by:  
Allen Law, P.E., Supervising Civil Engineer  
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

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Public Works Committee  
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*Attachment A*

**Sanitary Sewer Root Foaming Project  
(Project No. P188440)**

**List of Bidders**

<b>Company</b>	<b>Location</b>	<b>Bid Amount</b>
Root Tamers	Redding, CA	\$264,656.25
Pacific Sewer Maintenance Corp.	Oceanside, CA	\$286,884.00
Duke's Root Control, Inc.	Syracuse, NY	\$478,581.25

*Attachment B*

*Contract Compliance Review*



*Memo*

Department of Contracting and Purchasing  
Social Equity Division

To: Allen Law – Supervising Civil Engineer  
 From: Sophany Hang - Acting Contract Compliance Officer  
 Through: Deborah Barnes - DC & P Director  
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*  
 CC: Gwen McCormick - Contract Administration Supervisor  
 Date: December 3, 2009  
 Re: P188440-Sanitary Sewer-Root Foaming 2009-2011

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the services as defined in the Scope of Services. Therefore, the minimum 20% L/SLBE participation requirement was waived for this project. This memorandum provides a preliminary review for compliance with the Equal Benefits Ordinance (EBO) and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount		
Root Tamers	\$264,656.25	0%	0%	0%	NA	NA	NA	NA	NA	N
Pacific Sewer Maintenance Corp	\$286,884.00	0%	0%	0%	NA	NA	NA	NA	NA	N
Duke's Root Control, Inc.	\$478,581.25	0%	0%	0%	NA	NA	NA	NA	NA	Y

**Comments:** As noted above, Root Tamers and Pacific Sewer Maintenance Corp are not EBO compliant. They will have to come into compliance prior to contract award.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	N

**Comments:** NA

**For Informational Purposes**



Listed below is the lowest responsible bidder's compliance with the 50% Local Employment (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

**Contractor Name:** Root Tamers  
**Project Name:** NA  
**Project No:** NA

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	NA	If no, shortfall hours?	NA
Were all shortfalls satisfied?	NA	If no, penalty amount	NA

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	NA	If no, shortfall hours?	NA
Were shortfalls satisfied?	NA	If no, penalty amount?	NA

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E) # resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**Comments:** No Local Employment Program (LEP) or Apprenticeship Program Utilization data is available for Root Tamers. They have not completed any project for the City of Oakland in the last fiscal year.

Should you have any questions, you may contact Sophany Hang at (510) 238-3723.

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** P188440

**PROJECT NAME:** Sanitary Sewer Root Foaming 2009-2011

**CONTRACTOR:** Root Tamers

<b>Engineer's Estimate:</b> \$325,000.00	<b>Contractors' Bld Amount</b> \$264,656.25	<b>Over/Under Engineer's Estimate</b> \$60,343.75
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<b>Discounted Bld Amount:</b> \$0	<b>Amount of Bld Discount</b> \$0	<b>Discount Points:</b> 0%
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1. Did the 20% requirements apply? **NO**
2. Did the contractor meet the 20% requirement? **NA**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **0%**
3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **NA**
4. Did the contractor receive bid discounts? **NA**

(If yes, list the percentage received) **0%**

5. Additional Comments.

At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

12/3/2009

Date

**Reviewing  
Officer:**

*[Signature]*

**Date:**

12/3/09

**Approved By:**

*Shelley Sorensberg*

**Date:**

12/3/09

# LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00			Under/Over Engineers Estimate: 60,343.75							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
PRIME	Root Tamers	Redding	UB						264,656.25	C		
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$264,656.25		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** P188440

**PROJECT NAME:** Sanitary Sewer Root Foaming 2009-2011

**CONTRACTOR:** Pacific Sewer Maintenance Corp

<b>Engineer's Estimate:</b> 325,000.00	<b>Contractors' Bid Amount</b> \$286,884.00	<b>Over/Under Engineer's Estimate</b> \$38,116.00
<b>Discounted Bid Amount:</b> \$0	<b>Amount of Bid Discount</b> \$0	<b>Discount Points:</b> 0%

- 1. Did the 20% requirements apply? **NO**
- 2. Did the contractor meet the 20% requirement? **NA**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **0%**
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **NA**
- 4. Did the contractor receive bid discounts? **NA**
  - (if yes, list the percentage received) **0%**

5. Additional Comments.  
**At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

12/3/2009

Date

**Reviewing  
Officer:**

*Stephen King*

**Date:**

12/3/09

**Approved By**

*Shelley Darenburg*

**Date:**

12/3/09

## LBE/SLBE PARTICIPATION BIDDER 2

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00				Under/Over Engineers Estimate: 38,116.00				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME	Pacific Sewer Maintenance Corp	Oceanside	UB						286,884.00	C		
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$286,884.00		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** P188440

**PROJECT NAME:** Sanitary Sewer Root Foaming 2009-2011

**CONTRACTOR:** Duke's Root Control, Inc.

<b>Engineer's Estimate:</b> \$325,000.00	<b>Contractors' Bid Amount</b> \$478,581.25	<b>Over/Under Engineer's Estimate</b> (\$153,581.25)
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<b>Discounted Bid Amount:</b> \$0	<b>Amount of Bid Discount</b> \$0	<b>Discount Points:</b> 0%
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- 1. Did the 20% requirements apply? **NO**
- 2. Did the contractor meet the 20% requirement? **NA**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **0%**
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **NA**
- 4. Did the contractor receive bid discounts? **NA**
  - (If yes, list the percentage received) **0%**

5. Additional Comments.

At the request of the agency, an availability analysis was conducted. The results of the research found that there were no certified firms that provide the scope of services contained in the specifications. Therefore, the minimum 20% Local/Small Local Business Enterprise participation requirement has been waived for this project

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.  
12/3/2009  
Date

**Reviewing Officer:** *Shelley Darenburg*

**Date:** 12/3/09

**Approved By:** *Shelley Darenburg*

**Date:** 12/3/09

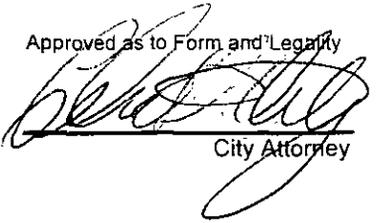
## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Sanitary Sewer Root Foaming 2009-2011

Project No.: P188440		Engineers Est: 325,000.00			Under/Over Engineers Estimate: -153,581.25							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	For Tracking Only		
										Ethn.	MBE	WBE
Prime	Duke's Root Control, Inc.	Syracuse	UB						478,581.25	C		
Trucking	Fed Ex Ground	Syracuse	UB					No dollars amount listed		NL		
Product Supplier	Sewer Sciencs, Inc.	Syracuse	UB					No dollars amount listed		NL		
<b>Project Totals</b>				\$0	\$0	\$0	\$0	\$0	\$478,581.25		\$0	\$0
				0%	0%	0%	0%	0%	100%		0%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>			<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise				UB = Uncertified Business				
				SLBE = Small Local Business Enterprise				CB = Certified Business				
				Total LBE/SLBE = All Certified Local and Small Local Businesses				MBE = Minority Business Enterprise				
				NPLBE = NonProfit Local Business Enterprise				WBE = Women Business Enterprise				
				NPSLBE = NonProfit Small Local Business Enterprise								

**OAKLAND CITY COUNCIL****RESOLUTION NO. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_


  
City Attorney

**RESOLUTION (1) REJECTING ALL BIDS, (2) WAIVING FURTHER COMPETITIVE BIDDING AND (3) APPROVING THE AWARD OF A NEGOTIATED CONSTRUCTION CONTRACT TO ROOT TAMERS FOR THE SANITARY SEWER ROOT FOAMING PROJECT (PROJECT NO. P188440) IN ACCORD WITH SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S NEGOTIATED BID PROPOSAL IN THE AMOUNT OF THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00)**

**WHEREAS**, on October 29, 2009, three bids were received by the Office of the City Clerk of the City of Oakland for the Sanitary Sewer Root Foaming Project (Project No. P188440); and

**WHEREAS**, the bid prices varied widely and the lowest responsive bidder's price exceeded the Engineer's estimate; and

**WHEREAS**, on July 20, 2010, the City Council approved the recommendation of the Public Works Committee to reject all bids and authorize the City Administrator to negotiate with the bidders which utilized the Environmental Protection Agency and City of Oakland approved chemical for tree root foaming in order to obtain the best possible price for the City but without compromising public safety; and

**WHEREAS**, after having engaged in such negotiation, the City Administrator recommends that the City award the contract for this project to Root Tamers ; and

**WHEREAS**, there are sufficient funds in the project budget for the work. Funding for this project is available in the following project account:

- Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. P188440; \$325,000.00; and these funds were specifically allocated for this project; this project will help reduce the amount of sanitary sewer maintenance requirement; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Administrator has determined 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 Council waives further competitive bidding pursuant to Section 2.04.050 I. 5 because it is in the best interests of the City to do so based upon the reasons provided herein and in the Staff Report that accompanies this Resolution; and be it

**FURTHER RESOLVED:** That the construction contract for the Sanitary Sewer Root Foaming Project (Project No. P188440) is hereby awarded to Root Tamers in accordance with the project plans and specifications and the contractor's bid therefore, dated October 29, 2009, in the amount of three hundred twenty-five thousand dollars (\$325,000.00); and be it

**FURTHER RESOLVED:** That the specifications prepared by the Assistant Director of the Public Works Agency for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$325,000.00, and the amount for a bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act, \$325,000.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a construction contract with Root Tamers on behalf of the City of Oakland and to execute any amendments or modifications to said agreement within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the construction contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California