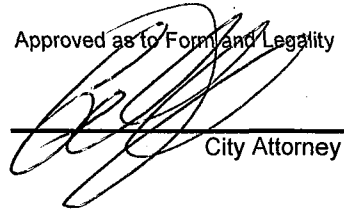


Approved as to Form and Legality  
  
City Attorney

2019 APR 17 AM 11:47

# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AWARD ALL PAVING CONSTRUCTION CONTRACTS THAT FOLLOW ALL CITY ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ARE AWARDED IN DIRECT SERVICE OF DELIVERING THE 2019 THREE YEAR PRIORITIZATION PLAN, WITHOUT RETURN TO COUNCIL.**

**WHEREAS**, with the passage of Measure BB and Measure KK, the City has funding capacity to significantly increase repaving operations through contracted work; and

**WHEREAS**, significant efforts are underway to ensure the paving program can deliver a record volume of paving in the next three years; and

**WHEREAS**, the majority of this construction will utilize construction paving contracts, including an estimated 20 bid processes over three years; and

**WHEREAS**, current bid-award processes add six months of delay to before construction may begin, including 1.5 months for Council Award of Contracts which over the course of 20 contracts equates to 31 months of delay within a 36-month paving plan timeline; and

**WHEREAS**, the City Council finds and determines that all applicable steps should be taken to streamline project delivery of the \$100 Million in paving construction prioritized by the Three-Year Pavement Prioritization Plan; and

**WHEREAS**, the City Council finds and determines that quickly advancing paving 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 performance of paving 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 all paving construction

contracts in the direct service of the Three-Year Pavement Prioritization Plan that follow the Oakland's fair and competitive bidding Purchasing Ordinance requirements; and be it

**FURTHER RESOLVED:** The City Administrator, or designee, is hereby authorized to enter into paving contracts on behalf of the City of Oakland in the service of the Three-Year Pavement Prioritization Plan and to execute any amendments or modification of the contract within the limitation of the project specification; and be it

**FURTHER RESOLVED:** That with each paving contract let under these provisions, the City Administrator, or designee, is hereby authorized to negotiate with the second lowest bidder and/or next lowest bidder for the same awarded amount, if the lowest bidder fails to return the complete signed contract documents and supporting documents within the days specified in the Special Provision; and be it

**FURTHER RESOLVED:** That the Plans and Specifications prepared for paving construction projects in the direct service of the Three-Year Pavement Prioritization Plan, including any subsequent changes during construction, that will be reviewed and adopted by the Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That all paving contracts executed under the provisions of this resolution shall be reported to City Council on an annual basis; and

**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 – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO and PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California