

APPROVED AS TO FORM AND LEGALITY

Farrah Hussein  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AGREEMENTS FOR ON-CALL SERVICES FOR SMALL SIDEWALK CONSTRUCTION PROJECTS WITH 1) COOPER CONSTRUCTION AND ENGINEERING; 2) DEPTH CONCRETE, INC; AND 3) LARA'S CONCRETE, INC; EACH FOR A PERIOD 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, WITHOUT RETURN TO COUNCIL; WAIVING FURTHER ADVERTISEMENT AND COMPETITIVE BIDDING; AND ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland (City) is committed to achieving full compliance with the Americans With Disabilities Act and as such maintains a robust sidewalk repair and construction program; and

**WHEREAS**, on-call construction services (Project) will enable the City to deliver small projects promptly, efficiently, and in a cost-effective manner; and

**WHEREAS**, the City codified the process for pre-qualification and bid processes for general construction services under the Oakland Municipal Code section 2.04.045; and

**WHEREAS**, the City issued a Request for Qualifications (RFQ) for the Project on June 21, 2024, and five Statements of Qualifications (SOQ) were received by the Capital Contracts Division of Oakland Public Works on October 10, 2024; and

**WHEREAS**, the RFQ included a stipulated unit price list for each item of work in the Task Order Package, whereby each contractor signed and agreed and accept the stipulated unit price for work; and

**WHEREAS**, Cooper Construction and Engineering; Depth Concrete, Inc; and Lara's Concrete, Inc have submitted a complete SOQ and have met minimum qualifications; and

**WHEREAS**, this Project advances the Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government; and

**WHEREAS**, the City of Oakland adopted Resolution Number 90551 C.M.S to reappropriate Measure BB funds for sidewalk replacement, as reflected in Resolution Number 90551 C.M.S. Supplemental Exhibit A; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contracts approved hereunder are temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, the performance of this contract is in the public interest because of economy or better performance and these contracts are 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; 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**, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interest of the City to do so; and

**WHEREAS**, the on-call was formally advertised and in lieu of competitive bidding, the City will achieve fair and competitive prices by establishing a stipulated bid list with set unit prices; and

**WHEREAS**, using a stipulated bid list will enable the City to fairly rotate task orders among firms in the prequalified list; and

**WHEREAS**, rotation will ensure opportunities for participation for all firms on the prequalified list, supporting the development of small businesses; and

**WHEREAS**, the project's scope of services and budget will be developed for each task order; and

**WHEREAS**, no minimum amount of work is implied or guaranteed, and no appropriation is made as a result of this action; and

**WHEREAS**, the firms will be reviewed by the Department of Workplace and Employment Standards to ensure compliance with the City Local Business Enterprise/Small Local Business Enterprise (L/SLBE) Program prior to project assignment through task order execution; and

**WHEREAS**, the Project is exempt from 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; now therefor be it;

**RESOLVED:** That the City Administrator is authorized 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 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 (\$1,500,000.00) dollars or four million five hundred thousand (\$4,500,000.00) dollars over three (3) years, without return to Council; and be it

**FURTHER RESOLVED:** That the City Council waives the requirement for further advertisement and competitive bidding and finds and determines that it is in the best interest of the City to do so, and be it

**FURTHER RESOLVED:** That contractors will be assigned task orders on a rotational basis employing stipulated unit prices; and be it

**FURTHER RESOLVED:** That the contractors shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Department of Workplace and Employment Standards; and be it

**FURTHER RESOLVED:** That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to the execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to execute any amendments or modifications of the construction contract within the limitations of Project specifications; and be it

**FURTHER RESOLVED:** That contract expenditure allocations shall be expensed from reappropriated Measure BB funds for sidewalk replacement per Resolution No. 90551 C.M.S. Supplemental Exhibit A, and any subsequently adopted sidewalk capital improvement program budget; and be it

**FURTHER RESOLVED:** That on a separate and independent basis, the proposed project 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 construction agreement 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 - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND  
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT - COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to  
Charter Section 03)

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California