



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS PROCESS AND AWARDING A PROFESSIONAL SERVICES AGREEMENT TO OAKLAND VENUE MANAGEMENT FOR IMPLEMENTATION OF THE EXCESS LITTER FEE PROGRAM FOR THREE YEARS, WITH TWO ONE-YEAR EXTENSIONS, IN AN AMOUNT NOT TO EXCEED \$750,000.00 EACH YEAR

WHEREAS, on February 21, 2006, the City Council adopted Ordinance No. 12727 C.M.S. establishing the Excess Litter Fee Program; and

WHEREAS, a Request for Proposals for continued implementation of the Excess Litter Fee Program was issued on September 11, 2014 with three proposals received on October 6, 2014; and

WHEREAS, staff evaluated all proposals received and selected Oakland Venue Management as the most qualified to provide this service to the City and pursuant to Resolution No. 85679 C.M.S., Council awarded a three-year contract, with two extensions, to Oakland Venue Management; and

WHEREAS, Oakland Venue Management has performed beyond expectation and has proposed expanding the program to employ currently unsheltered persons in Oakland by contracting with Oakland homeless service providers; and

WHEREAS, the City Administrator proposes that the City enter into a new three-year contract, with two optional one-year extensions, with Oakland Venue Management for continued implementation of the Excess Litter Fee Program in an amount not to exceed \$750,000 each year, for a total contract amount over the five-year period not to exceed \$3,750,000; and

WHEREAS, the Oakland Municipal Code (OMC) sections 2.04.040.B and 2.04.051 require the City Administrator to conduct a Request for Proposals/Qualifications (RFP/Q) process for professional services contracts, and OMC section 2.04.051.B permits the Council to waive the RFP/Q process upon a finding that it is in the best interest of the City to do so; and

WHEREAS, staff recommends that it is in the best interest of the City to waive the RFP/Q process because that process would disrupt service for several months while seeking others who may not be qualified to provide this specialized service, but the current vendor has demonstrated the ability to provide this service in a responsive and increasingly productive manner; and

WHEREAS, it is also in the City's best interest to waive the RFP/Q process because the current provider has the vision and ability to seamlessly expand the program in a manner that will quickly provide employment opportunities to Oakland's unsheltered and economically vulnerable by giving them entry level experience that can lead to full time employment; and

WHEREAS, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature, and 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; and

WHEREAS, the total Excess Litter Fee Program is funded from revenues collected from the Excess Litter Fee, which are deposited to the Excess Litter Fee Fund (Fund 2417); now therefore be it

RESOLVED: That pursuant to Oakland Municipal Code section 2.04.051.B and based on the findings set forth above and in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the best interest of the City to waive the competitive RFP/Q process for the agreements with Oakland Venue Management and so waives the requirement; and be it

FURTHER RESOLVED: That the City Council hereby awards a professional service agreement to Oakland Venue Management for implementation of the Excess Litter Fee Program for a three year period in an amount not to exceed seven hundred fifty thousand dollars (\$750,000.00) each year; and be it

FURTHER RESOLVED: That the City Administrator is authorized to amend the agreement to extend the agreement for two additional one-year periods in an amount not to exceed \$750,000 each year without return to Council, pending the availability of funds; and be it

FURTHER RESOLVED: That based on information provided by the City Administrator, the City Council finds that these contracts are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO
AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council of
the City of Oakland, California