



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1) ACCEPTING AND APPROPRIATING A GRANT FROM CALSTART IN AN AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00) FOR THE OAKLAND ELECTRIC BIKE LIBRARY;
- 2) AWARDING A PROFESSIONAL SERVICES AGREEMENT TO GRID ALTERNATIVES BAY AREA TO IMPLEMENT AND MANAGE THE OAKLAND ELECTRIC BIKE LIBRARY IN AN AMOUNT NOT-TO-EXCEED NINE HUNDRED TWENTY THOUSAND DOLLARS (\$920,000.00);
- 3) WAIVING ADVERTISING, BIDDING AND THE REQUEST FOR PROPOSAL/QUALIFICATIONS COMPETITIVE SELECTION PROCESS; AND
- 4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland recognizes the practice of bike sharing as a beneficial mode of transportation that reduces demand for private vehicles, decreases per capita greenhouse-gas emissions, and creates more affordable mobility options for all of Oakland's residents; and

WHEREAS, In July 2019 City Council adopted "Lets Bike Oakland!" an update to Oakland's Bicycle Plan. The plan reflects the thoughtful participation of over 3,500 Oaklanders during the planning process and includes recommendations to support the local bicycle economy, provide shared bike resources and promote hometown efforts; and

WHEREAS, The City of Oakland, as Lead Applicant, submitted a Mobility Project Voucher Application in October 2020, for CALSTART's Clean Mobility Options Voucher Pilot Program. The application submitted was for the Electric Bike Library project to serve West Oakland, Chinatown, Fruitvale/San Antonio and East Oakland;

WHEREAS, the grant solicitation heavily favored strong collaboration with Community- Based Organizations (CBOs); and

WHEREAS, the Department of Transportation contracts with consulting firms to support the development of plans and projects and seeks to fund CBOs and non-profits to support and enhance planning, engagement, and policy work; and

WHEREAS, the CBO, GRID Alternatives Bay Area Inc., is a California 501(c)(3) non-profit based in Oakland that builds community-powered solutions to advance economic and environmental justice through renewable energy, and has an extensive track record of successfully implementing thousands of solar power and clean mobility equity projects throughout Oakland and the Bay Area since 2004; and

WHEREAS, the Department of Transportation jointly developed the Electric Bike Library grant application with GRID Alternatives Bay Area based on their experience and strong roots in Oakland; and

WHEREAS, with this grant, GRID Alternatives Bay Area will sub-contract and partner with locally owned bike shops and/or bike-related CBOs in West Oakland, Chinatown, Eastlake/Fruitvale and East Oakland to be the customer-facing storefront for the program, provide maintenance, and perform community outreach; and

WHEREAS, the proposed Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and

WHEREAS, the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, using grant funding, Department of Transportation staff is requesting authority to enter into a professional services agreement with GRID Alternatives Bay Area for nine hundred and twenty thousand dollars (\$920,000) to purchase over 500 electric bikes, provide logistics, develop an online reservation system and customer database, and sub-contract with up to six locally owned bike shops or CBOs; and

WHEREAS, Oakland Municipal Code (“OMC”) section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts in excess of \$50,000 and Oakland Municipal Code section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS OMC section 2.04.50 A. requires advertising and bidding for the purchase of services, or supplies or combination thereof, which exceeds \$50,000, and award of the purchasing contract to the lowest responsible, responsive bidder; and

WHEREAS OMC section 2.04.050 A. I. 5 provides that the Council may waive advertising and bidding when it is in the best interests of the City to do so; and

WHEREAS, City staff recommends waiving the RFP/Q and advertising and bidding requirements for this contract based on the following factors:

- **Unique Service:** GRID Alternatives Bay Area has an extensive track record of successfully implementing thousands of solar power and clean mobility equity projects throughout Oakland and the Bay Area since 2004. GRID Alternatives Bay Area provides specific logistical expertise for bicycle lending and has the key ability to procure e-bikes and other materials at reduced, wholesale costs, making the program significantly more affordable; and
- **Efficiencies:** GRID Alternatives Bay Area assists with ongoing City projects, including the Zero Emission Vehicle Action Plan and ongoing efforts to increase access to solar panels and electric vehicle rebates. These existing relationships would lead to efficiencies as the organization is well versed with the City and its processes; and

WHEREAS, the City Council finds that the services provided pursuant to the agreements authorized hereunder are professional, and are temporary in nature; and

WHEREAS, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary work and that the performance of this contract is in the public interest because of economy or better performance; and

WHEREAS, the City Administrator has determined that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, the City Council is eligible to receive funding through CALSTART's CMO program, a statewide initiative funded by California Climate Investments, and administered by California Air Resource Board's Program Administrator team to provide funding for zero-emission shared mobility options to under-resourced communities in California;

WHEREAS, the City of Oakland will comply with the requirements of the CMO program; will accept the CMO voucher funds; and will allocate the amount of \$1,000,000.00 including any Community Resource Contributions, committed to the project in the CMO application and as amended by the Program Administrator and awardee;

NOW, THEREFORE, BE IT RESOLVED by the City Council to authorize the City Administrator, or designee, to execute the approval of CMO voucher funds, reiterate CMO program commitment, and compliance with CMO program requirements to the CMO Program Administrator Team; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to accept and appropriate a grant in an amount not to exceed \$1,000,000.00 from CALSTART's CMO program for the Electric Bike Library project; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that it is in the best interests of the City to waive the competitive RFP/Q competitive selection and the advertising and bidding requirements pursuant to OMC sections 2.04.051 B. and 2.04.050A 1.5 based on the unique services and efficiencies provided by GRID Alternatives Bay Area, and be it

FURTHER RESOLVED: That the City Administrator, or his designees, the Director of Transportation or Assistant Director of Transportation, are hereby authorized to enter Grant Funding Agreements for this project as described; and be it

FURTHER RESOLVED: That the City Administrator, or his designees, the Director of Transportation or Assistant Director of Transportation, are hereby authorized to execute a professional services and purchase agreement to implement and manage The Oakland Electric Bike Library including acquiring over 500 electric bikes, providing logistics, developing an online reservation system and customer database, and sub-contracting with up to six locally owned bike shops or CBOs with GRID Alternatives Bay Area; and be it

FURTHER RESOLVED: That the total amount of the agreement with GRID Alternatives Bay Area shall not exceed nine hundred-twenty thousand dollars (\$920,000); and be it

FURTHER RESOLVED: That this Agreement with GRID Alternatives Bay Area shall be executed contingent upon available funding and will be funded from the proceeds of the CMO program voucher funds; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to accept and appropriate, as needed, funds for the same purposes described above and consistent with this resolution and its basic purposes; and be it

FURTHER RESOLVED: That the Council finds that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.20.5 (restriping of streets for bicycle lanes); and as well as pursuant to CEQA Guidelines Sections 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator or designee shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on the projects named in this resolution; and be it

FURTHER RESOLVED: That said agreements shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk without returning to City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council of the
City of Oakland, California