

# OAKLAND CITY COUNCIL

  
Celso Ortiz (Nov 7, 2022 11:12 PST)

City Attorney

**RESOLUTION NO.**

**C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION: (1) AWARDING A CONTRACT TO KELLY’S TRUCK REPAIR, THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, TO PROVIDE VEHICLE DIAGNOSTIC AND REPAIR SERVICES IN THE AMOUNT NOT-TO-EXCEED \$650,000 PER YEAR FOR A TWO-YEAR TERM, NOVEMBER 1, 2022 TO OCTOBER 30, 2024, WITH TWO (2) OPTIONSTO EXTEND THE AGREEMENT ANNUALLY, FOR UP TO TWO (2) ONE-YEAR PERIODS IN AN AMOUNT NOT-TO-EXCEED \$650,000 PER YEAR FOR A TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF ~~\$2,600,000~~ \$1,300,000 OVER A FOUR TWO-YEAR TERM; AND (2) WAIVING THE LOCAL BUSINESS/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM UTILIZATION REQUIREMENT**

**WHEREAS**, the Oakland Public Works Bureau of Maintenance and Internal Services Equipment Services Division requires the services of an outside company to provide support and services to reduce the heavy equipment’s out-of-service or downtime; and

**WHEREAS**, on August 19, 2022, Specification No. 22-928-00/Request For Quotation (RFQ) No. 269219 to provide vehicle diagnostic and repair services to City owned light and heavy-duty vehicles was sent to four (4) local business enterprises and one (1) non-local business enterprises, posted on the City's webpage, and advertised in the City's official newspaper in accordance with Oakland Municipal Code (OMC) 2.04.050; and

**WHEREAS**, between September 1, 2022, and September 6, 2022, the City Clerk’s Office received two (2) bid proposals for Specification No. 22-928-00/RFQ No. 269219 to provide vehicle diagnostic and repair services to City owned light and heavy-duty vehicles; and

**WHEREAS**, a panel of three qualified employees with experience in the scope of services identified in the RFQ evaluated the submittals. Based on the panel’s evaluation results, contract requirements, and contract capacity needs, a recommendation was made that Kelly’s Truck Repair was deemed the lowest responsive and responsible bidder to provide vehicle diagnostic and repair services to City owned light and heavy-duty vehicles; and

**WHEREAS**, Ordinance number 13640 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; and,

**WHEREAS**, the Council may waive the City’s LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited

availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

**WHEREAS**, staff has not been able to identify LBE/SLBEs that can provide the vehicle diagnostic and repair services to City owned light and heavy-duty vehicles and provide the products or perform the services that are required under this contract; and

**WHEREAS**, neither of the two bidders that submitted bid proposals were certified LBEs and thus did not receive any preference points; and

**WHEREAS**, the City Council finds and determines that the services provided pursuant to the contracts authorized hereunder are of a professional, scientific or technical nature and are temporary; and

**WHEREAS**, the awarding of these contracts will not result in the loss of salary or employment by any person having permanent status in the competitive service; and

**WHEREAS**, all proposed contract expenditure allocations shall be expensed to the Oakland Public Works Bureau of Maintenance and Internal Services Equipment Services Division Fund (4100) Equipment Services Administrations System Organization (30541), Repair and Maintenance: Miscellaneous (54619); now, therefore be it

**RESOLVED:** That because of the lack of availability of any LBE/SLBEs that can provide the vehicle diagnostic and repair services to City owned light and heavy-duty vehicles and provide the products or perform the services that are required under this contract, the LBE/SLBE utilization requirement is hereby waived; and be it

**FURTHER RESOLVED**, that the City Council hereby awards a contract to provide vehicle diagnostic and repair services in the amount not-to-exceed \$650,000 per year for a two-year term, November 1, 2022 to October 30, 2024, ~~with two (2) options for the City Administrator to extend, at his or her sole discretion, the agreement annually, up to two (2) one-year periods in an amount not-to-exceed \$650,000 per year for a total not-to-exceed contract amount of \$2,600,000~~ \$1,300,000 over a ~~four~~ two year term; and be it

**FURTHER RESOLVED**, That the contract ~~extension~~ and Resolution shall be approved for form and legality by the City Attorney and copies shall be on file in the City Clerk's Office.

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