

APPROVED AS TO FORM AND LEGALITY

2024 MAR -1 AM 11:59

FILED
OFFICE OF THE CITY CLERK
OAKLAND
Celso Ortiz (March 1, 2024 4:05 PM)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90155 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR PROJECT NO. 1006308 CITYWIDE CURB RAMPS 2024-2025, AND WITH THE CONTRACTOR'S BID THAT INCLUDES BASE BID AND PARTIAL OR ALL OPTIONAL ITEMS, FOR AN AMOUNT NOT TO EXCEED THREE MILLION, THREE HUNDRED AND TEN THOUSAND DOLLARS (\$3,310,000.00); ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS; AND WAIVING LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

WHEREAS, the City of Oakland (City) is committed to achieving full compliance with the Americans With Disabilities Act and as such maintains a robust curb ramp construction program; and

WHEREAS, Project 1006308 Citywide Curb Ramps 2024-2025 (Project) scope includes 240 curb ramps, 300 square feet of retrofitting detectable warning dome pavers, approximately 25,000 square feet of concrete sidewalk replacement, and related ancillary items required for the construction of sidewalk and curb ramps; and

WHEREAS, the City issued a Request for Bids for the Project on February 23, 2024; and

WHEREAS, the bids to be received on April 18, 2024 will be evaluated by the Department of Workforce and Employment Standards, and the lowest, responsive and responsible bidder for the Project will be awarded the construction contract; and

WHEREAS, this Project advances the Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government; and

WHEREAS, funding for the Project is available in the following account: Measure KK (5335); Organization (92242); Project (1006308); and

WHEREAS, the Council may, in its discretion, waive the requirements of the Local/Small Local Business Enterprise (L/SLBE) Program; and

WHEREAS, prior Requests for Bids for curb ramp construction projects issued by the City have not resulted in additional or new contractors seeking to construct curb ramps; and

WHEREAS, no prior bidders on curb ramp construction contracts are currently certified as Small Local Businesses; and

WHEREAS, the City consistently receives an average of less than 3 bids per curb ramp project while other Bay Area cities see an average of 6 bids per project; and

WHEREAS, the City's price per curb ramp is on average \$1500 more than the Bay Area average; and

WHEREAS, a robust pool of contractors supports competitive bidding, contractor availability, and lower prices; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

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

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, the performance of this contract is in the public interest because of economy or better performance and these contracts are of a professional, scientific or technical nature; and

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

WHEREAS, the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; now therefore be it

RESOLVED: That for the reasons stated above and, in the Report, accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the City's Local/Small Local Business Enterprise program utilization requirements, and so waives these requirements for this Project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to award a construction contract that follows all city advertising and competitive bidding requirements to the lowest responsive and responsible bidder, in accordance with project plans, specifications, and

contractor's bid for the Project for an amount not to exceed three million, three hundred and ten thousand dollars (\$3,310,000.00); and be it

FURTHER RESOLVED: That the City Administrator will provide an informational memorandum to the Council and public summarizing bid and compliance analysis results upon completion of the bid evaluation process; and be it

FURTHER RESOLVED: That the plans and specifications prepared for the Project, including any subsequent changes during construction, which will be reviewed and adopted by the Director of the Oakland Department of Transportation, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Department of Workplace and Employment Standards; and be it

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to the execution of the contract; and be it

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

FURTHER RESOLVED: That the Council independently finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 711.4 and pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for the project that is named in this resolution; and be it

FURTHER RESOLVED: That the construction contract 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 19 2024

PASSED BY THE FOLLOWING VOTE:

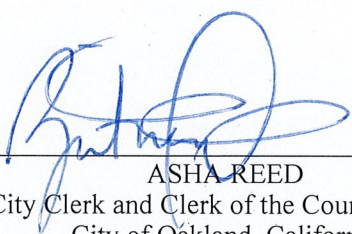
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: _____


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