

OAKLAND CITY COUNCIL


City Attorney

15 JUL -2 AM 11:05

RESOLUTION No. 85714 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- 1) EXECUTE A ONE-YEAR CONTRACT FOR SERVICE WITH TANKO LIGHTING FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016, IN AN AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED EIGHTEEN THOUSAND SIX HUNDRED SIXTY-SEVEN DOLLARS AND SIXTY-THREE CENTS (\$1,618,667.63) FOR THE REPLACEMENT OF EXISTING ORNAMENTAL LIGHTS WITH LIGHT EMITTING DIODE (LED) STREET LIGHTING;
- 2) WAIVE THE ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS ASSOCIATED WITH THE PROPOSED CONTRACT FOR SERVICE;
- 3) AUTHORIZE AN AGREEMENT WITH THE BAY AREA RAPID TRANSIT (BART) DISTRICT FOR THE PERIOD OF JULY 1, 2015 THROUGH JUNE 30, 2016, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND NINETY-SIX THOUSAND DOLLARS (\$196,000.00) IN CAPITAL REIMBURSEMENT FUNDS TO BE REMITTED FROM BART TO THE CITY OF OAKLAND FOR THE PLACEMENT OF ADDITIONAL ORNAMENTAL LIGHTING AS PART OF BART'S 19TH STREET/OAKLAND STATION MODERNIZATION PLAN AND ACCEPT AND APPROPRIATE SAID FUNDS TO OAKLAND PUBLIC WORKS

WHEREAS, in May 2014, Oakland Public Works' Bureau of Infrastructure and Operations issued a Request for Proposals (RFP) associated with Oakland's Ornamental Lights Conversion Project (Project No. C457310), for the placement of low energy and low maintenance Light-Emitting Diode street lights within the Uptown and Downtown areas of the City; and

WHEREAS, upon review of all qualifying RFP responses, Tanko Lighting was deemed the most responsive and competitive bidder; and

WHEREAS, Oakland Public Works requests authorization to enter into a one-year contract for service with Tanko Lighting for the period of July 1, 2015 through June 30, 2016 for an amount not to exceed (\$1,618,667.63) for parts and other technical services associated with the Ornamental Lights Conversion Project; and

WHEREAS, the proposed financial allocation for the Tanko Lighting matter is inclusive of a base contractual amount of one million three hundred and forty-eight thousand eight hundred and eighty-nine dollars and sixty-nine cents (\$1,348,889.69), plus a change order percentage of twenty-percent (20%), which equals two hundred sixty-nine thousand seven hundred seventy-seven dollars and ninety-four cents (\$269,777.94); and

WHEREAS, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires the City 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 the City to conduct advertising and competitive bidding when it purchases services, supplies or a combination thereof that exceeds \$50,000.00; and

WHEREAS, OMC Section 2.04.050 I.5 authorizes the City Council to waive the advertising and competitive bidding requirements of Section 2.04.050 upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the Bay Area Rapid Transit (BART) District, as part of their 19th Street/Oakland Station Modernization Plan, seeks to partner with Oakland within the context of the City's enactment of its Ornamental Lights Conversion Project in order to facilitate the placement of lighting improvements at the 19th Street BART station; and

WHEREAS, Oakland Public Works seeks authorization to enter into a pass-through contractual agreement with BART for the period of July 1, 2015 through June 30, 2016 in an amount not to exceed one hundred and ninety-six thousand dollars (\$196,000.00) in capital reimbursement funds to be remitted from BART to the City of Oakland for ornamental lighting, and accept and appropriate said funds to Oakland Public Works; now, therefore be it

RESOLVED: That the City Council hereby authorizes the City Administrator to enter into a one-year service agreement with Tanko Lighting for a base contractual amount not to exceed \$1,618,667.63 associated with the City's Ornamental Lighting Conversion Project; and be it

FURTHER RESOLVED: Pursuant to OMC Section 2.04.051.A, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising and competitive bidding requirements due to findings and determinations as referenced herein and within the attached report; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to enter into a pass-through contractual agreement with BART for the period of July 1, 2015 through June 30, 2016 in an amount not to exceed one hundred and ninety-six thousand dollars (\$196,000.00) in capital reimbursement funds to be remitted from BART to the City of Oakland for ornamental lighting, and accept and appropriate said funds to Oakland Public Works; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the proposed agreements with Tanko Lighting and BART, except for any increase in the contract(s) costs; and be it

FURTHER RESOLVED: That proposed contract expenditures shall be expensed to the California Housing and Community Development Fund (2144); CIP Central District Org. (94889) and/or Central District Redevelopment Org. (85245); Signal and Safety Devices Account (57412) and/or Contract Contingencies Account (54011); Project Number (C464560) and/or Project Number (C464560; and be it

FURTHER RESOLVED: That proposed contract expenditures shall also be expensed to the Central District Projects Fund (5610); CIP Central District Org. (94889); Contract Contingencies Account (54011); Project Number (C194970); and be it

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

JUL 21 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

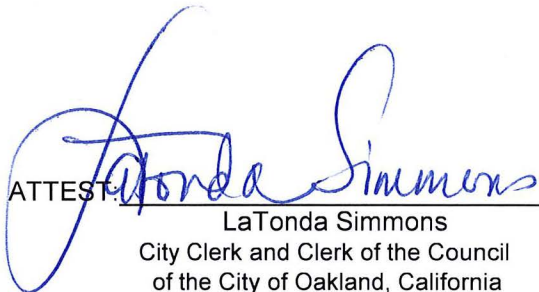
AYES - ~~BROOKS~~, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON-McELHANEY -7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused-Brooks-1

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