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OFFICE OF THE CITY CLERK  
OAKLAND

2012 JAN 11 AM 10:15

# OAKLAND CITY COUNCIL

RESOLUTION No. 83698 - C.M.S.

Approved as to Form and Legality



City Attorney

**RESOLUTION WAIVING THE ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN AGREEMENT WITH R3 CONSULTING GROUP TO PROVIDE ZERO WASTE SYSTEM TECHNICAL ASSISTANCE SERVICES INCREASING THE AMOUNT NOT TO EXCEED BY TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND EXTENDING THE TERM BY TWO YEARS TO SEPTEMBER 1, 2015**

**WHEREAS**, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015; and

**WHEREAS**, in 2006 through Resolution No. 80286 C.M.S. the City Council adopted a Zero Waste Strategic Plan that included Strategy 2, Develop and Adopt New Rules and Incentives to Reduce Waste Disposal, which states: "Development and adoption of a new waste management system design in preparation for Oakland's next collection and disposal contract is key to the goal of reducing waste;" and

**WHEREAS**, in 2009 through Resolution No. 82175 C.M.S. the City Council approved an Agreement with R3 Consulting Group to provide Zero Waste system technical assistance consulting services for a four-year term ending September 1, 2013, in an amount not to exceed three hundred thousand dollars (\$300,000.00); and

**WHEREAS**, the City will use a request for proposals procurement process to secure future solid waste, organic material, and recycling collection, processing and disposal services; and

**WHEREAS**, R3 Consulting Group is uniquely qualified to provide specialized and technical consulting services to complete the request for proposals procurement process to replace the existing solid waste and recycling agreements, and to maintain the integrity of the work and the confidentiality of the process; and

**WHEREAS**, Section 2.04.051 B of the Oakland Municipal Code ("OMC") authorizes the City Council to waive the advertising and competitive Request For Qualifications/Request For Proposals ("RFQ/RFP") selection process if it finds and determines that it is in the City's best interests to do so; and

**WHEREAS**, staff recommends that the City Council waive the advertising and competitive RFQ/RFP process in order to amend the Agreement with R3 Consulting Group for specialized and technical consulting services needed to complete the request for proposals process for establishing new contracts prior to the end of current service agreements in June 2015; and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, the City Council finds that this contract 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 Council hereby finds and determines per Section 2.04.051 B of the OMC that it is in the best interests of the City to waive the RFP/RFQ competitive selection requirement of Section 2.04.051 A of the OMC based on the reasons and circumstances discussed in the Report that accompanies this Resolution; and be it;

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to amend the Agreement with R3 Consulting Group to provide Zero Waste System Technical Assistance consulting services to increase the Agreement's not to exceed amount by two hundred thousand dollars (\$200,000.00), for a total amount not to exceed five hundred thousand dollars (\$500,000.00), and to extend the term of the Agreement by two years to September 1, 2015; and be it

**FURTHER RESOLVED:** That the additional two hundred thousand dollars (\$200,000.00) expenditure under the Agreement with R3 Consulting Group will be funded by Recycling Program Fund (1710); and be it

**FURTHER RESOLVED:** That the City Administrator or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in total compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

**FURTHER RESOLVED:** That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 7 2012, 20    

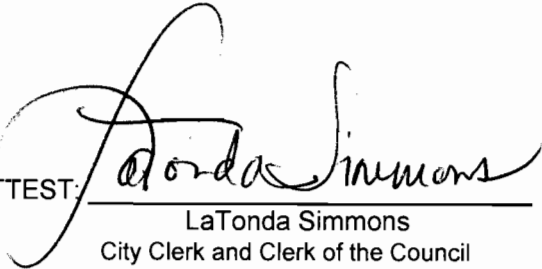
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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