

CITY OF OAKLAND

# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Josh Rowan  
Director, Oakland  
Department of  
Transportation

**SUBJECT:** On-Call Small Sidewalk Construction  
Services

**DATE:** February 24, 2025

City Administrator Approval

  
Jestin Johnson (Mar 27, 2025 09:30 PDT)

Date: Mar 27, 2025

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Execute Agreements For On-Call Construction Services For Small Sidewalk Construction Projects With 1) Cooper Construction And Engineering, Inc; 2) Depth Concrete, Inc; And 3) Lara's Concrete, Inc.; Each For A Period Of One (1) Year, With An Option For Two (2) One-Year (1) Renewal Periods, For A Total of Three (3) Years, And Each For An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Annually, For A Cumulative Annual Allocation Not To Exceed One Million Five Hundred Thousand (\$1,500,000) Dollars, Or Four Million Five Hundred Thousand (\$4,500,000) Dollars Over Three (3) Years; Waiving Further Advertisement And Competitive Bidding; And Adopt Appropriate California Environmental Quality Act Findings.**

## EXECUTIVE SUMMARY

The Oakland Department of Transportation (OakDOT) facilitates the maintenance of sidewalk, curb, and gutter citywide to ensure pedestrian accessibility under the Americans With Disabilities Act. Due to the varied nature, limited and unpredictable scope, and urgency of some projects, such as to meet required timelines for expedited sidewalk replacement by persons with disabilities, on-call construction contracts are helpful for delivering small projects promptly, efficiently, and in a cost-effective manner. This Small Sidewalk Construction Services On-Call establishes a pre-qualified list of local businesses to perform sidewalk reconstruction and was created to encourage development of small Oakland construction businesses and task orders under the on-call will be rotated amongst contract holders. Scopes of work under the proposed agreement include, but are not limited to, sidewalk removal and replacement, tree root

pruning, tree stump removal, curb and gutter replacement, and other associated sidewalk work.

Approval of the proposed resolution will authorize the City Administrator or designee to execute a construction services agreement with pre-qualified construction firms for a period of three, one-year terms to provide on-call construction services.

## **BACKGROUND / LEGISLATIVE HISTORY**

Ensuring sidewalks are free from defects, hazards, and uplifts is a key action toward compliance with the federal Americans with Disabilities Act (ADA). Locally, sidewalk repair priorities are established by the City's adopted Sidewalk Prioritization Program (Resolution No. [81751 C.M.S](#)) and *Oakland Walks*, the citywide pedestrian plan (Resolution No. [86809 C.M.S.](#)), both of which prioritize accessible sidewalks near transit, schools, medical centers, and city buildings.

## **ANALYSIS AND POLICY ALTERNATIVES**

On June 21, 2024 the city issued a Request for Qualifications (RFQ) advertising a contract not to exceed five hundred thousand dollars (\$500,000.00) annually for three, one-year terms, with an approximate per task order amounts of two hundred and fifty thousand dollars (\$250,000.00). Statements of Qualification were due on October 10, 2024, to provide significant time for new contractors to prepare their submittals.

The on-call construction services will complement City staffing to deliver a range of small sidewalk construction projects. Services include, but are not limited to the following:

- Remove and replace sidewalk
- Remove and replace curb and gutter, including curb painting
- Construct new sidewalk, curb and gutter
- Street tree removal, replacement, and pruning
- Tree planting, including maintenance, trimming, and root pruning
- Traffic control
- Curb ramp removal and reconstruction
- Sawcut and pavement removal
- Depression repair
- Backfill and compaction, minor earthwork, and site grading
- Site and work area restoration, and clean up
- Landscaping and irrigation devices
- Reinstallation or replacement of drainage devices, sidewalk furniture, or fixtures
- Fencing and site security

- Surveying
- Relocation of subsurface utility structures

Statements of Qualifications (SOQ) were received from Cooper Construction and Engineering, Inc.; Dawson Construction Management; Depth Construction, Inc; Lara’s Concrete, Inc; and Pacific General Engineering. SOQs were evaluated based on the published evaluation rubric in the RFQ package, including 1) Professional Licenses; 2) Disputes; 3) Criminal Matters and Suits; 4) Compliance With Safety, Workers Compensation, Prevailing Wage and Apprenticeship Laws; 5) Business and Organizational Experience; Project/Contract Experience and Reference Review; and 6) Additional Preference Points Based on Tenure and Workforce Composition.

Upon evaluation, staff recommends awarding on-call contracts to Cooper Construction and Engineering, Depth Concrete, Inc, and Lara’s Concrete, Inc. **Table 1** provides a scoring summary for qualified firms. Dawson Construction Management and Pacific General Engineering were not scored, as the firms did not meet the minimum license requirement or submitted an incomplete SOQ.

**Table 1: Average SOQ Scores**

Evaluation Criteria	Cooper Construction and Engineering	Depth Concrete	Lara’s Concrete Inc.
<b>Criteria # 1 (20 Points Max):</b> Licenses; disputes; criminal matters and suits	18.7	18.7	20.0
<b>Criteria # 2 (40 Points Max):</b> Compliance with safety, workers compensation, prevailing wage and apprenticeship laws	35.7	35.7	34.7
<b>Criteria # 3 (40 Points Max):</b> Business and organizational experience; project/contract experience and reference review	32.0	25.0	31.0
<b>Criteria # 4 (7.5 Points Max):</b> Additional preference points based on tenure and workforce composition	2.0	2.0	2.0
<b>Total Average Score</b>	88.3	81.3	87.7

The City utilizes on-call construction services through a competitive process in accordance with **Oakland Municipal Code Section 2.04.045**. However, the process requires competitive bidding with each task order award. Aligning with feedback

received from small business focus groups and modeled after a similar and successful program in Los Angeles, staff recommend City Council waive this requirement and enable task orders under this on-call to be assigned to contractors on a rotating basis. The rotation will be established through a random drawing conducted by OPW Capital Contracts Division at the time the on-call is executed.

Each task order package is intended to be between \$200,000 and \$300,000. Each contractor on the list will be paid the stipulated unit price for each item of work in the task order package ensuring that each contractor is paid the same for the same work, making rotation amongst contractors possible.

Under current Local/Small Local Business Enterprise (L/SLBE) program requirements, contractors performing work under the proposed on-call must satisfy the City's 50% local or small local business enterprise minimum participation requirement on a task order basis. Of the 50% minimum participation, 25% must be made by a small or very small firm. Before a task order is executed under this on-call, the prime contractor will be required to submit a schedule listing applicable subcontractor and/or supplier L/SLBE status. Of the three contractor firms (**Table 2**) recommended in this report, only Depth Concrete is a certified local business as of this report writing. Firms may apply for new or renewed certified local status at any time.

**Table 2: Current L/SLBE Status of Proposed On-Call Firms**

Firm	Current L/SLBE Status
Cooper Construction and Engineering	Not Certified
Depth Concrete	VSLBE
Lara's Concrete	Not Certified

To account for inflation or other changes to construction markets, each January for the life of this pre-qualified list, DOT will review the U.S. Department of Labor, Bureau of Labor Statistics Economic News Release for Materials and Components for Construction (<http://www.bls.gov/news.release/ppi.t02.htm>). If the index has increased, DOT will adjust accordingly the stipulated unit prices that will be paid to the contractors. Contractors will be informed of any changes to the stipulated unit prices, and work packages assigned after this time will be paid at the adjusted stipulated unit price rates.

Overall, this approach provides predictability for contractors and the City, and it reduces the barriers to entry for new contractors in preparing extensive construction bids for task orders they may not be awarded. **For this reason, staff recommend that the City Council waive further advertisement and competitive bidding, so that the on-call can be implemented on a rotational basis.**

The services of the on-call will be employed in response to public requests from persons with disabilities, to address dangerous sidewalk conditions adjacent to private

property, and to enable citywide compliance with the ADA, supporting Citywide priorities of **holistic community safety and building vibrant, sustainable infrastructure**.

Work under this on-call will also employ the City's proactive approach to sidewalk repair. Under this approach, property owners receive a Notice to Repair that documents damage to the sidewalk adjacent to their property and are offered the opportunity to establish a voluntary reimbursement agreement with the City, paying the City's contract price for sidewalk replacement.

### **FISCAL IMPACT**

Each of the awarded contractors will be executed in an amount not to exceed \$500,000 each year for a three-year period, for a cumulative allocation not to exceed \$1,500,000 per year, or \$4,500,000 over three years if all contract renewals are exercised. Contract expenditure allocations shall be expensed from reappropriated Measure BB funds for sidewalk replacement per Resolution No. [90551 C.M.S.](#) and any subsequently adopted sidewalk capital improvement program budget. There is no impact on the General-Purpose Fund, and no additional funding is requested.

### **PUBLIC OUTREACH / INTEREST**

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with IFPTE Local 21, Service Employees International Union (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the RFQ. The RFQ was formally advertised on June 21, 2024 in Daily Pacific Builder, El Mundo, Oakland Post, Oakland Tribune, The Korea Times, and the World Journal. The RFQ was also posted to the City of Oakland's website, CIPList.com, and multiple local bid exchanges in the Bay Area.

Staff presented on the construction opportunity at a City of Oakland/EBMUD Contracting/Matchmaking event on September 22, 2024. Additionally, and to encourage local businesses that may have never considered bidding on public contracts before, staff posted advertisements about the opportunity at the City's primary construction permit counter at 250 Frank Ogawa Plaza.

### **COORDINATION**

The work to be done under this contract will be coordinated with the Department of Workplace and Employment Standards. This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Contractors are required to meet the Local and Small Local Business Enterprise (L/SLBE) program requirement of a minimum of 50% L/SLBE per task order. The L/SLBE program buttresses the City's economic infrastructure by strengthening the viability and vitality of local and small local businesses.

**Environmental:** Improving the pedestrian environment may encourage mode shift away from single occupancy vehicles and towards walking and transit.

**Race & Equity:** Improvements to sidewalks will provide greater safety, accessibility, and mobility to all Oaklanders but are especially important for people with disabilities, seniors, and people traveling with children.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The California Environmental Quality Act (CEQA) and the CEQA Guidelines exempt specific types of projects from environmental review. The following CEQA exemption applies to this project, CEQA Guidelines Section 15301 (c) (Existing Facilities, Highways and Streets).

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Execute Agreements For On-Call Construction Services For Small Sidewalk Construction Projects With 1) Cooper Construction And Engineering, Inc; 2) Depth Concrete, Inc; And 3) Lara's Concrete, Inc.; Each For A Period Of One (1) Year, With An Option For Two (2) One-Year (1) Renewal Periods, For A Total of Three (3) Years, And Each For An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Annually, For A Cumulative Annual Allocation Not To Exceed One Million Five Hundred Thousand (\$1,500,000) Dollars, Or Four Million Five Hundred Thousand (\$4,500,000) Dollars Over Three (3) Years; Waiving Further Advertisement And Competitive Bidding; And Adopt Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Sarah Fine, Acting Complete Streets Infrastructure Division Manager, at 510-238-6241.

Respectfully submitted,



Josh Rowan (Mar 25, 2025 18:30 PDT)

---

JOSH ROWAN  
Director  
Oakland Department of Transportation

Reviewed by:  
Megan Wier  
Assistant Director  
Oakland Department of Transportation

Sarah Fine, MCP  
Acting Division Manager  
Complete Streets Infrastructure Division

Prepared by:  
Ivy To, PE  
Transportation Engineer  
Pedestrian Right of Way

Joseph Palacio  
Assistant Engineer II  
Pedestrian Right of Way