

# OAKLAND CITY COUNCIL

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

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**RESOLUTION:**

**(1) AMENDING AND INCREASING THE CONTRACT WITH ARGENT MATERIALS IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) UNTIL JUNE 2023, WITH AN OPTION TO EXTEND THE AGREEMENT FOR AN ADDITIONAL TWO-YEAR PERIOD IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWO MILLION DOLLARS (\$2,000,000) OVER FOUR (4) YEARS; AND**

**(2) WAIVING ADVERTISING, BIDDING AND THE LOCAL AND SMALL LOCAL BUSINESS PARTICIPATION REQUIREMENTS; AND**

**(3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the Oakland Department of Transportation performs pavement and sidewalk construction on City streets, requiring the disposal of asphalt, concrete and aggregate base materials; and

**WHEREAS**, procuring services for material disposal is an essential element of the 5-Year Paving Plan (Resolution No. 88975 C.M.S.); and

**WHEREAS**, the City conducted a request for quotations (SPECIFICATION NO. 21-745-00/RFQ 262661-2) to ten (10) identified firms to provide materials disposal service; and

**WHEREAS**, the City received one proposal from Argent Materials, Oakland; and

**WHEREAS**, following an evaluation of the RFQ respondents, Argent Materials' proposal was found to be fair and reasonable for the disposal of asphalt and concrete materials in accord with Specification No. 21-745-00/RFQ 262661-2; and

**WHEREAS**, in June 2021 Argent Materials was awarded a contract in the amount of \$250,000 which is within the authority of the City Administrator; and

**WHEREAS**, a multi-year purchasing contract streamlines the procurement of essential materials for paving; and

**WHEREAS**, funds for the purchase of paving materials are available in the FY 2021-23 Budget in Fund 5332 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project No. 1005420; 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 responsible, responsive bidder if award is made; 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**, 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

**WHEREAS**, staff recommends that it is in the best interests of the city to waive further advertising and bidding requirements because the staff time and expense to readvertise will result in delays to paving and construction work, and may not yield a more favorable bid; further, Argent is a certified local firm and is prepared to provide the needed service; and

**WHEREAS**, a purchase contract is not considered a project under the California Environmental Quality Act (CEQA), and therefore is not subject to CEQA review; now, therefore, be it

**RESOLVED:** That the Council finds that pursuant to Oakland Municipal Code Section 2.04.050.I.5, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the city to waive further advertising and bidding for the goods and services to be purchased under the proposed contract and so waives the requirements; and be it

**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator to amend the existing contract with Argent Materials, a certified LBE firm, and increase it in an amount not-to-exceed \$1,000,000 for a two-year term until June 30, 2023, in accordance with Specification No. 21-745-00/RFQ 262661-2 and Argent's proposal; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to exercise in their sole discretion, an option for one (1) additional two-year extension in an amount not-to-exceed \$1,000,000 for a total not to exceed contract amount of \$2,00,000 over a four-year term; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that this Argent Materials purchase contract is not considered a project under the California Environmental Quality Act (CEQA), and therefore is not subject to CEQA review; and be it

**FURTHER RESOLVED:** That The City Council directs the City's Environmental Review Officer to file a Notice of Exemption with the Clerk of the County of Alameda; and be it

**FURTHER RESOLVED:** That the contract and amendments authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and shall be placed on file in the office of the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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

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