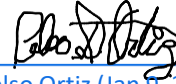


APPROVED AS TO FORM AND  
LEGALITY



Celso Ortiz (Jan 9, 2024 15:02 PST)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

**RESOLUTION NO.**

**C.M.S.**

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**AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONTRACT TO MOELLER BROS. BODY SHOP, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, A NON-LOCAL BUSINESS ENTERPRISE, IN AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000) PER YEAR TO PROVIDE COLLISION REPAIR AND BODY SHOP SERVICES FOR HEAVY AND LIGHT EQUIPMENT VEHICLE FLEET FOR A THREE (3) YEAR TERM, JANUARY 1, 2024 TO DECEMBER 31, 2027, AND AUTHORIZE TWO (2) ADDITIONAL ONE (1) YEAR AGREEMENT EXTENSIONS FOR AN AMOUNT OF ONE MILLION DOLLARS (\$1,000,000) PER YEAR FOR A TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF FIVE MILLION DOLLARS (\$5,000,000) FOR A TERM OF FIVE (5) YEARS WITHOUT RETURNING TO COUNCIL AND WAIVE THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS.**

**WHEREAS**, the Oakland Public Works, Bureau of Maintenance and Internal Services, Equipment Services Division occasionally requires the services of an outside company to complete work on damaged vehicles and equipment in a timely manner; and

**WHEREAS**, on October 3, 2023, Specification No. 24-928-00/ RFQ: 271237 for light equipment collision repair and body shop services, was sent to nine (9) local business and ten (10) non-local business enterprises, posted on the City's web page and advertised in the City's official newspaper in accordance with Oakland Municipal Code (OMC) 2.04.050.

**WHEREAS**, on November 13, 2023, the City received three bids for Specification No. 24-928-00/ RFQ: 271237 from three (3) non-local businesses. Based on the information provided in response to RFQ 271237, Moeller Bros. Body Shop was deemed the lowest responsible bidder; and

**WHEREAS**, on October 2, 2023, Specification No. 24-928-00 /RFQ 271233 for heavy equipment collision repair and body shop services, was sent to seven (7) local business and seven (8) non-local business enterprises, posted on the City's web page, and advertised in the City's official newspaper in accordance with Oakland Municipal Code (OMC) 2.04.050.

**WHEREAS**, on November 6, 2023, the City received two bids for Specification No. 24-928-00 /RFQ 271233 from two (2) non-local businesses. Based on the information provided in response to RFQ 271233, Moeller Bros. Body Shop was deemed the lowest responsible bidder; and

**WHEREAS**, Ordinance number 13640 C.M.S. and 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (“LBE/SLBE”) participation for all purchase of commodities, goods, and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work. However, the Council may waive the City’s LBE/SLBE requirements due to a lack or limited availability of LSBEs or LBEs and because it is in the best interests of the City to do so.

**WHEREAS**, Staff has not been able to identify any of the certified LBE/SLBEs that can perform the services to the City that are required under this contract. Thus, staff requests that the Council waive the LBE/SLBE utilization requirements for this proposed contract award on this basis and because it is in the best interests of the City to do so because of the reasons discussed in this report.

**WHEREAS**, failure to award this contract would create a backlog of equipment that is out of service and could possibly leave first responders and other crucial personnel without tools to complete City services.

**WHEREAS**, the Oakland Public Works Department (OPW), Bureau of Maintenance and Internal Services (BMIS), Equipment Services Division is responsible for the maintenance of all City vehicles and equipment; and

**WHEREAS**, all proposed contract expenditure allocations shall be expensed to the Oakland Public Works, Bureau of Maintenance and Infrastructure Services, Equipment Services Fund (4100) Project (1000010) Equipment Services Administration Organization (30541), and

**WHEREAS**, the City lacks the specialized personnel to perform the necessary work, that the performance of this contract is in the public interest because of the 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

**RESOLVED:** The City Administrator is hereby authorized to award a contract to Moeller Bros. Body Shop, the lowest responsive and responsible bidder, in an amount not-to-exceed one million dollars (\$1,000,000) per contract year for a three (3) year term; and

**FURTHER RESOLVED:** The City Administrator may elect to extend all or part of this contract for an additional two one-year period, with terms and conditions remaining the same in an amount not-to-exceed one million dollars, (\$1,000,000) per year for a total not-to-exceed contract amount of five million dollars (\$5,000,000) for a term of five (5) years. The contractor will have the right to accept or reject any proposed contract extension; and be it

**FURTHER RESOLVED:** That the City Council hereby rejects all other bids submitted in response to Specification No. 24-928-00/ RFQ: 271237 for Light Equipment Collision Repair and Body Services and Specification No. 24-928-00 /RFQ 271233 to provide Heavy Equipment Collision Repair and Body Shop Services; 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:

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

NOES-  
ABSENT-  
ABSTENTION-

ATTEST: \_\_\_\_\_

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