

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AGREEMENTS FOR ON-CALL SERVICES FOR SMALL SIDEWALK CONSTRUCTION PROJECTS WITH 1) COOPER CONSTRUCTION AND ENGINEERING; 2) DEPTH CONCRETE, INC; AND 3) LARA'S CONCRETE, INC; EACH FOR A PERIOD OF ONE (1) YEAR, WITH AN OPTION FOR TWO (2) ONE-YEAR (1) RENEWAL PERIODS, FOR A TOTAL OF THREE (3) YEARS, AND EACH FOR AN AMOUNT NOT-TO-EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) ANNUALLY, FOR A CUMULATIVE ANNUAL ALLOCATION NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS, OR FOUR MILLION FIVE HUNDRED THOUSAND (\$4,500,000) DOLLARS OVER THREE (3) YEARS; WAIVING FURTHER ADVERTISEMENT AND COMPETITIVE BIDDING; AND ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

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

**WHEREAS**, on-call construction services (Project) will enable the City to deliver small projects promptly, efficiently, and in a cost-effective manner; and

**WHEREAS**, the City codified the process for pre-qualification and bid processes for general construction services under the Oakland Municipal Code section 2.04.045; and

**WHEREAS**, the City issued a Request for Qualifications (RFQ) for the Project on June 21, 2024, and five Statements of Qualifications (SOQ) were received by the Capital Contracts Division of Oakland Public Works on October 10, 2024; and

**WHEREAS**, the RFQ included a stipulated unit price list for each item of work in the Task Order Package, whereby each contractor signed and agreed and accept the stipulated unit price for work; and

**WHEREAS**, stipulated unit price lists eliminate the need for bids each time a task order is produced; and

**WHEREAS**, Cooper Construction and Engineering; Depth Concrete, Inc; and Lara's Concrete, Inc have submitted a complete SOQ and have met minimum qualifications; and

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

**WHEREAS**, the City of Oakland adopted Resolution Number 90551 C.M.S to reappropriate Measure BB funds for sidewalk replacement; 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 Section 15301(c) (Existing Facilities, Highways and Streets); now therefore be it

**RESOLVED:** That the City Administrator is authorized to execute agreements for on-call construction services for small sidewalk construction projects with 1) Cooper Construction and Engineering, Inc; 2) Depth Concrete, Inc; and 3) Lara's Concrete, Inc; each for an amount not to exceed five hundred thousand dollars (\$500,000.00) annually for a cumulative annual allocation not to exceed one million five hundred thousand (\$1,500,000.00) dollars or four million five hundred thousand (\$4,500,000.00) dollars over three (3) years; and be it

**FURTHER RESOLVED:** That the City Council waives the requirement for further advertisement and competitive bidding, and contractors will be assigned Task Orders on a rotational basis; and be it

**FURTHER RESOLVED:** That the contractors 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 contract expenditure allocations shall be expensed from reappropriated Measure BB funds for sidewalk replacement per Resolution No. 90551 C.M.S. and any subsequently adopted sidewalk capital improvement program budget; and be it

**FURTHER RESOLVED:** That the Council independently finds and determines that the Project is exempt from CEQA pursuant to CEQA Guideline Section 15301(c) (Existing Facilities, Highways and Streets); and be it

**FURTHER RESOLVED:** That the construction agreement 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND  
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT - COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to  
Charter Section 03)

ABSTENTION –

ATTEST: \_\_\_\_\_

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