

Farrah Hussein  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION TO WAIVE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS (ORDINANCE 13101, ORDINANCE 13640 AS AMENDED) 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**

**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); now, therefore be it

**RESOLVED:** That for the reasons stated above and, in the Report, accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the City's Local/Small Local Business Enterprise Program requirements (Ordinance 13101 and Ordinance 13640 as amended) for pedestrian right-of-way construction, and so waives these requirements for this Program; and

**FURTHER RESOLVED:** That the L/SLBE waiver applies only to pedestrian right-of-way construction, defined as curb ramp, sidewalk, and curb and gutter construction and the ancillary work necessary to complete that construction; and

**FURTHER RESOLVED:** That the waiver will sunset upon completion of *Curran vs City of Oakland* consent decree term.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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