

RESOLUTION No. 78412 = C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Roc. P. Gibson*  
2004 FEB 26 PM 2:27

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MOFFATT & NICHOL ENGINEERS FOR AS-NEEDED HYDROLOGY AND CREEK RESTORATION DESIGN SERVICES FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000)**

**WHEREAS**, professional hydrology and creek restoration design services are needed to provide technical studies, design services and construction support services for various city projects related to creeks, storm drains, wetlands, and Lake Merritt; and

**WHEREAS**, as-needed hydrology and creek restoration design services agreements allow the City to promptly respond and provide the necessary services in an efficient and timely manner; and

**WHEREAS**, unscheduled projects occur throughout the three-year period and will most likely require hydrology and creek restoration design services; and

**WHEREAS**, it is anticipated that several Measure DD, Proposition 40, and various funded capital improvement projects will utilize the as-needed services agreements; and

**WHEREAS**, the hydrology and creek restoration design services will be funded through the various individual projects; and funds will be identified prior to the performance of the design services; and

**WHEREAS**, fourteen firms responded to the City's Request for Proposals and Moffatt & Nichol Engineers was chosen as one of the top rated firms to provide the services; and

**WHEREAS**, the City wishes to enter into a contract with Moffatt & Nichol Engineers and the City Council finds that this contract is for services of a professional nature; and

**WHEREAS**, the City Council finds that services under contract will be temporary; and

**WHEREAS**, the City Council finds and determines 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; now, therefore, be it

**WHEREAS**, the City Council finds that the service is exempt from competitive bidding pursuant to Section 2.04.050 I 1 of the Oakland Municipal Code; now, therefore, be it

**RESOLVED:** That the City Manager, or her designee, is hereby authorized to enter into an Agreement with Moffatt & Nichol Engineers to provide as-needed hydrology and creek restoration design services; and, be it

**FURTHER RESOLVED:** That the total amount of the Agreement is for an amount not to exceed Two Hundred Thousand Dollars (\$200,000); and be it

**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized 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 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 for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2004, 2004


PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE <sup>7</sup>

NOES- 0

ABSENT- BROOKS -1

ABSTENTION- 0

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California