



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: Gateway Industrial Landscape
Maintenance Contract 2022

DATE: August 29, 2022

City Administrator Approval 

Date: Sep 14, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution: (1) Waiving Further Advertising And Competitive Bidding; (2) Authorizing The City Administrator To Award A Two-Year Landscape Maintenance Construction Contract In An Amount Not To Exceed Three Hundred Fifteen Thousand Dollars (\$315,000.00) In The Open Market For The Gateway Industrial Landscape Maintenance Contract 2022 (Project No. 1004284) In Accord With All Of The City's Contracting Programs Including The Local And Small Local Business Enterprise Requirements; And (3) Adopting Appropriate California Environmental Quality Findings

EXECUTIVE SUMMARY

Approval of the resolution will reject all current bids and waive further advertising and competitive bidding per Oakland Municipal Code (OMC) Section 2.04.050.1.5 for landscape maintenance for the Gateway Industrial District (Community Facilities District 2015-1). City Administrator will be authorized to negotiate, award, and execute a two-year landscape maintenance construction contract for an amount not to exceed three hundred fifteen thousand dollars (\$315,000.00) in the open market with contractors that comply with the City's contracting programs including all local and small local business enterprise requirements.

BACKGROUND / LEGISLATIVE HISTORY

In 2015, Community Facilities District (CFD) 2015-1 (Gateway Industrial District) was established at the former Oakland Army Base by way of Ordinance No. 13324 C.M.S., and Resolution No. 85724 C.M.S., pursuant to the Mello-Roos Community Facilities Act of 1982. The CFD has provided the City with an additional permanent funding mechanism to maintain the infrastructure and improvements at the Gateway Industrial District (**Attachment A**) by way of property tax revenues paid by the tenants of the CFD 2015-1 boundary area.

The proposed landscape maintenance construction contract will provide maintenance and trash pick-up of the landscaped/bio-retention areas and bike paths along Maritime Street, Burma

Road, Wake Avenue and Admiral Toney Way within the CFD 2015-1 boundary area for a two-year term.

ANALYSIS AND POLICY ALTERNATIVES

Oakland Public Works (OPW) Capital Contracts Division in accordance with OMC 2.04.50 issued a Notice of Inviting Bids for the Gateway Industrial Landscape Maintenance Contract 2022 (Project No. 1004284) on February 25, 2022. Bids were received on March 31, 2022, by the City Clerk for this project from three (3) vendors; \$314,000.00 from Bay Construction, \$297,000.00 from Forester & Kroeger, and \$475,904 from New Image Landscape.

All bid proposals were evaluated and verified by the Department of Workforce and Employment Standards (DWES) as shown in the Compliance Analysis (**Attachment B**) on April 20, 2022, for compliance with the City's requirements of Local and Small Local Business Enterprise (L/SLBE) and Equal Benefits Ordinance (EBO). The Compliance Analysis determined that Bay Construction exceeded the minimum 50% L/SLBE and EBO participation requirements but was deemed non-responsive due to the exclusion of Schedule I – Sanctuary City in the bid package. Both Forester & Kroeger and New Image Landscape included all mandatory bid items but did not meet either of the L/SLBE and EBO requirements and both were deemed non-responsive.

As a result, since all bids received were deemed non-responsive, staff is recommending to waive further advertising and competitive bidding to allow the City Administrator to negotiate, award and execute a landscape maintenance construction contract in the open market that meets all of the City's contracting requirements including L/SLBE and EBO not to exceed \$315,000.00. Section 2.04.050 of OMC requires advertising and competitive bidding where the cost of services, supplies or combination required by the City exceeds \$50,000.00. OMC section 2.04.050 I.5 permits the waiver of advertising and competitive bidding after a finding and determination by the City Council that it is in the best interests of the city to do so.

Staff recommends that the Council find and determine that it is in the best interests of the City to waive advertising and bidding for this contract in order to avoid any significant lapse in services which are currently funded by the Port of Oakland and the tenants of CFD 2015-1 through annual CFD assessments. The existing landscape maintenance contract with Bay Construction has been extended until December 31, 2022 and cannot be extended any further.

The Engineer's Estimate for the work is \$300,000.00 and the proposed policy to approve the landscape maintenance construction contract supports the Citywide priority of a vibrant, sustainable infrastructure while providing a seamless transition of services which includes the future annexed Port of Oakland parcels. The Unions have been informed of this project and no comments were received. OPW has determined that this contract is professional, scientific, technical and the service temporary in nature. Entering into this contract will not result in the loss of employment or salary by any person having permanent status in competitive service.

FISCAL IMPACT

Approval of the resolution authorizes the City Administrator to award a landscape maintenance construction contract for an amount not to exceed three hundred fifteen thousand dollars (\$315,000.00) for Gateway Industrial District (CFD 2015-1). Funding for this contract is available from annual appropriations in Fund 2332 (Gateway Industrial Park), Org 30652 (Landscape Maintenance), Project 1004284 (OAB CFD No. 2015-1 Gateway). Project 1004284 receives annual property tax revenue from CFD 2015-1 tenants. There is no impact on the General Purpose Fund and no additional funding is requested.

CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTIONS

This contract and project are exempt from the California Environmental Quality Act (CEQA) under sections 15061(b)(3) and 15301(h) because there are no significant effects on the environment from these actions and in the maintenance of existing landscaping

PUBLIC OUTREACH / INTEREST

For this landscape maintenance construction solicitation, OPW Fiscal Services worked with OPW Parks and Trees Services Division, OPW Capital Contracts Division and DWES to conduct public outreach through legal ads, enhanced notifications, and a pre-proposal meeting.

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with Local 21, Service Employee International (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) on January 21, 2022.

Notifications of solicitations were distributed by several means such as the City's iSupplier system, which notifies Oakland-certified local and non-local construction contractors: regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Companies that register in iSupplier wait a few days before receiving access to review proposal requests in the system. If a company enters a North American Industry Classification System (NAICS) code, they are notified about projects with this code.

In addition to iSupplier and the established disparity outreach list, OPW Capital Contracts Division also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. CIPList.com is used to push out notifications to plan rooms and builder's exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, a company or entity may register to be automatically notified of all City of Oakland solicitations without restrictions.

The legal notice for the Request for Proposals was advertised on February 25, 2022. OPW Capital Contracts Division included printed legal notices in the East Bay Times and Oakland Post. In addition, information about the project was published in El Mundo, World Journal and

the Korean Times publications to supplement and ensure the information L/SLBE in Black, Indigenous, People of Color (BIPOC) communities with potential contractors/consultants.

OPW Capital Construction Division held a pre-bid meeting in partnership with DWES, OPW Fiscal Services and OPW Parks & Trees Services Division on March 15, 2022, virtually. The meeting served a few purposes; to discuss with potential contractors how contracts are established with the City, to make those in attendance aware of possible upcoming work, to allow for opportunities for contractors to network and partner on upcoming work, and to discuss the current project bid specifically.

COORDINATION

The work to be done under this contract has been coordinated with OPW Fiscal Services, OPW Parks & Trees Services Division, OPW Capital Contracts Division and DWES - Contract Compliance Division. This report and resolution have been reviewed by the Office of the City Attorney and by the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: The project maintains the existing City infrastructure. The contractor must be verified for L/SLBE participation by DWES – Contract Compliance Division. The services provided by local firms will result in dollars spent locally.

Environmental: All maintenance services and trash removal are compliant with the City standards for Environmental Preferable Purchasing Policy (EPP), Resolution no. 73968 C.M.S. dated December 16, 1997, for adoption integrated pest management policies, and the Stormwater Operation & Maintenance and Maintenance Verification Plan recorded and approved in April of 2019.

Race & Equity: The Gateway Industrial District services the West Oakland community by providing open space and promoting public health through physical activity and fitness with walkways and bike paths on the Bay trail connecting those communities through the Oakland Army Base to the Bay Bridge. West Oakland contains a high proportion of disadvantaged and BIPOC communities that will greatly benefit from this open space.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) waiving further advertising and competitive bidding; (2) authorizing the City Administrator to award a two-year landscape maintenance construction contract in an amount not to exceed three hundred fifteen thousand dollars (\$315,000.00) in the open market for the Gateway Industrial Landscape Maintenance Contract 2022 (Project No. 1004284) in accord with all of the City's contracting programs including the Local and Small Local Business Enterprise requirements; and (3) Adopting Appropriate California Environmental Quality Act findings.

For questions regarding this report, please contact Jamie Cheng, Management Assistant, Oakland Public Works, Bureau of Administration, Fiscal Services – CFD Administration at (510) 238-7126.

Respectfully submitted,



G. HAROLD DUFFEY
Director, Public Works

Reviewed by:
Tom Morgan, Agency Administrative Manager
Bureau of Administration

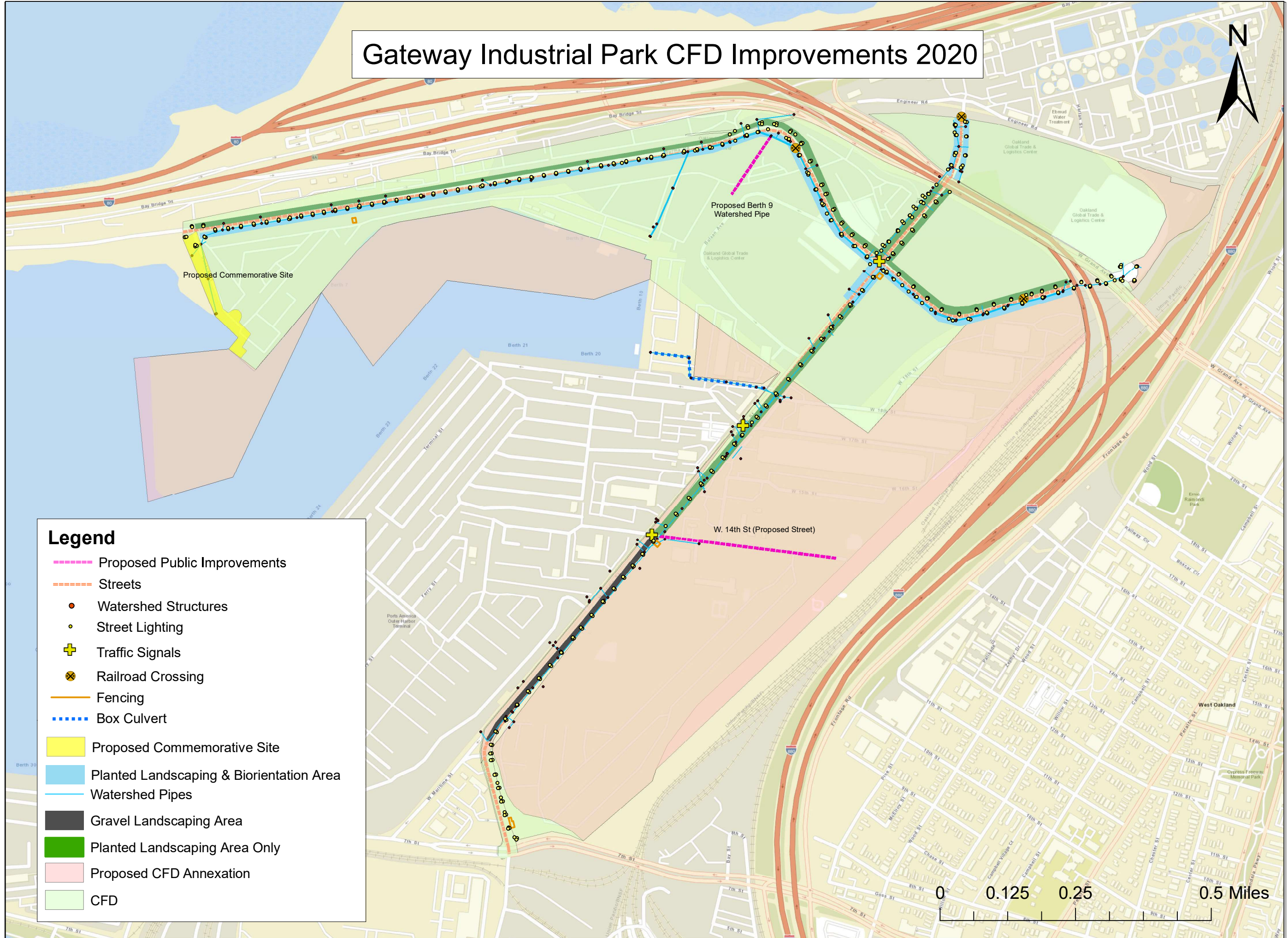
Reviewed by:
Reena Kumari, Fiscal Services Manager
Bureau of Administration

Prepared by:
Jamie Cheng, Management Assistant
Bureau of Administration – Fiscal Services

Attachments (2):

- A: CFD 2015-1 Improvements Map
- B: 1004824 Compliance Analysis

Gateway Industrial Park CFD Improvements 2020



Legend

- Proposed Public Improvements
- Streets
- Watershed Structures
- Street Lighting
- + Traffic Signals
- ⊗ Railroad Crossing
- Fencing
- - - - Box Culvert
- Proposed Commemorative Site
- Planted Landscaping & Biorientation Area
- Watershed Pipes
- Gravel Landscaping Area
- Planted Landscaping Area Only
- Proposed CFD Annexation
- CFD



Note: This diagram was prepared for the City's internal use to illustrate the general location and improvements to be maintained by the CFD and is not a representation of the exact number or location of the improvements. Furthermore, this diagram only shows the general location of the CFD and proposed CFD annexation boundaries. For a more detailed description of the exact boundaries and the APN's included within the CFD and the proposed annexation area, refer to the CFD Boundary Map.



INTER OFFICE MEMORANDUM

Department of Workplace & Employment Standards (DWES)

TO: Brian Carthan, Manager
Park Services, PWA

FROM: Mary Mayberry, Interim *Shelley Darenburg* for
Director DWES

PREPARED BY: Vivian Inman, *Vivian Inman*
Sr. Contract Compliance Officer

DATE: April 20, 2022

**SUBJECT: Gateway Industrial Park OAB Landscape
Project No. 1004824**

The assigned Sr. Contract Compliance Officer,, conducted a compliance analysis of three (3) bids submitted to the City in response to the above referenced project Below are the results of the compliance evaluations for the most recent L/SLBE Program for, (a) the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement; and (b) a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE/LPG	SLBE	*VSLBE	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Bay Construction	\$314,000	100%	0%	100%	0%	NA	100%	5%	\$298,300	Y

Comments: As noted above, Bay Construction exceeded the minimum 50% L/SLBE participation requirement. The firm is EBO compliant.

Non-Responsive with L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE/LPG	SLBE	*VSLBE	L/SLBE /VSLBE Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Forester & Kroeger	\$297,000	0%	0%	0%	0%	NA	0%	0%	\$0	N
New Image Landscape	\$475,904	0%	0%	0%	0%	NA	0%	0%	\$0	N

Comments: As noted above, both firms failed to meet the minimum 50% L/SLBE participation requirement. Neither firm is EBO compliant.

Should you have any questions please contact Vivian Inman, Sr. Contract Compliance Officer at (510) 238-6261.

LBE/SLBE Participation Bidder 1

Project Name:		Gateway Industrial Park OAB Landscape												
Project No.: 1004284-2022		Engineer's Estimate			600,000.00		Under/Over Engineers Estimate:		303,000.00					
Discipline	Prime & Subs	Location	Cert. Status	LBE/LPG	SLBE	*VSLBE (2x Value)	Total LBE/SLBE	LBE/VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL			
											Dollars	Ethn.	MBE	WBE
PRIME	Forester & Kroeger	San Rafael	UB								297,000	NL		
Project Totals				\$0.00 0.00%	\$0 0.00%	\$0.00 0.00%	\$0 0.00%	\$0.00 0.00%	\$0 100.00%	\$0 100.00%	\$297,000 100.00%		\$0 0.00%	\$0.00 0.00%
Requirements: The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.				LBE/LPG 25%	SLBE 25%	VSLBE	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

Department of Workplace & Employment Standards



DWES

PROJECT COMPLIANCE EVALUATION FOR :

Project No. 1004284-2022

RE: Gateway Industrial Park OAB Landscape

CONTRACTOR: Forester & Kroeger

<u>Engineer's Estimate:</u> \$300,000.00	<u>Contractors' Bid Amount</u> \$297,000.00	<u>Over/Under Engineer's Estimate</u> (\$3,000.00)
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
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1. Did the 50% local/small local requirement apply: **YES**
2. Did the contractor meet the 50% requirement
a) % of LBE/LPG participation **0.00%**
b) % of SLBE participation **0.00%**
c) % of VSLBE participation ***0.00%**
3. Did the contractor meet the L/SLBE trucking requirement? **NA**
a) Total L/SLBE trucking participation -
a) Total VSLBE trucking participation -
4. Did the contractor receive bid discount points? **NO**
(If yes, list the points received) -

5. Additional Comments.

The firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

4/20/2022

Date

Officer: Vivian Inman Date: 4/20/2022

Approved By: Shelley Darenburg Date: 4/20/2022

LBE/SLBE Participation Bidder 2

Project Name:		Gateway Industrial Park OAB Landscape												
Project No.: 1004284-2022		Engineer's Estimate			600,000.00		Under/Over Engineers Estimate:		286,000.00					
Discipline	Prime & Subs	Location	Cert. Status	LBE/LPG	SLBE	*VSLBE (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethnic.	MBE	WBE
PRIME	Bay Construction	Oakland	CB		314,000		314,000				314,000	AP	314,000	
Project Totals				\$0 0.00%	\$314,000.00 100.00%	\$0.00 0.00%	\$314,000 100.00%	\$0.00 0.00%	\$0.00 100.00%	\$0.00 100.00%	\$314,000 100.00%		314,000 100.00%	0 0.00%
				LBE/LPG 25%	SLBE 25%	VSLBE	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

Department of Workplace & Employment Standards



DWES

PROJECT COMPLIANCE EVALUATION FOR :

Project No. 1004284-2022

RE: Gateway Industrial Park OAB Landscape

CONTRACTOR: Bay Construction

<u>Engineer's Estimate:</u> \$300,000.00	<u>Contractors' Bid Amount</u> \$314,000.00	<u>Over/Under Engineer's Estimate</u> \$14,000.00
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<u>Discounted Bid Amount:</u> \$298,300.00	<u>Amt. of Bid Discount</u> \$15,700.00	<u>Discount Points:</u> 5.00%
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1. Did the 50% local/small local requirement apply: YES

2. Did the contractor meet the 50% requirement YES

a) % of LBE/LPG	<u>0.00%</u>
b) % of SLBE	<u>100.00%</u> %
c) % of VSLBE participation	<u>*0.00%</u>

3. Did the contractor meet the L/SLBE trucking NA

a) Total L/SLBE trucking participation	<u>100.00%</u>
a) Total VSLBE trucking participation	

4. Did the contractor receive bid discount points? YES

(If yes, list the points received) 5%

5. Additional Comments.

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

4/20/2022

Date

Officer: Vivian Inman Date: 4/20/2022

Approved By: Shelley Darensburg Date: 4/20/2022

LBE/SLBE Participation Bidder 3

Project Name:		Gateway Industrial Park OAB Landscape												
Project No.:		1004284-2022		Engineer's Estimate			600,000.00		Under/Over Engineers Estimate:			124,096.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE/LPG	SLBE	*VSLBE (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethnic.	MBE	WBE
PRIME	New Image Landscape Company	Fremont	UB								475,904	NL		
Project Totals				\$0 0.00%	\$0.00 0.00%	\$0.00 0.00%	\$0 0.00%	\$0.00 0.00%	\$0.00 100.00%	\$0.00 100.00%	\$475,904 100.00%		0 0.00%	0 0.00%
				LBE/LPG 25%	SLBE 25%	VSLBE	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific			

Department of Workplace & Employment Standards



DWES

PROJECT COMPLIANCE EVALUATION FOR :

Project No. 1004284-2022

RE:

Gateway Industrial Park OAB Landscape

CONTRACTOR: **New Image Landscape Company**

<u>Engineer's Estimate:</u> \$330,000.00	<u>Contractors' Bid Amount</u> \$475,904.00	<u>Over/Under Engineer's Estimate</u> \$145,904.00
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<u>Discounted Bid Amount:</u> \$0.00	<u>Amt. of Bid Discount</u> \$0.00	<u>Discount Points:</u> 0.00%
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1. Did the 50% local/small local requirement apply: **YES**
2. Did the contractor meet the 50% requirement
a) % of LBE/LPG **0.00%**
b) % of SLBE **0.00%** %
c) % of VSLBE participation ***0.00%**
3. Did the contractor meet the L/SLBE trucking **NA**
a) Total L/SLBE trucking participation -
a) Total VSLBE trucking participation -
4. Did the contractor receive bid discount points? **NO**
(If yes, list the points received) -

5. Additional Comments.

The firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, the firm is deemed non-responsive.

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

4/20/2022

Date

Officer:

Vivian Inman

Date:

4/20/2022

Approved By:

Shelley Darensburg

Date:

4/20/2022



Celso Ortiz (Sep 11, 2022 2:32 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING; (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A TWO-YEAR LANDSCAPE MAINTENANCE CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIFTEEN THOUSAND DOLLARS (\$315,000.00) IN THE OPEN MARKET FOR THE GATEWAY INDUSTRIAL LANDSCAPE MAINTENANCE CONTRACT 2022 (PROJECT NO. 1004284) IN ACCORD WITH ALL OF THE CITY'S CONTRACTING PROGRAMS INCLUDING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE REQUIREMENTS; AND (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, in 2015, Community Facilities District (CFD) 2015-1 (Gateway Industrial District) at the former Oakland Army Base was established by way of Ordinance No. 13324 C.M.S., and Resolution No. 85724 C.M.S., pursuant to the Mello-Roos Community Facilities Act of 1982; and

WHEREAS, the CFD has provided the City with an additional permanent funding mechanism to maintain the infrastructure and improvements at the Gateway Industrial District by way of property tax revenues paid by the tenants of the CFD 2015-1 boundary area; and

WHEREAS, the proposed landscape maintenance construction contract will provide maintenance and trash pick-up of the landscaped/bio-retention areas and bike paths along Maritime Street, Burma Road, Wake Avenue and Admiral Toney Way within the CFD 2015-1 boundary area for a two-year term; and

WHEREAS, Oakland Public Works (OPW) Capital Contracts Division in accordance with OMC 2.04.50 issued a Notice of Inviting Bids for the Gateway Industrial Landscape Maintenance Contract 2022 (Project No. 1004284) on February 25, 2022; and

WHEREAS, bids were received on March 31, 2022, by the City Clerk for this project from three (3) vendors; \$314,000.00 from Bay Construction, \$297,000.00 from Forester & Kroeger, and \$475,904 from New Image Landscape; and

WHEREAS, all bid proposals were evaluated by the Department of Workforce and Employment Standards (DWES) as shown in the Compliance Analysis on April 20, 2022, for compliance with the City's requirements of Local and Small Local Business Enterprise (L/SLBE) and Equal Benefits Ordinance (EBO); and

WHEREAS, the Compliance Analysis determined that Bay Construction exceeded the minimum 50% L/SLBE and EBO participation requirements but was deemed non-responsive due to the exclusion of Schedule I – Sanctuary City in the bid package; and

WHEREAS, the Compliance Analysis determined that both Forester & Kroeger and New Image Landscape included all mandatory bid items but did not meet either of the L/SLBE and EBO requirements and both were deemed non-responsive; and

WHEREAS, section 2.04.050 of the Oakland Municipal Code (OMC) requires advertising and competitive bidding where the cost of services, supplies or combination required by the City exceeds \$50,000.00; and

WHEREAS, OMC section 2.04.050 I.5 permits the waiver of advertising and competitive bidding after a finding and determination by the City Council that it is in the best interests of the city to do so; and

WHEREAS, staff recommends that the Council find and determine that it is in the best interests of the City to waive advertising and bidding requirements for this contract because of the reasons and circumstances set forth in this resolution and in the agenda report that accompanies it; and

WHEREAS, this contract and project are exempt from the California Environmental Quality Act (CEQA) under sections 16061(b)(3) and 15301(h) because there are no significant effects on the environment from these actions and is the maintenance of existing landscaping; now, therefore be it

RESOLVED: That all bids received were deemed non-responsive and are rejected; and be it

FURTHER RESOLVED: That the City Council finds and determines pursuant to OMC 2.04.505.I.5, that it is in the best interest of the City to waive further advertising and competitive bidding to avoid any significant lapse in services at Gateway Industrial within the CFD 2015-1 boundary area and thus so waives these requirements; and be it

FURTHER RESOLVED: That the Council hereby authorizes the City Administrator to negotiate, award and execute a landscape maintenance construction contract in the open market that meets all of the City's contracting requirements including L/SLBE and EBO not to exceed \$315,000.00; and be it

FURTHER RESOLVED: That the Council finds and determines that this contract is exempt from the California Environmental Quality Act under sections 15061(b)(3) and 15301(h) because there are no significant effects on the environment from these actions and is the maintenance of existing landscaping; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to file a Notice of Exemption with the Alameda County Clerk's Office and appropriate agencies; and be it

FURTHER RESOLVED: That funding for this contract is available from annual appropriations in Fund 2332 (Gateway Industrial Park), Org 30652 (Landscape Maintenance), Project 1004284 (OAB CFD No. 2015-1 Gateway). Project 1004284 receives annual property tax revenue from CFD 2015-1 tenants; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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