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OAKLAND CITY COUNCIL

RESOLUTION NO. 90996 C.M.S.

ADOPT A RESOLUTION AMENDING RESOLUTION NO. 90814 C.M.S, WHICH WAIVED LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS FOR PEDESTRIAN RIGHT-OF-WAY CONSTRUCTION TO INCREASE COMPETITION, LOWER PRICES, AND ENABLE RAPID COMPLIANCE IN THE EVENT THE PARTIES OF CURRAN VS. CITY OF OAKLAND REACH SETTLEMENT, TO SPECIFY THAT THE WAIVER INCLUDES LOCAL/SMALL LOCAL BUSINESS PARTICIPATION, LOCAL EMPLOYMENT, AND APPRENTICESHIP REQUIREMENTS

WHEREAS, the City of Oakland (City) is committed to achieving full compliance with the Americans With Disabilities Act and as such maintains a robust pedestrian right-of-way construction program; and

WHEREAS, the City was served a class action lawsuit related to accessibility of the pedestrian right-of-way; and

WHEREAS, under the term of a consent decree, the City will be court-ordered to produce mandated levels of curb ramp and sidewalk construction every year; and

WHEREAS, pedestrian right-of-way construction is defined as curb ramp, sidewalk, and curb and gutter construction, stairs and paths, and the ancillary work necessary to complete that construction; and

WHEREAS, previous Requests for Bids for pedestrian right-of-way construction projects issued by the City have not resulted in additional or new locally certified contractors seeking to construct curb ramps; and

WHEREAS, no previous bidders on curb ramp construction contracts are currently certified as Small Local Businesses; and

WHEREAS, projects where Council have previously waived Local/Small Local Business Enterprise (L/SLBE) requirements, have resulted in a larger contractor bid pool and lower prices compared to projects where requirements were not waived; and

WHEREAS, a robust pool of contractors supports competitive bidding, contractor availability, and lower prices; and

WHEREAS, the Council may, in its discretion, waive the requirements of the Local/Small Local Business Enterprise (L/SLBE) Program (Ordinance 13101 and Ordinance 13640 as amended) including Business Participation, Local Employment, And Apprenticeship requirements; now, therefore be it

RESOLVED: The Council hereby amends Resolution No. 90814 C.M.S. to authorize, for the duration of the Curran v. City of Oakland Consent Decree, a project-specific waiver of the City's L/SLBE Program business participation, Local Employment Program (LEP) goals, and City apprenticeship-utilization goals; and be it

FURTHER RESOLVED: The City Council finds that (1) meeting the annual curb-ramp and sidewalk construction milestones required by the Curran v. City of Oakland Consent Decree may require the City to broaden the contracting market for pedestrian right-of-way construction; (2) the City's L/SLBE Program contemplates adjustments where certified local availability is limited; (3) staff has conducted bid-comparisons and obtained data showing fewer responsive bids and higher unit prices when the L/SLBE/LEP/apprenticeship requirements are applied; and (4) a narrowly tailored, time-limited waiver of selected City program requirements is reasonably related to the compelling public interest in achieving court-ordered remedial accessibility improvements; and be it

FURTHER RESOLVED: Nothing in this resolution relieves any contractor from compliance with applicable state or federal law, including California prevailing wage and apprenticeship requirements, the California Labor Code, regulations of the Division of Apprenticeship Standards and the Department of Industrial Relations, or federal prevailing-wage or civil-rights laws. If any federal or state law mandates a higher standard than this resolution, that law controls; and be it

FURTHER RESOLVED: That this L/SLBE/LEP/apprenticeship waiver applies only to pedestrian right-of-way construction, defined as curb ramp, sidewalk, and curb and gutter construction, stairs and paths, and the ancillary work necessary to complete that construction.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 16 2025

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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