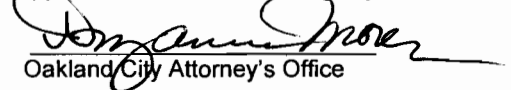


2010 MAR 10 PM 4:14

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82552 C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS
DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES
AGREEMENT IN AN AMOUNT NOT TO EXCEED ONE-HUNDRED
FIFTY THOUSAND DOLLARS (\$150,000.00) WITH KELLER
MITCHELL AND COMPANY FOR AS-NEEDED LANDSCAPE
ARCHITECTURAL SERVICES OVER A PERIOD OF THREE YEARS**

WHEREAS, professional landscape architectural design services are needed to provide site surveying, site analysis, programming, design services and construction support services for various landscape architectural related projects; and

WHEREAS, as-needed landscape architectural design services agreements allow the City to promptly respond and provide the necessary services in an efficient and timely manner; and

WHEREAS, unscheduled projects will also occur throughout the three-year period and will likely require landscape architectural design services; and

WHEREAS, it is anticipated that various funded capital improvement projects will utilize the as-needed services agreements; and

WHEREAS, the landscape architectural design services will be funded through the various individual projects and funds will be identified prior to the performance of the landscape architectural design services; and

WHEREAS, the City conducted a competitive Request for Qualifications selection process; and

WHEREAS, nine firms responded to the City's Request for Qualifications process for Tier I and Keller Mitchell and Company, was chosen as one of the firms to provide the services; and

WHEREAS, the City wishes to enter into a contract with Keller Mitchell and Company; and

WHEREAS, the City Council finds that the professional landscape architectural design services are exempt from competitive bidding pursuant to Oakland Municipal Code Section 2.04.051 A; and

WHEREAS, the City Council finds that this agreement is for services of a professional 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 services; now, therefore, be it

RESOLVED: That the City Administrator, or his designee, is hereby authorized to enter into an Agreement with Keller Mitchell and Company to provide as-needed landscape architectural design services; and, be it

FURTHER RESOLVED: That the total amount of the Agreement is for an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00); and, be it

FURTHER RESOLVED: That for any work orders issued under this resolution requiring the use of any City General Purpose Fund money not already specifically appropriated by City Council to the project, the City Administrator shall return to the City Council for approval of the allocation of the General Purpose Fund money; and be it

FURTHER RESOLVED: That the contract term will be for three (3) years from the date of contract execution; and, be it

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

FURTHER RESOLVED: That a copy of the Agreement will be on file in the City Clerk's Office and will be approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010

PASSED BY THE FOLLOWING VOTE:

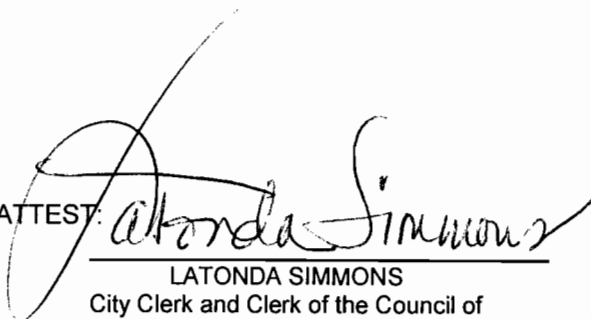
AYES -BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER ~ 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California