

2023 SEP 29 PM 4: 28

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


Carlos Ortiz (August 7, 2023 4:10 PM)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89896 C.M.S.

RESOLUTION AWARDING TWO CONSTRUCTION CONTRACTS IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000) PER CONTRACT FOR THE THREE-YEAR PERIOD FROM FY 2023-24 TO FY 2025-26 TO: (1) NATIONAL PLANT IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR ON-CALL SEWER CLEANING AND TELEVISIONING AND (2) PIPE AND PLANT SOLUTIONS, INC. IN ACCORDANCE WITH PLANS AND SPECIFICATIONS FOR ON-CALL SEWER CLEANING, TELEVISIONING, AND REPAIR, EACH FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FOUR MILLION DOLLARS (\$4,000,000) FOR A TERM OF THREE YEARS, WITH THREE, ONE-YEAR OPTIONS TO EXTEND EACH OF THE AFOREMENTIONED CONSTRUCTION CONTRACTS AT THE SAME ANNUAL CONTRACT AMOUNT OF TWO MILLION DOLLARS; AND (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, in accordance with the City of Oakland's 2014 Consent Decree with the U.S. Environmental Protection Agency (EPA), Oakland is required to implement systematic sewer inspections, cleaning, repair and rehabilitation with pre-defined maintenance schedules; and

WHEREAS, on July 29, 2022, the City issued a Request for Qualifications (RFQ) for On-Call Sewer Cleaning, Televisioning, and Repair; and

WHEREAS, the City lacks the specialized equipment and qualified personnel to perform the necessary work for pipes of larger diameter, greater depth, and in hard-to-reach easements, that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, on September 8, 2022, five Statements of Qualifications were received; and

WHEREAS, two contractors meet the requirements of OMC Chapter 2.04.045(a) for pre-qualification for On-Call Sewer Cleaning, Televisioning, and Repair; and

WHEREAS, the City's Local/Small Business Enterprise (L/SLBE) program requirements have been verified by the Division of Contracts and Compliance in the Department of Workplace Standards; and

WHEREAS, the City Council finds and determines based on the representations set forth in the report accompanying the Resolution, that the construction contracts approved hereunder are temporary in nature; and

WHEREAS, the City Council finds and determines that the proposed construction contracts shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, each of the proposed contracts will be executed in an amount not to exceed two million dollars (\$2,000,000), per contract, over the three-year period of FY 2023-24 to FY 2025-26, for a cumulative allocation not to exceed four million dollars (\$4,000,000); and

WHEREAS, staff is requesting that the City Council also authorize three, one-year options to negotiate and renew each of the aforementioned contracts at an annual contract amount of \$666,666.67 without returning to Council; and

WHEREAS, on a separate and independent basis, the proposed project 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

RESOLVED: That the City Administrator or designee is hereby authorized to execute construction contracts in an amount not to exceed \$2,000,000, per contract, with (1) National Plant in accordance with plans and specifications for On-Call Sewer Cleaning and Televising and (2) Pipe and Plant Solutions in accordance with plans and specifications for On-Call Sewer Cleaning, Televising, and Repair; and be it

FURTHER RESOLVED, project funding for all on-call contractual expenditure allocations shall be expensed for the three-year period from FY 2023-24 to FY 2025-26 to the Oakland Public Works Sewer Service Fund (3100), Infrastructure Maintenance Sewer System Org. (30533), Miscellaneous Contract Services Account (54919), Project (to be determined); now, therefore be it

FURTHER RESOLVED: That as projects arise, staff will obtain competitive bids from each contractor and will award the work to the lowest responsible, responsive bidder in accordance with Oakland Municipal Code Section 2.04.045(c); and be it

FURTHER RESOLVED: That the City Council also authorizes three, one-year options to extend each of the aforementioned contracts at an annual contract amount of \$666,666.67 without returning to Council; and be it

FURTHER RESOLVED: That each contractor shall provide performance and payment bonds for 100 percent of the value of the work assignment prior to the commencement of any work under its On-Call Sewer Cleaning, Televising, and Repair contract when any assignment and/or task order exceeds a cumulative cost distinction of twenty-five thousand dollars (\$25,000); and be it

FURTHER RESOLVED: That on a separate and independent basis, the proposed project 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 Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the projects named in this Resolution; and be it

FURTHER RESOLVED: That all contracts shall be reviewed and approved by the City Attorney as to 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: **SEP 19 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS 8

NOES - 2
ABSENT 2
ABSTENTION 0

ATTEST:



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