

  
Celso Ortiz (Apr 27, 2023 16:26 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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### RESOLUTION AUTHORIZING:

- (1) **THE CITY ADMINISTRATOR TO EXECUTE CONSTRUCTION CONTRACTS FOR ON-CALL SANITARY SEWER CONSTRUCTION SERVICES THAT FOLLOW ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ARE AWARDED IN DIRECT SERVICE OF DELIVERING THE ON-CALL SANITARY SEWER CONSTRUCTION SERVICES FOR A DURATION OF THREE YEARS TO THE FOLLOWING TIERS, WITHOUT RETURN TO CITY COUNCIL:**
  - (A) **TIER 1 FIRMS EACH FOR AN AMOUNT NOT-TO-EXCEED SEVEN MILLION DOLLARS (\$7,000,000.00) ANNUALLY TO QUALIFIED CONTRACTORS; AND**
  - (B) **TIER 2 FIRMS EACH FOR AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000.00) ANNUALLY TO QUALIFIED CONTRACTORS; AND**
- (2) **ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the Environmental Protection Agency (EPA) mandates reduction of sanitary sewer overflows during storm events in the 2014 Consent Decree (Case Nos. C09-00186 and 09-05684); and

**WHEREAS**, under the 2014 Consent Decree, the City of Oakland (City) is required to replace an average annual rate of 13 miles of sanitary sewer mains and rehabilitate connected maintenance hole structures; and

**WHEREAS**, to comply with the 2014 Consent Decree, the City has implemented a long-term sanitary sewer capital improvement program (CIP) to improve its aging infrastructure; and

**WHEREAS**, due to the limited selection of contractors available to perform the mandated work, Oakland Public Works coordinated with the Department of Workplace and Employment Standards to conduct an extensive outreach to all thirteen (13) certified local and small local businesses and contractor community to develop additional qualified contractors and understand how to better structure its contracts to encourage more local and small local contractor participation; and

**WHEREAS**, the City Council finds and determines that adding on-call construction contracts are essential to delivering these projects promptly, efficiently, and cost-effectively by establishing a pool of contractors that are qualified to perform sanitary sewer construction work; and

**WHEREAS**, the City Council finds and determines that quickly advancing these construction 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 City lacks the equipment and qualified personnel to perform the necessary work, and the performance of this contract is in the public interest because of the economy or better performance; and

**WHEREAS**, the City Council finds and determines that the performance of sanitary sewer construction 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 construction contracts in the direct service of the On-Call Sanitary Sewer Construction Services that comply with the City's fair and competitive bidding requirements, without return to City Council, including Section 14.16.2 of the current Memorandum of Understanding between the City and Service Employees International Union (SEIU) Local 1021; and be it

**FURTHER RESOLVED:** The City Administrator is hereby authorized to execute construction contracts with qualified contractors for on-call, and as-needed, sanitary sewer construction services. The contract agreement for Tier 1 contractors will be for an amount not to exceed seven million dollars (\$7,000,000) annually for three-year terms; and the contract agreement for Tier 2 contractors will be for an amount not to exceed one million dollars (\$1,000,000) annually for three-year terms, without return to Council; and be it

**FURTHER RESOLVED:** That all construction contracts awarded under this resolution shall meet the City's Local and Small Local Business Enterprise Program requirements; and be it

**FURTHER RESOLVED:** That on-call construction contracts enable the City to deliver capital improvement projects promptly, efficiently, and in a cost-effective manner by establishing a pool of contractors that are qualified to perform general construction work; and be it

**FURTHER RESOLVED:** That approval of these on-call construction 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 be it

**FURTHER RESOLVED:** The approval of the contract agreements will not result in the additional appropriation of funding, and no additional funding is requested. The sanitary sewer on-call and as-needed construction services are for Oakland Public Work's sanitary sewer capital improvement projects funded by Sewer Service Funds 3100. Available funding will be identified for each individual task order prior to the performance of the construction services. There is no impact on the General Purpose Fund, and no additional funding is requested; and be it

**FURTHER RESOLVED:** Oakland Public Works will issue a Request For Qualifications for Sanitary Sewer Construction Services on an annual basis, to allow new contractors an opportunity to join the existing on-call pool; and be it

**FURTHER RESOLVED:** That the Plans and Specifications prepared for construction projects in the direct service of the On-call Sanitary Sewer Construction Services, including any subsequent changes during construction, reviewed and adopted by the Director of the Department of Public Works are hereby approved; and be it

**FURTHER RESOLVED:** That City Council has reviewed the proposed project and independently finds and determines that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the projects named in this Resolution; and be it

**FURTHER RESOLVED:** The City Administrator is hereby authorized to approve and execute any additional on-call contracts issuance through the annual qualification process provided that additional contracts added shall be filed with the City Clerk's Office and provided that an annual supplemental report shall be submitted to Council on the annual qualification result; and be it

**FURTHER RESOLVED:** The City Administrator is hereby authorized to approve and execute any subsequent amendments to or extensions of said contracts, with the exception of those related to an increase in total compensation, provided that such amendments or extensions shall be filed with the City Clerk's Office; 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
Asha Reed  
City Clerk and Clerk of the Council  
of the City of Oakland, California