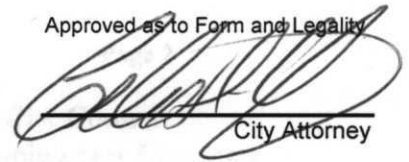


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2014 AUG 11 PM 5:00
RESOLUTION No. 85155 C.M.S.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND
AUTHORIZING THE CITY ADMINISTRATOR OR HIS/HER DESIGNEE TO:**

- 1) APPROPRIATE TO THE ADOPTED FISCAL YEARS 2014-2015 OPERATING BUDGET, INCREASING BUDGETED REVENUE BY ONE MILLION, FIVE HUNDRED THOUSAND (\$1,500,000) IN FISCAL YEAR 2014-2015 IN FUND 1710 (RECYCLING PROGRAM), FOR REIMBURSEMENT OF EXPENDITURES INCURRED DURING THE CITY OF OAKLAND'S ZERO WASTE PROCUREMENT PROCESS, AND
- 2) AUTHORIZE THE CITY ADMINISTRATOR TO INCLUDE IN THE ADOPTED FISCAL YEARS 2014-2015 OPERATING BUDGET TWO (2) EXEMPT LIMITED DURATION EMPLOYEES NOT TO EXCEED FIVE HUNDRED THOUSAND (\$500,000) TO SUPPORT THE ENVIRONMENTAL SERVICES DIVISION WITH THE TRANSITION TO CALIFORNIA WASTE SOLUTIONS; AND
- 3) ALLOCATE TO OAKLAND PUBLIC WORKS DEPARTMENT ADOPTED OPERATING BUDGET FOR FISCAL YEARS 2014-2015, FUND 1710 (RECYCLING PROGRAM) IN THE AMOUNT OF SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000), FOR CONTRACTUAL SERVICES TO EXECUTE THE TRANSITION TO CALIFORNIA WASTE SOLUTIONS BY JULY 1, 2015; AND
- 4) AWARD PROFESSIONAL SERVICES CONTRACTS WITH VARIOUS VENDORS WITHIN A BUDGET AMOUNT OF UP TO SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS (\$750,000) FOR PROFESSIONAL AND LEGAL SERVICES RELATED TO THE TRANSITION OF CITY OF OAKLAND'S ZERO WASTE COLLECTION CONTRACTS WITH WASTE MANAGEMENT OF ALAMEDA COUNTY TO CALIFORNIA WASTE SOLUTIONS, PROVIDED THAT PRIOR TO EXPENDITURE OF ANY FUNDS STAFF WILL AWARD CONTRACTS AND ESTABLISH CONTRACT AMOUNTS FOR THE CONTROLLER'S BUREAU; AND
- 5) WAIVE THE CITY'S ADVERTISING, BIDDING AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/Q) REQUIREMENT FOR EACH OF PROFESSIONAL AND LEGAL SERVICE CONTRACTS.

WHEREAS, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015; and

WHEREAS, in 2006 the City Council of the City of Oakland approved Resolution No. 79774 C.M.S. which adopted a Zero Waste Goal by 2020, and in 2006 the City Council of the City of Oakland passed Resolution No. 80286 C.M.S., adopting a Zero Waste Strategic Plan and in December 2006 through Resolution No. 80286 C.M.S. the City Council adopted a Zero Waste Strategic Plan; and

WHEREAS, on January 17, 2012 through Resolution No. 83689 C.M.S the City Council adopted a Zero Waste System Design that provides the framework for developing new Contracts under a single franchise for citywide garbage and organics collection services, a single franchise for citywide residential recycling, and landfill capacity procured separately from collection and processing services; and

WHEREAS, on February 21, 2012 through Resolution No. 83729 C.M.S. the City Council adopted a process and schedule for releasing a Request for Proposals (RFP) for three new zero waste service franchise contracts for solid waste/organic, recycling, and landfill disposal (“Franchise Contracts”), which included a provision for staff to return to City Council for authorization to enter negotiations with top-ranked proposers; and

WHEREAS, on August 3, 2012 the City issued the RFP for Zero Waste Service for Disposal Services, and on September 5, 2012 issued the RFP for Zero Waste Service for Collection Services; and

WHEREAS, the RFP for Zero Waste Service for Disposal and Collection Services required proposal development and cost reimbursement fees of the Contractor upon the execution of the franchise contract(s); and

WHEREAS, on July 30, 2014 City Council held a first reading of the Ordinances to award the three franchise contracts to California Waste Solutions (CWS); and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.051.A requires staff to conduct a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or a combination thereof that exceeds \$50,000.00, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050.I.5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFP/Q competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.010 provides clear definition relative to the City’s mandatory Local and Small Local Business Enterprise (L/SLBE) Provision requirements; and

WHEREAS, the proposed legislation seeks authorization for the City Administrator, or his/her designee, to execute Professional Services Contracts in the amount of seven hundred and fifty thousand (\$750,000) to fund professional services for the transition to California Waste Solutions; now therefore be it

RESOLVED: The proposal development cost reimbursement fees for expenditures incurred during the City of Oakland’s Zero Waste Services procurement process in the amount of one million five hundred thousand (\$1,500,000) be appropriated in Fund 1710 ORG 30682 Account 45417 as a revenue. And appropriate an operating budgetary increase in the amount of one million two hundred and fifty thousand (\$1,250,000) in Fund 1710 ORG 30682 Account 54919 and 51912 in Fiscal Year 2014-2015; and be it

FURTHER RESOLVED: That the City Council, pursuant to OMC Title 2, Article I, Section 2.04.050.I.5 and OMC Title 2, Chapter 2, Article I, Section 2.04.051.B requires staff to conduct a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services of the Oakland Municipal Code, hereby finds and determines that it is in the best interest of the City to waive the formal advertising ,competitive bidding, and the RFP/Q competitive selection requirements of the OMC because the extremely short timelines to transition to a new waste collection company and timely provide garbage collection, recycling and disposal services to the residents and businesses of Oakland do not permit the City the time to conduct such advertising, bidding and competitive RFP/Q selection requirements; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or his designee, to execute professional services contracts for service related to the Zero Waste Services transition in an amount not to exceed seven hundred and fifty thousand dollars (\$750,000) in Fund 1710, ORG 30682, for the transition to the City’s new solid waste collection contractor, provided that prior to the expenditure of any funds staff will award contract and establish contract amounts for the Controller’s Bureau; and be it

FURTHER RESOLVED: That the City Council authorize Oakland Public Works Department to allocate five hundred thousand (\$500,000) in the Fund 1710, ORG 30682, Account 51912 in adopted Fiscal Years 2014-2015 Operating Budget for the addition of two (2) exempt limited duration employees to support the City with the transition to California Waste Solutions insure that services and billing are transitioned appropriately for residents, businesses and the City.

IN COUNCIL, OAKLAND, CALIFORNIA, AUG 13 2014

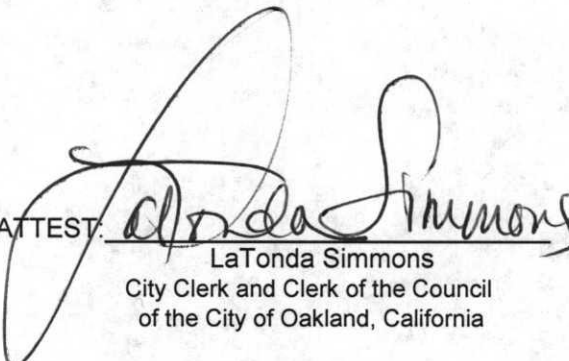
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, REID SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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