



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: Josh Rowan
Interim Director, OPW

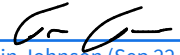
SUBJECT: Three-Year Maintenance Services
Agreement With YES Construction
Group, Inc.

DATE: September 19, 2025

City Administrator Approval

Date:

09/22/2025


Jestin Johnson (Sep 22, 2025 10:17:28 PDT)

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

- 1) Waiving The Formal Advertising And Competitive Bidding Requirements Of OMC § 2.04.050(I)(2) And The RFP/RFQ Requirements Of OMC § 2.04.051(B),**
- 2) Approving And Authorizing The City Administrator To Award And Execute A Three Year Agreement With YES Construction Group, Inc. For Backflow Prevention Device Testing, Certification, And Minor Incidental Repairs At City Facilities In An Amount Not To Exceed \$270,000 For The Period November 1, 2025 Through October 30, 2028, With Two (2) One Year Options To Extend In An Amount Not To Exceed \$90,000 Per Year, For A Total Not To Exceed \$450,000, Subject To The Availability Of Funds; And**
- 3) Adopting Appropriate CEQA Findings**

EXECUTIVE SUMMARY

The Oakland Public Works Department Facilities Services Division (FSD) is responsible for the construction, maintenance, upgrades, emergency repairs, and health/safety compliance for all City facilities, and to support these operations, the division must procure commodities and services from various vendors. To ensure essential services are not interrupted and City facilities remain safe and functional for City staff and clientele, it is essential that the City maintain valid support contracts with sufficient capacity for use at any time. This resolution would award a contract for potable water supply, Backflow Valve testing, and certification services.

Backflow Valve verification and certification is a mandated annual function without which EBMUD will discontinue potable water service. Without freshwater service, a facility is rendered

uninhabitable and must be vacated until the Backflow Valve testing is performed, and the water service may be restored by EBMUD. To prevent any such water shutoff scenarios from occurring at City facilities, Public Works staff recommends that the City Council adopt a resolution to enter into a multiyear agreement with YES Construction Group Inc., a City of Oakland Local Business and Certified Backflow Testers, to provide mandated East Bay Municipal Utility District (EBMUD) water Backflow Valve inspections and certifications at City facilities.

BACKGROUND / LEGISLATIVE HISTORY

Oakland Municipal Code (OMC) 2.04.050 (A) where the cost of services, supplies, or a combination required by the City exceeds fifty thousand dollars (\$50,000.00), the City Clerk shall call for formal bids by advertising.

Oakland Municipal Code (OMC) 2.04.050(I)(2), exceptions to Competitive Bidding, upon a finding in each instance and when calling for bids on a competitive basis is impracticable, the City Council may waive the competitive bidding requirement.

Oakland Municipal Code (OMC) 2.04.051 (B), upon a finding by the City Council or its designee that it is in the best interests of the City, the City Council may waive said RFP/Q requirements for professional services contracts in any amount.

On October 20, 2020, City Council adopted [Resolution No. 88317 C.M.S.](#), awarding Daupler, Inc. a three years contract with two years option to renew while waiving the City's Request For Proposal Requirements Under Oakland Municipal Code ("OMC") Section 2.04.051.B.

On March 19, 2024, and on June 6, 2024, the City Council adopted [Resolution No. 90162 C.M.S.](#) waiving the competitive request for proposal requirements process for PFM Financial Advisors pursuant to Oakland Municipal Code ("OMC") Section 2.04.051.B.

On June 6, 2024, City Council adopted [Resolution No. 90273 C.M.S.](#) awarding Interwest Consulting Group a three years contract with two years option to renew. while waiving the City's Request For Proposal Requirements Under Oakland Municipal Code ("OMC") Section 2.04.051.B.

ANALYSIS AND POLICY ALTERNATIVES

The California Code of Regulations, Title 17 mandates that potable water purveyors such as EBMUD administer a cross-connection control and backflow prevention program, which helps to prevent contamination of potable water from contaminants and exposure to pollution. To comply with this code, the City must hire a contractor certified by EBMUD as an Approved Backflow Valve Verifier to test and certify Backflow Valves at all City facilities with a potable water supply. If these mandated annual certifications are not performed, EBMUD is required to discontinue water service to non-compliant facilities.

The City had previously conducted two Requests for Proposal (RFP) for Backflow Valve testing and certification in 2019 and 2023. For both of these previous RFP's YES Construction Group, Inc. (an EBMUD certified Backflow Valve Verifier and **100% local City of Oakland business**) was the sole bidder and **consecutively** was awarded two contracts of \$249,000 (2019) and \$250,000 (2023). YES Construction Group, Inc. has provided services to the City since 2014 and has proven capable and reliable in administering a cross-connection control and backflow prevention inspection, identifying repair, re-test and produce the EBMUD mandated certificate.

Conducting another request for proposal ("RFP") or request for qualifications ("RFQ") will require a significant amount of the City's staff time and advertising costs. To avoid these unnecessary expenses, based upon the results of the previous two RFP attempts and in the best interest of the City, staff recommends waiving the RFP requirement and awarding YES Construction Group, Inc. a three-year maintenance services contract with an option to renew for two additional years without returning to Council.

If the proposed resolution is not approved, the City will have to conduct a request for proposal ("RFP") or request for qualifications ("RFQ"), which will take **8 to 12 months** to complete. This will also put City at risk of not being able to comply with the EBMUD Backflow certification requirement, which could result in the water supply being shut off at OPW/OakDOT Municipal Service Center and other critical City owned facilities including Police and Fire, as well as Library and Parks and Recreation facilities such as Senior Centers, HeadStart facilities, transitional housing, etc.

The use of these funds will advance the citywide priorities of **vibrant, sustainable infrastructure and improving the quality of life**.

The use of these funds will advance the citywide priority of **holistic community safety** as these services are required at all City facilities, including OPD, OFD, OPW, and OakDOT first-responder locations.

FISCAL IMPACT

Funding for this agreement for **\$90,000** annually is available starting in the Fiscal Year (FY) 25-26 in Fund **4400 - Facilities Services Fund**; ORG **30556 - Facilities Maintenance**; Object **54600**, Project **1000010**.

Approval of this resolution **does not impact the General-Purpose Fund (1010)** and **will not** result in the additional appropriation of funds.

PUBLIC OUTREACH / INTEREST

No outreach was deemed necessary for the proposed policy action beyond the standard City Council agenda noticing procedures.

COORDINATION

The Oakland Public Works Department prepared the requested action. This report and resolution were reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed Resolution will save the City RFP/Advertising cost and City staff time.

Environmental: The proposed Resolution will ensure the water supply at all City facilities including the Oakland Public Works/OakDOT Municipal Service Center, Oakland Police Department PAB and Eastmont stations, and Oakland Fire Department firehouses throughout the City have a fresh water supply that is consistent and clear from cross contamination.

Race and Equity: The proposed Resolution will ensure all City facilities remain functioning and habitable throughout the City, thereby ensuring services are provided consistently and equitably to all Oakland residents and businesses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is categorically exempt from CEQA pursuant to Guidelines §§ 15301 (existing facilities), 15302 (replacement in kind, where applicable), and 15309 (inspections), and staff is directed to file a Notice of Exemption with the Alameda County Clerk.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution:

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- 3) Adopting Appropriate CEQA Findings

For any questions regarding this report, please contact Richard Battersby, Assistant Director, Oakland Public Works, at (510) 615-5856.

Respectfully submitted,



Josh Rowan (Sep 19, 2025 12:53:12 PDT)

Josh Rowan
Interim Director, OPW

Prepared by:

Richard Battersby, Assistant Director
Oakland Public Works