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APPROVED AS TO FORM AND LEGALITY

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OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

*DRAFT SUBMITTED BY CITY ATTORNEY
TO CONFORM DOCUMENT TO FORMATTING REQUIREMENTS
PURSUANT TO O.M.C. SECTION 2.20.080.G*

OAKLAND CITY COUNCIL

RESOLUTION NO. 90114 C.M.S.

RESOLUTION WAIVING THE REQUEST FOR PROPOSAL/ QUALIFICATION REQUIREMENTS AND AWARDING A PROFESSIONAL SERVICES CONTRACT TO BAYVIEW INDUSTRIAL SERVICES, INC. FOR ON-CALL EMERGENCY AND NON-EMERGENCY COLLECTION, REMOVAL, AND DISPOSAL OF HAZARDOUS MATERIALS FOR A ONE-YEAR TERM IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000), WITH AN OPTION TO RENEW THE AGREEMENT FOR AN ADDITIONAL ONE-YEAR TERM IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000), FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000)

WHEREAS, hazardous materials in the public right-of-way, especially biohazards, have a direct impact on businesses and residences and are increasingly costly to mitigate; and

WHEREAS, the health risks and environmental devastation, including water, air and soil pollution, that hazardous materials cause is a primary concern; and

WHEREAS, the City released a Request for Proposal (RFP) for emergency and non-emergency hazardous material collection services in 2015, 2016 and 2019;

WHEREAS, the City received three responses to the 2015 RFP and Bayview Industrial Services, Inc. ("Bayview") was found to be the most qualified to perform _hazardous materials services for the City; and

WHEREAS, the City did not receive any responses to the RFP issued in 2016 and Bayview was the only company that responded to the 2019 RFP; and

WHEREAS, pursuant to the City Administrators authority under Oakland Municipal Code section 2.04.020, the City entered into an agreement with Bayview to provide on-call emergency and non-emergency hazardous materials services for the City which will expire in June 2024, but due to the expected rate of spending, the funds will exhaust on this contract much sooner and thus a new contract is necessary to ensure no gaps in service; and

WHEREAS, the City's handling of hazardous material currently spans multiple departments as follows:

- The Police Department routinely requires cleaning of vehicles that includes reclamation of human waste;
- The Fire Department is responsible for addressing hazardous material that is abandoned in the public right-of-way and maintains a storage facility for that material, and the collection of that material has historically been handled by an outside contractor once the department verifies that the material does not pose an immediate emergency in the public right-of-way; and
- The Public Works Department's Environmental Services Division oversees compliance issues across the City and retains a separate contractor to remove hazardous waste generated through the City's own operations (e.g., Facilities, Keep Oakland Clean and Beautiful, and Department of Transportation), and the Equipment Services Division relies on yet another vendor to dispose of waste oil generated from its maintenance of the City's vehicle pool; and

WHEREAS, this separation of responsibilities is inefficient and has in some instances created confusion over hazardous materials collection and removal protocols; and

WHEREAS, the services outlined in this contract align with the citywide priority of providing responsive trustworthy government, and holistic community safety; and

WHEREAS, developing a more efficient system to address these hazards quickly will reduce costs to the City and improve economic development opportunities on impacted commercial corridors; and

WHEREAS, the City's Hazardous Materials Working Group (Working Group) is undergoing an evaluation of the handling of hazardous materials across all relevant departments with an intended goal of creating an improved, better coordinated and more efficient system; and

WHEREAS, the process may be lengthy and will include a methodical evaluation of the City's hazardous materials handling system, with improvements being made to address any inefficiencies that may be found; and

WHEREAS, in the meantime, the City needs to ensure that collection, removal and disposal of hazardous materials continues uninterrupted; and

WHEREAS, over the years hazardous materials incidents have primarily been associated with homeless encampment sites, but they are becoming more common in other public areas, such as city streets, parks, and sidewalks; and

WHEREAS, Bayview has the capacity to respond to and remediate hazardous material incidents, including those involving biohazards, in homeless encampments as well as public streets, sidewalks and parks and, to date, Bayview has provided reliable and efficient hazardous materials services to the City; and

WHEREAS, pursuant to Oakland Municipal Code section 2.04.051.B, the City Council may waive Request for Qualification/Proposal (RFP/Q) requirements for professional services contracts if it finds that it is in the City's best interest to do so; and

WHEREAS, staff recommends that City Council waive the RFP/Q requirements and award a contract to Bayview Industrial Services Inc. for on-call emergency and non-emergency hazardous materials collection, removal and disposal services for a one-year term in an amount not to exceed Five Hundred Thousand dollars (\$500,000), with an option to renew the contract for an additional one-year term in an amount not to exceed Four Hundred Thousand dollars (\$500,000); and

WHEREAS, the cost for the contract will be shared by the Fire Department and the Public Works Department and funding for the contract is available in the operations and maintenance budgets of each department; now, therefore, be it

RESOLVED: That, for the foregoing reasons, City Council finds and determines that it is in the City's best interest to waive RFQ/P requirements and award a contract to Bayview Industrial Services Inc. for on-call emergency and non-emergency hazardous materials collection, removal and disposal services; and be it

FURTHER RESOLVED: That the City Council hereby waives the RFP/Q requirements and awards a contract to Bayview Industrial Services Inc. (also known as Bay View Environmental Services, Inc.) for on-call emergency and non-emergency hazardous materials collection, removal and disposal services for a two-year term in an amount not to exceed Five Hundred Thousand dollars (\$500,000), with an option to renew the contract for an additional one-year term in an amount not to exceed Five Hundred Thousand dollars (\$500,000) for a total contract amount not to exceed One Million dollars (\$1,000,000); and be it

FURTHER RESOLVED: That the City Administrator or their designee is authorized to conduct all negotiations; execute and submit all documents, including but not limited to applications, agreements, and payment requests, and to take any other action consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, the agreement authorized by this Resolution shall be reviewed and approved as to form and legality by the City Attorney and executed copies shall be filed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **FEB 20 2024**

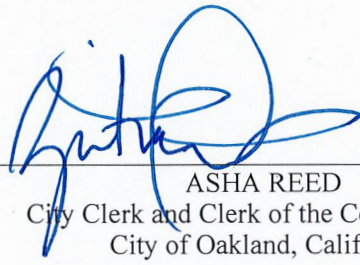
A YES - FIFE, GALLO, KALB, KAPLAN, REID, JENKINS, RAMACHANDRAN AND PRESIDENT FORTUNATO BAS **-8**

NOES **4**

ABSENT **0**

ABSTENTION **-**

ATTEST:



ASHA REED

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