

Farrah Hussein  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION: (1) AWARDING A CONTRACT TO KELLY'S TRUCK REPAIR, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN RESPONSE TO RFQ #296516, TO PROVIDE VEHICLE AND EQUIPMENT DIAGNOSTIC AND REPAIR SERVICES IN THE AMOUNT NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) PER YEAR FOR A THREE-YEAR TERM, NOVEMBER 1, 2024 TO OCTOBER 31, 2027, FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWO MILLION FOUR HUNDRED DOLLARS (\$2,400,000) OVER A THREE YEAR TERM; AND (2) WAIVING THE LOCAL BUSINESS/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM UTILIZATION REQUIREMENT**

**WHEREAS**, the City of Oakland has a backlog of heavy equipment, including dump trucks, refuse packers, cranes, and street sweepers in need of repairs and maintenance; and

**WHEREAS**, on August 23, 2024, the City issued a Request for Quote (RFQ) notice in accordance with the Oakland Municipal Code (OMC) 2.04.050. The notice was published on the City's website and issued through Oracle Sourcing which also includes hundreds of registered vendors. A total of four (4) business enterprises were identified and solicited directly; and

**WHEREAS**, on September 6, 2024, the City Clerk received one bid proposal for Specification No. 22-928-00/RFQ No. 296516 to provide vehicle diagnostic and repair service to City-owned vehicles and equipment. Evaluation of results, contract requirements, and contract capacity needs was conducted, and Kelly's Truck Repair was deemed the lowest responsive and responsible bidder, and thus qualified to provide vehicle diagnostic and repair services to City owned light and heavy-duty vehicles and equipment; and

**WHEREAS**, City of Oakland Ordinance Number 13640 and 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

**WHEREAS**, the Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

**WHEREAS**, staff has not been able to identify LBE/SLBEs that can provide the vehicle diagnostic and repair services to City owned light and heavy-duty vehicles and provide the products or perform the services that are required under this contract. Thus, staff requests that the Council waives the LBE/SLBE utilization requirements for this proposed contract award on this basis and because it is in the best interests of the City to do so because of the reasons discussed in this report; 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 economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds and determines 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 service now; and

**WHEREAS**, funding for this contract is available in the Equipment Services Fund 4100; Equipment Services Administration Organization 30541; Repair and Maintenance 54619; Administrative Project 1000010; Fleet Management and Maintenance Program IN01. Funding will be included in the baseline budget for Oakland Public Works. There is no minimum commitment to this contract, and funds will not be committed unless funding is identified; therefore, be it

**RESOLVED:** That a contract be awarded to Kelly’s Truck Repair, the lowest responsive and responsible bidder, to provide vehicle and equipment diagnostic and repair services in the amount not to exceed eight hundred thousand dollars (\$800,000) per year for a three-year term, November 1, 2024 To October 31, 2027, for a total not to exceed contract amount of two million four hundred dollars (\$2,400,000) over a three-year term; and be it

**FURTHER RESOLVED:** There is no minimum commitment to this contract, funds will not be committed beforehand unless funding is identified; and be it

**FURTHER RESOLVED:** That the City Council hereby waives the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies, or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland’s Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and be it

**FURTHER RESOLVED:** That the Council finds that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (No significant effect on the environment) and 15268 (ministerial projects)

**FURTHER RESOLVED:** That the contract shall be approved for form and legality by the City Attorney and copies shall be on file in the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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