


Celso Ortiz (Nov 13, 2020 11:45 PST)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO WAIVE ADVERTISING AND COMPETITIVE BIDDING TO INCREASE THE CURRENT TWO YEAR LANDSCAPE MAINTENANCE CONTRACT WITH BAY CONSTRUCTION, INC. AT GATEWAY INDUSTRIAL DISTRICT AT THE OAKLAND ARMY BASE (COMMUNITY FACILITIES DISTRICT 2015-1) BY AN AMOUNT OF ONE HUNDRED FORTY THOUSAND TWO HUNDRED DOLLARS (\$143,200.00) FROM ONE HUNDRED NINETY EIGHT THOUSAND DOLLARS (\$198,000.00) FOR A TOTAL CONTRACT AMOUNT OF THREE HUNDRED FORTY THOUSAND TWO HUNDRED DOLLARS (\$341,200.00).

WHEREAS, In 2015 Community Facilities District (CFD) 2015-1 at Gateway Industrial District at Oakland Army Base was established by way of Ordinance No. 13324 and Resolution No. 85724 through pursuant to the Mello-Roos Community Facilities Act of 1982 ; and

WHEREAS, The CFD has provided the City with an additional permanent funding mechanism to maintain the new infrastructure and improvements at Gateway Industrial District by way of property taxes revenues paid by the tenants of this CFD 2015-1 area; and

WHEREAS, The current landscape maintenance construction contract at Gateway Industrial District was awarded to local Oakland firm, Bay Construction, Inc. in March of 2020 after the City Clerk received three (3) bids on January 30, 2020 from Bay Construction, Los Loza Landscaping and Mike Davis Landscape; and

WHEREAS, A Compliance Analysis was completed on February 21, 2020 and determined that Bay Construction, Inc. was the lowest bid that met the minimum 50% Local and Small Business Enterprise (L/SLBE) and Equal Benefits Ordinance (EBO) participation requirements; and

WHEREAS, With the proposed annexation of the Port of Oakland area into CFD 2015-1, an increased level of maintenance throughout the area is necessary to maintain the existing landscaped areas and improvements; and

WHEREAS, Bay Construction, Inc. has an existing landscape maintenance construction contract at Gateway Industrial Park with a limit of \$198,000.00 under the City

Administrator's contracting authority per Oakland Municipal Code (OMC) Section 2.04.020. A.1; and

WHEREAS, OMC Section 2.04.050.A requires formal advertising and bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and award to the lowest responsible, responsive bidder; and

WHEREAS, OMC Section 2.04.050 I. 5 provides an exception to this formal advertisement in the form of a waiver, if the City Council finds that it is in the best interest of the City to do so; and

WHEREAS, The City does not have the capacity to maintain the additional scope of the 3.4 acres of landscaping; and

WHEREAS, The City Council finds that the City lacks the qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, The City Administrator has determined that this contract is professional, scientific or technical and the service temporary in nature and the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, The additional scope includes \$68,200.00 for trash pick-up and maintenance of the bike paths, sidewalks, gravel landscaped areas, and fencelines on Maritime Street from 7th Street to West Grand Avenue and on Burma Street from West Grand Avenue to the end of the cul-de-sac and \$75,000.00 contingency for emergency and one-time repairs not related to the existing contract; now, therefore, be it

RESOLVED: That the City Council finds and determines that is in the best interest of the City to approve the proposed resolution and waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 to increase the existing contract in order to avoid any significant delays in implementing the new services and provide a seamless transition for the annexed Port of Oakland Parcels; and be it

FURTHER RESOLVED: That the City Council approves and authorizes to increase the existing two year landscape maintenance construction contract with Bay Construction, Inc. by one hundred forty three thousand two hundred (\$143,200.00) from one hundred ninety eight thousand (\$198,000.00) to a total contract amount of three hundred forty one thousand two hundred (\$341,200.00); and be it

FURTHER RESOLVED: That the funding is available from annual appropriations in Fund 2332 (Gateway Industrial Park), Org 30652 (Landscape Maintenance), Project 1004284 (OAB CFD no. 2015-1 Gateway). Project 1004284 receives annual property tax revenue from Community Facilities District (CFD) 2015-1 tenants; and be it

FURTHER RESOLVED: That the contract amendment 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, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, California