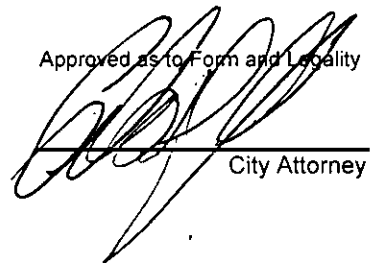


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 SEP 12 PM 3:25

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/ QUALIFICATIONS (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A MAINTENANCE AND SERVICE AGREEMENT WITH SCHEIDT AND BACHMANN USA, INC. IN SUPPORT OF THE PARKING ACCESS AND REVENUE CONTROL SYSTEM USED AT SEVEN CITY PARKING GARAGES FOR A PERIOD OF THREE YEARS AT A TOTAL CONTRACT COST OF \$240,000 (\$80,000.00 PER YEAR X 3 YEARS)

WHEREAS, the City of Oakland wishes to enter into an agreement with Scheidt & Bachmann USA, Inc. to provide maintenance and service on the City's Scheidt & Bachmann parking access and revenue control system (PARCS) used at seven of the City's parking facilities; and

WHEREAS, the City was informed when it purchased its Scheidt & Bachmann PARCS that such an agreement would be necessary after the initial 1-year warranty that came with the system expired;

WHEREAS, the City recognizes that the same professional services and warranties cannot be provided by any other company at a comparable cost; and

WHEREAS, the City finds that Scheidt & Bachmann USA, Inc. negotiated the terms of the maintenance and service agreement in good faith and met all of the City's specifications; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or combination thereof required by the City which exceeds \$50,000.00; and

WHEREAS, OMC section 2.04.050 I. 5 permits the Council to waive these requirements upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC section 2.04.051.A requires staff to conduct a competitive RFP/Q selection process for the procurement of professional services; and

WHEREAS, OMC section 2.04.051.B authorizes the City Council to waive the RFP/Q requirement upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the City Council finds that this agreement 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

RESOLVED, that the City Council finds and determines that pursuant to Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B, that it is in the best interests of the City to waive the advertising, competitive bidding, and competitive RFP/Q process for products, replacement parts and services to be purchased under the proposed agreement because: 1) the Department of Information Technology continues to view the Scheidt & Bachmann PARCS as a turn-key system and, therefore, the necessary support services for the system should be provided by Scheidt & Bachmann; 2) that there is no alternative service provider in the local market that is capable of supporting the system; and 3) that the cost of using Scheidt and Bachmann to support the system on a "time and materials" (T&M) basis would be unpredictable and likely to lead to additional costs including loss of additional revenues and poor customer service due to lack of timely support; therefore, the City Council hereby authorizes the waiver of the OMC advertising, bidding and RFP/Q competitive selection requirements; and be it

FURTHER RESOLVED, that the City Administrator or designee is authorized to enter into a maintenance and service agreement with Scheidt & Bachmann USA, Inc. for a period of three years at a cost of \$240,000 to be paid quarterly; and be it

FURTHER RESOLVED, that the City Attorney shall review and approve the proposed contract as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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