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Celso Ortiz (May 23, 2025, 10:10 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90776# C.M.S.

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### RESOLUTION:

1) WAIVING THE ADVERTISING, COMPETITIVE BIDDING, AND THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE (L/SLBE) PROGRAM REQUIREMENTS,

2) AWARDED A PURCHASE CONTRACT TO OWEN EQUIPMENT SALES, A TSE INTERNATIONAL, INC AUTHORIZED DEALER, IN THE AMOUNT NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND (\$1,500,000) DOLLARS FOR THE PURCHASE OF TWO (2) SEWER POWER RODDER VEHICLES; AND

3) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EXEMPTION FINDINGS

**WHEREAS**, the Sewer Services Division of Oakland Public Works is responsible for performing preventive maintenance to over 932 miles of sewer mains, ranging from six inches to over 66 inches in diameter. Preventive maintenance consists of closed-circuit television (CCTV) inspections, cleaning, and performance of minor repairs. The City is currently operating under a Federal Consent (Case Number C09-00186-RS and C09-05684-RS) requiring the City to clean 184 miles and inspect (CCTV) 94 miles of sanitary sewer pipe each year; and

**WHEREAS**, to comply with this mandated operation, Sewer Maintenance must have adequate quantities of fully functional specialized equipment; and

**WHEREAS**, the City owns four power rodder vehicles that are more than a decade old, these vehicles are designed to mechanically clear underground pipe obstructions as far as 300 feet into the pipe by driving rotating cutting and cleaning heads through the pipes, and due to the aging equipment being in use daily, all units have been experiencing more frequent mechanical failures and are out of service for maintenance more frequently and for longer periods of time.; and

**WHEREAS**, the Sewer Maintenance Division frequently operates with only 50% capacity. Failure to purchase this sewer emergency response equipment immediately increases the risk of sewer main blockages, and the resulting Sanitary Sewer Overflows that release toxic biological waste into the environment and waterways and cause sanitary issues throughout the City. This may result in the City not being in compliance with the Federal Consent Decree and

being subject to related fines and penalties; and

**WHEREAS**, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.050 requires the City to conduct advertising and competitive bidding for the procurement of goods, professional services, or a combination thereof. OMC Section 2.04.050.I.5 permits the Council to waive advertising and competitive bidding requirements upon a finding and determination that it is in the City's best interests to do so; and

**WHEREAS**, Ordinances No.13101 C.M.S., No.13640 C.M.S., and No.13647 C.M.S. require 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 City 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**, TSE International; Inc. OK Champion developed the S660 for utility and sewer rodding in 1966 is sole certified sewer power rodder manufacture, and Owen Equipment is the local authorized dealer; and

**WHEREAS**, Waiving the advertising, competitive bidding, and LBE/SLBE requirements is in the best interests of the City as doing so will maximize fleet standardization saving time and expense if parts stocking, mechanic training, and dealer support, and will save the City time from conducting its own RFQ/P; and

**WHEREAS**, due to the immediate need of these critical emergency response vehicles and time and cost savings City will benefit from adopting this resolution, in accordance with OMC Section 2.04.050.I.5, staff recommends entering into a purchase contract with Owen Equipment Sales in an amount not to exceed \$1,500,000; and

**WHEREAS**, the contract in the amount not to exceed \$1,500,000 will be funded from Fund 3100 (Sewer Maintenance Division), Infrastructure Maintenance Sewer System Org No. 30533, EPA-SEWER CLEANING Project No. 1001676; now, therefore, be it

**RESOLVED:** That the Council hereby finds and determines that waiver of advertising, competitive bidding and the LBE/SLBE requirements are in the best interests of the City to do so per the reasons set forth in this Resolution and the staff report that accompanies it, and thus so waives these requirements; and be it

**FURTHER RESOLVED:** That the Council awards a purchase contract to Owen Equipment Sales for the amount not to exceed \$1,500,000 to purchase two (2) Sewer Rodder Vehicles; and be it

**FURTHER RESOLVED:** That the agreements and the action being undertaken to implement them are exempt from the California Environmental Quality Act (CEQA) under the

following CEQA Guideline Sections: 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 15301 (existing facilities); Section 15307 (protection of natural resources); Section 15308 (protection of the environment); 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 must report back to Council on any contract adjustments and any further increases beyond this amount require additional Council's approval; and be it

**FURTHER RESOLVED:** That the City Administrator or their designee is authorized to complete all required negotiations, execute the agreements, and take any other action consistent with this Resolution and its basic purpose except with respect to any increase in compensation or contract amount; and be it

**FURTHER RESOLVED:** That the Agreement will be reviewed for form and legality by the City Attorney and a copy filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 1 2025

PASSED BY THE FOLLOWING VOTE:

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

NOES — ~~X~~

ABSENT — ~~X~~

ABSTENTION — ~~X~~

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



ASHA REED

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