

Farrah Hussein
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) AWARDING A CONTRACT TO NIXON-EGLI EQUIPMENT COMPANY, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER IN RESPONSE TO RFQ #312524, TO PROVIDE PAVING EQUIPMENT PARTS AND REPAIR SERVICES IN THE AMOUNT NOT TO EXCEED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000) PER YEAR FOR A FOUR YEAR TERM, JULY 1, 2025, TO JUNE 30, 2029, FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000) OVER A FOUR YEAR TERM; (2) WAIVING THE LOCAL BUSINESS/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM UTILIZATION REQUIREMENT; (3) AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland requires a parts and service agreement to provide repairs and maintenance for its paving equipment. During peak demands or excessive workload, the Equipment Services Division will rely on vendors specializing in paving equipment repairs to provide parts and services to reduce the equipment's out-of-service or downtime. Equipment downtime due to routine preventative maintenance or mechanical breakdown in the field must be minimized as much as possible to ensure response readiness. OPW's Bureau of Maintenance and Internal Services (BMIS), Equipment Services Division uses this contract to complete work on equipment maintenance and repairs to ensure their operational safety for the City's staff and public.

WHEREAS, due to the high average age of the City's owned heavy equipment, currently at 13.2 years old, the heavy equipment assets are now experiencing more costly repairs and extended downtime, with over 60 units currently out of service awaiting repairs and maintenance. This increase in downtime is negatively impacting many departments, including Keep Oakland Clean and Beautiful (KOCB), the Department of Transportation (DOT), the OPW Sewers Division, and the Oakland Fire Department (OFD); and

WHEREAS, on October 15, 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 fourteen (14) business enterprises were identified and solicited directly; and

WHEREAS, on November 18, 2024, the City Clerk received one bid proposal for Specification No. 22-928-00/RFQ No. 312524 to provide paving equipment parts and repair services. Evaluation of results, contract requirements, and contract capacity needs was concluded, and Nixon-Egli Equipment Company was deemed the lowest responsive and responsible bidder, and thus qualifies to provide parts and repair services to City owned paving 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, no bids from LBE/SLBEs were received that can provide the parts and repair services to city-owned paving equipment that is 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 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; now, therefore, be it

RESOLVED: That a contract be awarded to Nixon-Egli Equipment Company, the lowest responsive and responsible bidder in response to RFQ #312524, to provide paving equipment parts and repair services in the amount not to exceed seven hundred thousand dollars (\$700,000) per year for a four year term, July 1, 2025, To June 30, 2029, for a total not to exceed contract amount of two million eight hundred thousand dollars (\$2,800,000) over a four 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. as no local vendors submitted bids; and be it

FURTHER RESOLVED: That this action is not a “project” under the California Environmental Quality Act (“CEQA”) because it does not meet the definition of a project as outlined in Public Resources Code Section 21065 and CEQA Guidelines Section 15378 since it will not result in any direct or reasonably foreseeable indirect physical change in the environment. This action also falls under CEQA Guidelines section 15061(b)(3) (the common sense exemption) because, based on the nature of this action, it can be seen with certainty that there is no possibility that it will have a significant effect on the environment.

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 - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____

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