

**REVISED**

2006 JUN -7 PM 4:34

**OAKLAND CITY COUNCIL**

RESOLUTION NO. 79964 C. M. S.



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

**RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO INCREASE THE NOT-TO-EXCEED AMOUNTS OF PROFESSIONAL SERVICES AGREEMENTS PREVIOUSLY AWARDED FOR AS-NEEDED CREEK RESTORATION DESIGN SERVICES AND RELATED TECHNICAL ASSISTANCE, AS FOLLOWS: TO MOFFATT & NICHOL ENGINEERS, AN INCREASE FROM \$200,000 TO \$350,000; TO WOLFE MASON ASSOCIATES, INC., AN INCREASE FROM \$200,000 TO \$350,000; TO WRECO, AN INCREASE FROM \$200,000 TO \$350,000; TO JONES AND STOKES ASSOCIATES, AN INCREASE FROM \$250,000 TO \$400,000, AND; TO AMPHION ENVIRONMENTAL, AN INCREASE FROM \$250,000 TO \$400,000.**

**WHEREAS**, on March 16, 2004, City Council approved Resolution Nos. 78412, 74810, and 78409 C.M.S. awarding professional services contracts to Moffatt and Nichol Engineers, Wolfe Mason Associates, Inc., and WRECO each for an amount not to exceed \$200,000; and on May 3, 2005, approved Resolution Nos. 79195 and 79196 C.M.S. awarding professional services contracts to Amphion Environmental, Inc. and Jones and Stokes Associates each for an amount not to exceed \$250,000 to provide as-needed creek restoration design services and technical assistance for various city projects related to creeks, storm drains, wetland, and Lake Merritt; and

**WHEREAS**, additional as-needed creek restoration design services and technical assistance are required in order to complete previously approved Measure DD Waterfront Trail and Creek Restoration, Watershed Preservation and Lake Merritt Water Quality projects; and

**WHEREAS**, the Measure DD, Series 2003A funds for each of the projects listed above was appropriated by City Council pursuant to Resolution No. 77965 in July 2003; and

**WHEREAS**, these funds must be spent as soon as possible in order for the second bond sale to occur; and

**WHEREAS**, increasing the as-needed creek restoration design services and technical assistance contracts will expedite the expenditure of the first Measure DD bond sale while hastening the implementation of the Measure DD projects; and

**WHEREAS**, Amphion Environmental, Inc., Jones and Stokes associates, Moffatt and Nichol Engineers, Wolfe Mason Associates and WRECO can provide the most efficient and cost effective design service for the previously approved Measure DD projects; and

**WHEREAS**, funding for the additional contract amounts will be provided by the Measure DD Fund (5320); Capital Environmental Services Organization (92280); Creek Restoration Project (C244810); Watershed Preservation and Acquisition Project (C244910); Lake Merritt Water Quality Project (C241710); and Capital Project Management Organization (92270); Derby to Lancaster St. Waterfront Project (C243510); and 66<sup>th</sup> Ave. Gateway Project (C244310). Funds previously authorized by City Council will be used to fund any unscheduled urgent capital improvement projects; and

**WHEREAS**, Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B, permits the City Council to waive the competitive Request for Proposals/Equalizations process for creek restoration design services and technical assistance when it is in the best interests of the City; and

**WHEREAS**, adding the work to existing as-needed creek restoration design services and technical assistance contracts will expedite the work and maintain project continuity; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts is in the public interest because of economy; and

**WHEREAS**, the City Council finds that this contract is for services of a professional, scientific or technical 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 service; now therefore be it

**RESOLVED:** that the City Administrator, or her designee, is hereby authorized to amend the existing professional services agreements with Amphion Environmental, Inc., Jones and Stokes Associates, Moffatt and Nichol Engineers, Wolfe Mason Associates and WRECO to provide as-needed creek restoration design services and technical assistance for the Measure DD Waterfront Trail, Creek Restoration, Watershed Preservation and Lake Merritt Water Quality project for an amount not to exceed \$150,000, bringing the total contract amounts to \$350,000 for Wolfe Mason Associates, WRECO and Moffatt and Nichol Engineers, and \$400,000 for Jones and Stokes Associates and Amphion Environmental, Inc.; and be it

**RESOLVED:** That, pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B, the City Council finds and determines based on the reasons stated above that it is in the best interests of the City to waive a competitive Request for Proposals/Equalizations process for the as-needed creek restoration design services and technical assistance work and authorizes the City Administrator to do so; and be it

**FURTHER RESOLVED:** that the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreements with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

**FURTHER RESOLVED:** that the contract shall be reviewed and approved by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 20 2006, 2006

**PASSED BY THE FOLLOWING VOTE:**

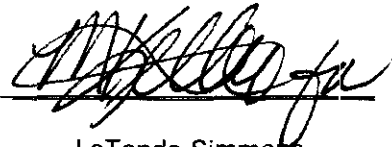
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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