

  
Celso Ortiz (Nov 6, 2023 10:09 PST)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

**INTRODUCED BY COUNCILMEMBER**

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**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO DUKE'S ROOT CONTROL, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR FISCAL YEAR (FY)2024-FY2026 AS-NEEDED SANITARY SEWER ROOT FOAMING (PROJECT NO. 1006860) AND WITH CONTRACTOR'S BID FOR AN AMOUNT OF ONE MILLION, SEVEN HUNDRED THIRTY- FOUR THOUSAND, TWENTY-SIX DOLLARS (\$1,734,026.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, on September 14, 2023, two bids were received by the office of the City Clerk of the City of Oakland for the Fiscal Year (FY)2024-FY2026 As-Needed Sanitary Sewer Root Foaming (Project No. 1006860); and

**WHEREAS**, Duke's Root Control, Inc. is deemed the lowest responsive and responsible bidder for the project; and

**WHEREAS**, Duke's Root Control, Inc. bid amount is one million, seven hundred thirty-four thousand, twenty-six dollars (\$1,734,026.00); and

**WHEREAS**, there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects; funding from Sanitary Sewer Design Organization (92244), Sanitary Sewer Root Foaming Project (1007103) in Fiscal Year 2024 and additional funding from Engineering Design Organization (92244), Sanitary Sewer Root Foaming Project (1000835); 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**, Duke's Root Control, Inc. complies with all Local and Small Local Business Enterprise (L/SLBE) requirements; and

**RESOLVED:** That the above whereas clauses are incorporated as findings; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to award a construction contract for the As-Needed Sanitary Sewer Root Foaming FY2024-2026 Project (Project No. 1006860) to Duke's Root Control, Inc., the lowest responsive and responsible bidder, for an amount of one million, seven hundred thirty-four thousand, twenty-six dollars (\$1,734,026.00) in accordance with project plans and specifications and with contractor's bid dated September 14, 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 there is sufficient funding for this contract available in the Sewer Service Fund (3100), Capital Projects; partial funding from Sanitary Sewer Design Organization (92244), Sanitary Sewer Root Foaming Project (1007130) in Fiscal Year 2024 and additional funding from Engineering Design Organization (92244), Sanitary Sewer Root Foaming Project (1000835); 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 Myand 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,

\$1,734,026.00, and the amount of the bond to guarantee payment of all claims for labor and materials furnished under the Unemployment Insurance Act, \$1,734,026.00, 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 Duke's Root Control, 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 lowest responsible, responsive bidder to comply with the City's L/SLBE requirements for an awarded amount of one million, seven hundred thirty-four thousand, twenty-six dollars (\$1,734,026.00), if Duke's Root Control, 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,

**PASSED BY THE FOLLOWING VOTE:**

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

NOES –

ABSENT –

ABSTENTION –

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

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