

APPROVED AS TO FORM AND LEGALITY


Celso Ortiz (May 8, 2023 11:53 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1. WAIVING THE CITY OF OAKLAND'S ADVERTISING AND SOLICITATION OF PROPOSALS/QUALIFICATIONS REQUIREMENTS;**
- 2. AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT, FROM JULY 1, 2023 TO JUNE 30, 2026, WITH THE LAKE MERRITT INSTITUTE TO PROVIDE CLEANUP, MAINTENANCE, MONITORING, VOLUNTEER COORDINATION, TECHNICAL ASSISTANCE, AND PUBLIC OUTREACH SERVICES AT LAKE MERRITT, IN A CONTRACT AMOUNT NOT TO EXCEED SIX HUNDRED NINETY-SEVEN THOUSAND AND FIVE HUNDRED DOLLARS (\$697,500), WITH AN OPTION TO EXTEND THE CONTRACT FOR TWO ADDITIONAL YEARS FOR AN ADDITIONAL AMOUNT NOT TO EXCEED TWO HUNDRED THIRTY-TWO THOUSAND AND FIVE HUNDRED DOLLARS (\$232,500) PER YEAR; AND**
- 3. ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

WHEREAS, the City of Oakland (City) has a current agreement with Lake Merritt Institute (LMI) to implement the Clean Lake program, which will expire on June 30, 2023; and

WHEREAS, the City wishes to continue the Clean Lake program, which provides cleanup, maintenance, monitoring, volunteer coordination, technical assistance, and public outreach services at Lake Merritt; and

WHEREAS, the services provided by the Clean Lake program help to address water quality impairments in Lake Merritt and fulfill regulatory requirements in accordance with the Clean Water Act; and

WHEREAS, Oakland Municipal Code (OMC) Sections 2.04.040.B.4 and 2.04.051.A.1 require the City to conduct a formal advertising and competitive Request for Qualifications/Proposals (RFQ/RFP) selection process for professional services agreements over \$50,000.00; and

WHEREAS, OMC Section 2.04.051.B authorizes the City Council to waive the advertising and competitive RFQ/RFP selection requirements if it finds that it is in the City's best interests to do so; and

WHEREAS, staff recommends that it is in the City's best interests for the City Council to waive the advertising and competitive RFQ/RFP requirements for this agreement because (1) the Clean Lake program requires specialized work that LMI is uniquely qualified to provide; (2) LMI's performance during their time as a contractor for the Clean Lake program has continually met the City's requirements; and (3) significant staffing shortages in Oakland Public Works Department's Capital Contract Services Division have rendered completing the advertising and competitive process prior to expiration of the current agreement infeasible; and

WHEREAS, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of professional, scientific, or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that this agreement with LMI will 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, pursuant to OMC 2.04.051.B and for the foregoing reasons, the City Council finds and determines that it is in the best interests of the City to waive the formal advertising and RFQ/RFP requirements and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby awards LMI a contract to implement the Clean Lake program for three years, based on availability of funding, from July 1, 2023, to June 30, 2026, in a contract amount not to exceed six hundred ninety-seven thousand and five hundred (\$697,500) dollars, with an option for two additional years till June 30, 2028, for an additional contract amount not to exceed two hundred thirty-two thousand and five hundred dollars (\$232,500) per year; and be it

FURTHER RESOLVED: That the activities included in this agreement will be funded by the Recycling Program Fund (1710), Environmental Remediation Organization (30683), Services: Miscellaneous Contract Account (54919), and Clean Lake Contract Project (1001514) and DP300 Administrative Project (1000010); and the Sewer Service Fund (3100), Environmental Remediation Organization (30683), Services: Miscellaneous Contract Account (54919), and Clean Lake Contract Project (1001514) and DP300 Administrative Project (1000010); and be it

FURTHER RESOLVED: That the City Administrator is authorized to conduct all negotiations and execute and submit all documents, including but not limited to agreements and payment requests, and to take any other action consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement, except for those related to an increase in compensation or the allocation of additional funds provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That City Council has reviewed the proposed project and independently finds and determines that this action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: Section 15162 and 15163 (no further environmental review required); Section 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment); Section 15061(b)(3) (no significant effect on the environment); Section 15183 (projects consistent with a community plan, general plan, or zoning), Section 15301 (existing facilities), Section 15302 (replacement or reconstruction), and Section 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda on the project named in this Resolution; and be it

FURTHER RESOLVED: That the agreement shall be reviewed and approved by the Office of the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California