

APPROVED AS TO FORM AND LEGALITY

2024 MAY - 2 11:10:52

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 902368 C.M.S.

RESOLUTION APPROPRIATING A ONE TIME USE OF FUND BALANCE IN AN AMOUNT NOT TO EXCEED \$500,000 FROM FUND 2417 TO PAY OUTSTANDING INVOICES TO OAKLAND VENUE MANAGEMENT AND TO FUND SERVICES FOR THE REMAINDER OF THE FIRST AMENDMENT TERM THROUGH NOVEMBER 9, 2024 AT A REDUCED COMPENSATION RATE

WHEREAS, on February 21, 2006, the City council adopted Ordinance No. 12727 C.M.S establishing the Excess Litter Fee Program; and

WHEREAS, the Excess Litter Fee Program is funded from revenues collected from the Excess Litter Fee, which are deposited to the Excess Litter Fee Fund (Fund 2417); and

WHEREAS, after conducting a Request for Proposals process, staff selected Oakland Venue Management as the most qualified to provide services to implement the Excess Litter Fee Program for the City, and on July 7, 2015, pursuant to Resolution No. 85679 C.M.S, Council awarded a three-year contract with two extensions, to Oakland Venue Management in an amount not to exceed \$400,000 each year; and

WHEREAS, on November 10, 2020, pursuant to Resolution No. 88381 C.M.S., the City Council waived the competitive request for proposals/qualifications process and awarded a professional services agreement to Oakland Venue Management for continued implementation of the Excess Litter Fee Program for three additional years, with two one-year extensions, in an amount not to exceed \$750,000 each year; and

WHEREAS, pursuant to Resolution No. 88381, the City Administrator entered into a contract with Oakland Venue Management in the amount of \$2,250,000 to implement the Excess Litter Fee Program from November 10, 2020 through November 9, 2023; and

WHEREAS, pursuant to Resolution No. 88381, the City Administrator executed a First Amendment to the Agreement to increase the compensation by an additional \$750,000 and extend the time of performance for an additional year through November 9, 2024, and

WHEREAS, the total amount needed for the contract with Oakland Venue Management was not appropriated in the budget and services have halted due to the gap; and

WHEREAS, staff and the contractor have decided to amend the First Amendment to reduce the compensation from \$750,000 to \$450,000; and

WHEREAS, the City Administrator is requesting that the Council appropriate a one-time fund balance in an amount not to exceed \$500,000 to pay outstanding invoices from Oakland Venue Management and to cover the reduced compensation amount of \$450,000 through the end of the term of the First Amendment (November 9, 2024); and

WHEREAS, contingent on the availability of funds in the adopted budget, staff plans to enter into a Second Amendment to the contract with Oakland Venue Management, authorized pursuant to Resolution No. 88381 C.M.S., for services from November 10, 2024 through November 9, 2025 for an additional compensation amount not to exceed \$450,000; now therefore be it

RESOLVED: That the City Council hereby appropriates a one-time use of fund balance in an amount not to exceed \$500,000 from Fund 2417 to pay outstanding invoices to Oakland Venue Management and to fund the remainder of the term of the First Amendment through November 9, 2024 at the reduced compensation rate.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - ~~FIFE~~, GALLO, JENKINS, KALB, ~~KAPLAN~~, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 6

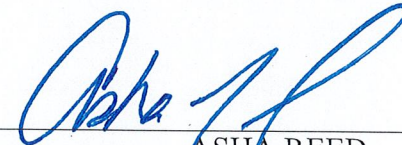
NOES - 0

ABSENT - 0

ABSTENTION - 0

2 Excused: Fife/Kaplan

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California

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