

  
Celso Ortiz (Jul 6, 2021 11:00 PDT)

City Attorney's Office

# OAKLAND CITY COUNCIL

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

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**RESOLUTION (1) AWARDING A CONSTRUCTION CONTRACT TO PACIFIC TRENCHLESS, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR SANITARY SEWER REHABILITATION SUB-BASIN 83-102 (PROJECT NO. 1004807) AND WITH CONTRACTOR'S BID FOR AN AMOUNT NOT TO EXCEED THREE MILLION FOUR HUNDRED TWENTY ONE THOUSAND TWO HUNDRED SIXTY ONE DOLLARS (\$3,421,261.00) AND (2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, on April 29, 2021, three bids were received by the office of City Clerk of the City of Oakland for the Sanitary Sewer Rehabilitation Sub-basin 83-102 (Project No. 1004807); and

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

**WHEREAS**, there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects - Sanitary Sewer Design Organization (92244); Sanitary Sewer Rehabilitation Sub-Basin 83-102 Project (1004807) and Sanitary Sewer Rehabilitation project (1004845); and

**WHEREAS**, this project will help reduce the amount of sanitary sewer maintenance and wet weather peak flows; 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 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; and

**WHEREAS**, Pacific Trenchless, Inc. complies with all Local and Small Local Business Enterprise (L/SLBE) and trucking 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 Rehabilitation Sub-Basin 83-102 (Project No. 1004807) to Pacific Trenchless, Inc., the lowest responsive and responsible bidder, for an amount not to exceed three million four hundred twenty one thousand two hundred sixty one dollars (\$3,421,261.00) in accordance with plans and specifications for the project and with contractor's bid dated April, 29, 2021; and be it

**FURTHER RESOLVED:** That City Council has reviewed the proposed project and independently finds and determines that this action is exempt from 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 City Administrator, or designee is authorized to transfer \$1,868,742.65 from the Sanitary Sewer Sub-basin Rehabilitation project (1004845) to the Sanitary Sewer Rehabilitation Sub-Basin 83-102 project (1004807) within the Sewer Service Fund (3100) and Engineer Design: Sanitary Sewer Organization (92244); and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance, \$3,421,261.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$3,421,261.00, with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, 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, or designee, is hereby authorized to negotiate with the second lowest and responsive bidder and/or next lowest and responsive bidder for the same awarded amount, 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 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 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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