

  
Oakland City Attorney's Office

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OFFICE OF THE CITY CLERK  
OAKLAND

2010 DEC -2 PM 12: 39

# OAKLAND CITY COUNCIL

RESOLUTION No. 83137 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AWARDING CONSTRUCTION CONTRACTS FOR AS-NEEDED ON-CALL CONSTRUCTION SERVICES TO FOURTEEN PRE-QUALIFIED CONTRACTORS SHOWN IN *EXHIBIT A* FOR AN AMOUNT NOT-TO-EXCEED TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) EACH FOR TIER I OR \$500,000.00 FOR TIER II FOR A THREE-YEAR PERIOD, AND WAIVING THE ADVERTISING REQUIREMENTS OF OAKLAND MUNICIPAL CODE CHAPTER 2.04 FOR SPECIFIC ON-CALL CONSTRUCTION JOBS TO BE LET TO SAID CONTRACTORS**

**WHEREAS**, the City's Fairness in Purchasing and Contracting Disparity Study report of September 29, 2009, included a recommendation to implement a small contracts rotation program or process for small, local construction-licensed contractors to undertake some of the City's routine maintenance and repair work, that is more streamlined, expeditious and cost efficient; and

**WHEREAS**, the City would benefit from maintaining a list of prequalified contractors to perform construction work on an on-call basis to undertake projects with limited scope, budget, or of an urgent nature so that it can promptly respond to and provide construction services in an efficient and timely manner; and

**WHEREAS**, there are sufficient funds in the project budget for the immediate work. Funding for this project is available in the following project account:

- Measure B- ACTIA Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370610, \$1,044,080.00
- Measure B- ACTIA Fund (2211), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$1,056,000.00
- Measure B- Bicycle/Pedestrian Pass-Thru Fund (2212), Capital Projects- Sidewalk Repair Maintenance Organization (92242), Street Construction Account 57411, Project No. C370510, \$425,000.00; and

**WHEREAS**, the construction services beyond the immediate work will be funded through the various individual projects and funds will be identified prior to the performance of the construction services; and

**WHEREAS**, the City conducted a pre-qualification process issuing a Request for Qualifications (RFQ) that was limited to certified Small Local Business Enterprise contractors for Tier I and all

proposers for Tier II with “A” or “C8”, and C42 licenses and 14 firms responded as shown in Exhibit A ; and

**WHEREAS**, the fourteen firms that responded to the RFQ are licensed and qualified per the requirements of the RFQ to undertake on-call construction work; and

**WHEREAS**, once on-call contracts are executed with the list of prequalified licensed contractors and a project arises, the City will solicit bids for work from groups of prequalified contractors on a rotating basis in light of factors such as type of work, contractor’s experience and expertise, contractor’s availability and contractor’s bonding capacity at the time of solicitation, and will award work orders to the lowest responsive bidder; and

**WHEREAS**, it is in the City’s best interests not to advertise or solicit competitive bids on the open market for on-call construction work that can be handled by the list of prequalified contractors in the interest of supporting the recommendation for a small contracts rotation program and because such advertising and bidding delays work, would result in unnecessary administrative cost and burden, does not facilitate the participation of small local licensed contractors in bidding for the work and would be unlikely to render significantly better prices for the work; and

**WHEREAS**, the City Council may waive the advertising and bidding requirements of the Oakland Municipal Code (OMC) for construction work under Section 2.04.050.I.5 upon a finding that it is in the best interest to do so; and

**WHEREAS**, the City Administrator has determined that the construction contracts approved hereunder are technical and temporary in nature and that the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Administrator has determined 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, therefore, be it

**RESOLVED:** That the City Council awards construction contracts to the fourteen contractors shown in **Exhibit A** , prequalified for construction work to be let/assigned thereunder, in an amount not-to-exceed two hundred and fifty thousand dollars (\$250,000.00) for Tier I, or five hundred thousand dollars (\$500,000.00) for Tier II, on-call construction work; and be it

**FURTHER RESOLVED:** That for any work orders issued under this resolution requiring the use of any City General Purpose Fund money not already specifically appropriated by City Council to the project, the City Administrator shall return to the City Council for approval of the allocation of the General Purpose Fund money; and be it

**FURTHER RESOLVED:** That the City Council approves the on-call construction specifications, and authorizes the execution of any amendments or modifications of said contract within the

limitations of the specifications for the on-call construction work; and be it

**FURTHER RESOLVED:** That the contract term will be for three (3) years from the date of contract execution; and be it

**FURTHER RESOLVED:** That the City Council hereby finds, pursuant to OMC Section 2.04.050.I.5 and the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the open-market advertising and competitive bid requirements of OMC Chapter 2.04.050 for any on-call construction work to be awarded to said prequalified contractor, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the contractor shall provide performance and payment bonds for 100% of the value of the work assignment prior to the commencement of any work under its on-call construction services contract; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2010,

**PASSED BY THE FOLLOWING VOTE:**

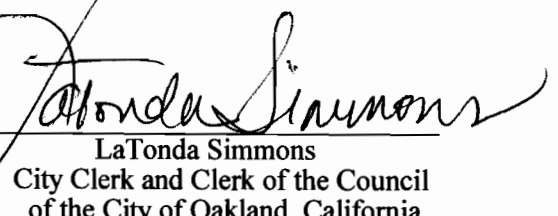
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

# EXHIBIT A

## CONTRACTOR'S TIER CATEGORY

### TIER I

1. Yes Construction Group Inc
2. Peters' Construction

### TIER II

3. Andes Construction Inc
4. Magdave Associates
5. Beliveau Engineering Contractors Inc
6. B-Side Construction
7. The Plumbing Ministry
8. Mosto Construction
9. Cas Financial Services, Inc
10. Rosas Brothers Construction, Inc.
11. Pipe Spy Inc
12. Ghilotti Bros, Inc.
13. Malachi Paving & Grading Inc.
14. AJW Construction