



City Attorney's Office

# OAKLAND CITY COUNCIL

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

---

**RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO 1) AJW CONSTRUCTION, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, AND WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD CONSTRUCTION CONTRACTS TO 2) ROSAS BROTHERS CONSTRUCTION AND 3) RAY'S ELECTRIC, THE SECOND AND THIRD LOWEST RESPONSIVE AND RESPONSIBLE BIDDERS, PROVIDED THAT BOTH MEET THE CONTRACTOR'S BID SCHEDULE OF THE LOWEST BID OF AJW CONSTRUCTION, FOR CITYWIDE CURB RAMPS AND SIDEWALK REPAIR IN ACCORD WITH THE PROJECT PLANS AND SPECIFICATIONS AND THE LOWEST BID IN THE AMOUNT OF TWO MILLION, THREE HUNDRED AND NINETY-EIGHT THOUSAND DOLLARS (\$2,398,000) EACH.**

**WHEREAS**, on July 9, 2020, the City Clerk received three bids for the Citywide Curb Ramps and Sidewalk Repair Project; and

**WHEREAS**, the bids for the project were as follows: \$2,398,000.00 by AJW Construction; \$2,458,200.00 by Rosas Brothers Construction, Inc.; and \$2,837,650.00 by Ray's Electric; and

**WHEREAS**, AJW Construction is deemed the lowest responsive and responsible bidder and is recommended for the award; and

**WHEREAS**, the City wishes to negotiate with Rosas Brothers Construction and Ray's Electric, the second and third lowest responsive and responsible bidders, respectively, and to recommend for award with the stipulation that they meet the bid schedule of the lowest bid of AJW Construction, Inc.; and

**WHEREAS**, Oakland Municipal Code ("OMC") section 2.04.050 requires advertising and competitive bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000, and the award to the lowest responsive, responsive bidder if award is made; and

**WHEREAS**, OMC Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interest of the City to do so; and

**WHEREAS**, having multiple contractors will ensure contractor availability to rapidly address priority sidewalk repairs and curb ramp requests received through the on-call ADA request program which is obligated to respond to these requests within 90 days; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, funding for this project will be available in the following project account as part of the current and anticipated FY 2020-22 CIP Budget: in Fund 5332 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project Nos. 1000714, 1001172, and 1001293.

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, AJW Construction, Rosas Brothers Construction, and Ray's Electric comply with all LBE/SLBE and trucking requirements; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts 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 Administrator is authorized to award a construction contract to AJW Construction in accordance with project plans and specifications for Citywide Curb Ramps and Sidewalk Repair 2020-2022 and the contractor's bid schedule in the amount of two million, three hundred and ninety-eight thousand dollars (\$2,398,000) dated July 9, 2020; and be it

**FURTHER RESOLVED**: The City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding for the negotiation and award of contracts to the second and third lowest bidders, Rosas Construction and Ray's Electric per OMC Section 2.04.050.1.5, to ensure contractor availability, additional work constructed at lowest bid unit prices, and the reasons set forth in the staff Report that accompanies this Resolution; and be it

**FURTHER RESOLVED**: That the City Administrator is authorized to negotiate and award construction contracts to Rosas Brothers Construction and Ray's Electric in accordance with project plans and specifications for Citywide Curb Ramps and Sidewalk Repair 2020-2022 provided they meet the July 9, 2020 bid schedule of AJW Construction,

the lowest bidder on the project, in the amount of two million, three hundred and ninety-eight thousand dollars (\$2,398,000) each; and be it

**FURTHER RESOLVED:** That the amount of each bond for faithful performance, \$2,398,000, and the bonds to guarantee payment of all claims for labor and materials furnished and for the amount under the Unemployment Insurance Act, \$2,398,000 with respect to such work are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into a contract with 1) AJW Construction, 2) Rosas Brothers Construction, and 3) Ray's Electric, on behalf of the City of Oakland and to execute any amendments or modifications of the contracts within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Director of Transportation, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the contracts 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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

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