

# OAKLAND CITY COUNCIL

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

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**RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A CONSTRUCTION SERVICES CONTRACT FOR ON-CALL HORIZONTAL CONCRETE SHAVING FOR SIDEWALK DISPLACEMENTS SERVICES, FOR A TERM NOT TO EXCEED FOUR (4) YEARS AND IN AN AMOUNT NOT TO EXCEED FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) WITH PRECISION EMPRISE, LLC.**

**WHEREAS**, on March 20, 2020, pursuant to Oakland Municipal Code section 2.04.045 the City solicited qualifications for on-call horizontal concrete shaving services to survey and address trip hazards citywide; and

**WHEREAS**, the City has deemed Precision Emprise, LLC as the most qualified firm to provide these services; and

**WHEREAS**, across Oakland, uplifted sidewalks delay universal accessibility and create trip hazards that can result in trip and fall injuries, which can result in claims against the City and private property owners alike; and

**WHEREAS**, short-term fixes are ineffective as asphalt patching chips over time and grinding damages concrete sidewalks and does not provide a smooth ADA-compliant walkable path; and

**WHEREAS**, long-term fixes, such as concrete removal and replacement, are resource-intensive and expensive; and

**WHEREAS**, horizontal concrete shaving is a technique that provides an effective, inexpensive, environmentally-friendly alternative to grinding and remove/replace efforts, and smooths uplifts without damaging the rest of the sidewalk; and

**WHEREAS**, an estimated 60% of sidewalk damage locations citywide are candidates for horizontal shaving alone versus full removal and replacement; and

**WHEREAS**, having an on-call construction services agreement for horizontal shaving will enable rapid response to sidewalk damage service requests, and ensure

surveying and repairs are performed on priority projects such as the 2019 3-Year Paving Plan corridors and at locations where official trees have damaged sidewalks; 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**, awarding this contract will enable prompt hazard mitigation at hundreds of sites of City tree-damaged sidewalks; and

**WHEREAS**, this contract award has been evaluated on the basis of firm experience and qualifications for a unique construction method combined with detailed professional services; 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**, funding for this project will be available in the following project account as part of the current and anticipated FY 2020-22 CIP Budget: in Fund 5332 Measure KK, Organization 92246 Engineer Design Streets and Structures, Account 57411 Street Construction, and Project Nos. 1005417 and 1005420.

**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 contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, Precision Emprise, LLC complies with all LBE/SLBE requirements; 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, therefore, be it

**RESOLVED:** That, pursuant to Oakland Municipal Code section 2.04.045 D, the Council hereby approves the award of a construction services contract to Precision Emprise, LLC for On-Call Horizontal Shaving for Sidewalk Displacements in an amount not to exceed four million, five hundred thousand dollars (\$4,500,000) for a term no longer than four (4) years; and be it

**FURTHER RESOLVED:** That the contracts 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: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California






# 3. Resolution - 1005174 On-Call Horizontal Concrete Shaving Services\_11\_03 rev

Final Audit Report

2020-10-15

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