

Celso Ortiz (May 10, 2023 12:01 PDT)

CITY ATTORNEY'S OFFICE

2023 JUN -1 PM 2: 14

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89789 C.M.S.

---

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO PACIFIC TRENCHLESS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR SANITARY SEWER SUB-BASIN 83-503 REHABILITATION (PROJECT NO. 1000920) AND WITH CONTRACTOR'S BID FOR AN AMOUNT NOT TO EXCEED FIVE MILLION, TWO HUNDRED FIFTY-FOUR THOUSAND, FOUR HUNDRED TWENTY-FIVE DOLLARS (\$5,254,425.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, on April 6, 2023, two bids were received by the office of the City Clerk of the City of Oakland for the Sanitary Sewer Sub-Basin 83-503 Rehabilitation (Project No. 1000920); and

**WHEREAS**, Pacific Trenchless, Inc. is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, Pacific Trenchless, Inc. bid amount is five million, two hundred fifty-four thousand, four hundred twenty-five dollars (\$5,254,425.00); and

**WHEREAS**, there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects; parital funding from Sanitary Sewer Design Organization (92244), Sanitary Sewer Sub-Basin 83-503 Rehabilitation Project (1000920) in Fiscal Year 2023 and additional funding from Engineering Design Organization (92270), Sewer Service Fund Administrative Project (100023) requested in the Fiscal Year 2023-2025 Proposed Biennial Budget; and

**WHEREAS**, this project will help reduce the amount of sanitary sewer maintenance and the frequency of sanitary sewer overflows; 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 contract approved hereunder is temporary in nature; and

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

**WHEREAS**, the City Council finds and determines that there is no impact on the General Purpose Fund; and

**WHEREAS**, Pacific Trenchless, Inc. complies with all Local and Small Local Business Enterprise (L/SLBE) requirements; and

**WHEREAS**, This project and action 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; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to award a construction contract for the Sanitary Sewer Sub-Basin 83-503 Rehabilitation Project (Project No. 1000920) to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, for an amount not to exceed five million, two hundred fifty-four thousand, four hundred twenty-five dollars (\$5,254,425.00) in accordance with project plans and specifications and with contractor's bid dated April 6, 2023; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director of Public Works, are hereby approved; and be it

**FURTHER RESOLVED:** That the Council hereby finds that this project and action 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/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 amount of the bond for faithful performance, \$5,254,425.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$5,254,425.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to enter into a contract with Pacific Trenchless, Inc., on behalf of the City of Oakland and to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to reject all bids and to negotiate with the next bidder to comply with the City's L/SLBE requirements for an awarded amount not to exceed five million, two hundred fifty-four thousand, four hundred twenty-five dollars (\$5,254,425.00), if Pacific Trenchless, Inc. fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provisions without returning to City Council; and be it

**FURTHER RESOLVED:** That the contractor will be required to be in compliance with City's programs such as local and small local enterprise requirements; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That all other bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the contract executed under this Resolution 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,

JUN 20 2023

PASSED BY THE FOLLOWING VOTE:

AYES ~~11~~ GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, and PRESIDENT FORTUNATO BAS - 7

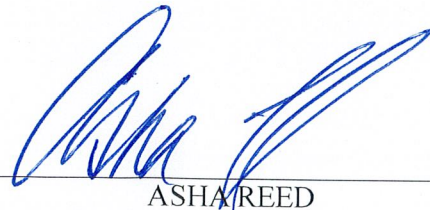
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - TPe

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of