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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL
RESOLUTION NO. 90496 C.M.S.

RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO PRECISION EMPRISE, LLC, DBA PRECISION CONCRETE CUTTING FOR THE CITYWIDE SIDEWALK SHAVING PROJECT (PROJECT NO. 1006640 REBID), THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH PROJECT PLANS, SPECIFICATIONS, STATE REQUIREMENTS, AND WITH CONTRACTOR'S BID IN THE AMOUNT OF NINE HUNDRED THIRTY-SEVEN THOUSAND, FIVE HUNDRED DOLLARS (\$937,500.00); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

WHEREAS, the Citywide Sidewalk Shaving Project (Project No. 10066640 REBID) was advertised on June 14, 2024, and three bids were received by the Office of the City Clerk on July 11, 2024; and

WHEREAS, Precision Emprise, LLC, dba Precision Concrete Cutting is deemed the lowest, responsive and responsible bidder for the Project with a bid of \$937,500.00, and the bid is compliant with the City's Local Business Enterprise/Small Local Business Enterprise (L/SLBE) participation requirement.; and

WHEREAS, funds for the work are available in Project No. 1006640, Organization 92242, Fund 2218 (Measure BB), Account 57411 (Street Construction); and

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 Council finds and determines that 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, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 1080.25(b)(1) (pedestrian and bicycle facilities, including new facilities), and pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment), each as a separate and independent basis; now therefore, be it

RESOLVED: That the City Administrator is authorized to award a construction contract to Precision Emprise, LLC, dba Precision Concrete Cutting the lowest, responsible, and responsive bidder in accordance with project plans, specifications, state requirements, and contractor's bid dated July 11, 2024, for the Citywide Sidewalk Shaving Project (Project No. 1006640 REBID), in the amount of nine hundred thirty-seven thousand, five hundred dollars (\$937,500.00), contingent upon funding availability; and be it

FURTHER RESOLVED: That the City Council finds and determines that the decision made hereby is exempt from CEQA, on a separate and independent basis pursuant to Public Resources Code Section 1080.25(b)(1) (pedestrian and bicycle facilities, including new facilities), and pursuant to CEQA Guidelines Sections 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment) and therefore, the decision made hereby is made in conformance with the requirements of CEQA; and be it

FURTHER RESOLVED: That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and of the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve and execute any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements and execute all related actions for the completion of the Project without return to the City Council; and be it

FURTHER RESOLVED: That the plans and specifications prepared for the Project, including any subsequent changes during construction, are/will be reviewed and adopted by the Director of the Department of Transportation, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the contract 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: **NOV 12 2024**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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