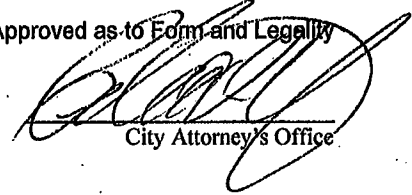


ATTACHMENT D

Approved as to Form and Legality



City Attorney's Office

As revised by the City Council at its May 21, 2019 meeting

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. 87704 C.M.S.**

**INTRODUCED BY COUNCILMEMBER \_\_\_\_\_**

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AWARD ALL PAVING AND CONCRETE CURB CONSTRUCTION CONTRACTS THAT FOLLOW ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ARE AWARDED IN DIRECT SERVICE OF DELIVERING THE 2019 THREE YEAR PRIORITIZATION PLAN IN A TOTAL AMOUNT NOT TO EXCEED THIRTY FIVE MILLION DOLLARS, WITHOUT RETURN TO COUNCIL**

**WHEREAS**, with the passage of Measure BB and Measure KK, the City has funding capacity to significantly increase repaving operations through contracted work; and

**WHEREAS**, Measure KK states, among other things, the voters' intent to use bond funds to "expand the capacity of City staff to undertake various types of capital improvement work" and that "[p]roceeds of the bonds may be used to pay or reimburse the City for the costs of City staff when they are performing work on or necessary and incidental to the bond projects"; and

**WHEREAS**, significant efforts are underway to ensure the paving program can deliver a record volume of paving in the next three years; and

**WHEREAS**, the majority of this construction will utilize paving and concrete curb contracts, including an estimated 20 bid processes over three years; and

**WHEREAS**, current bid-award processes add six months of delay to before construction may begin, including 1.5 months for Council Award of Contracts which over the course of 20 contracts equates to 30 months of delay within a 36-month paving plan timeline; and

**WHEREAS**, the City Council finds and determines that all applicable steps should be taken to streamline project delivery of the \$100 Million in paving construction prioritized by the Three-Year Pavement Prioritization Plan; and

**WHEREAS**, the City Council finds and determines that quickly advancing paving and concrete curb contracts that have followed the provisions of the City Charter and Oakland Municipal Code Chapter 2.04 ("Oakland Purchasing Ordinance") and all applicable City contracting programs to ensure fair and competitive bidding practices is in the best interest of the City; and

**WHEREAS**, the City Council finds and determines that the performance of paving and concrete curb contracts awarded under the provisions of this resolution 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 all paving and concrete curb construction contracts in the direct service of the Three-Year Pavement Prioritization Plan that follow the City of Oakland's fair and competitive bidding requirements; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to enter into paving and concrete curb contracts on behalf of the City of Oakland in the service of the Three-Year Pavement Prioritization Plan and to execute any amendments or modification of the contract within the limitation of the project specification in a total amount not to exceed thirty-five million dollars; and be it

**FURTHER RESOLVED:** That with each paving and concrete curb contract let under these provisions, the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision; and be it

**FURTHER RESOLVED:** That the Plans and Specifications prepared for paving and concrete curb construction projects in the direct service of the Three-Year Pavement Prioritization Plan, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the City shall comply with all labor agreements between the City and its unions, complying with any noticing requirements for any upcoming contracts, in letting each paving and concrete curb contract under this Resolution; and be it

**FURTHER RESOLVED:** That the City administration commits to regularly meeting with SEIU, Local 1021 representatives within thirty days of the passage of this resolution and every three months thereafter, unless cancelled by mutual agreement, to

discuss in-house paving and concrete curb construction for the Three-Year Plan, including potential efforts to increase the city's in-house proportion of paving and concrete curb construction for the remaining approximately sixty-five million dollars of paving work and beyond; and be it

**FURTHER RESOLVED:** That the City Administration commits to report back within ninety days with a specific goal for in-house City staff and for Local and Small Local Businesses with respect to paving and concrete curb construction and will provide updates on the status of the contracts to the City Council within ninety days of passage of this Resolution and every six months thereafter; and be it

**FURTHER RESOLVED:** That all paving and concrete curb contracts executed under the provisions of this resolution shall be reported to City Council on a biannual basis; and be it

**FURTHER RESOLVED:** That all contracts executed under this resolution 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,

**MAY 21 2019**

PASSED BY THE FOLLOWING VOTE:

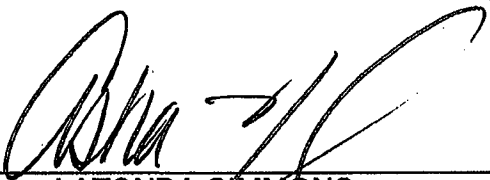
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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