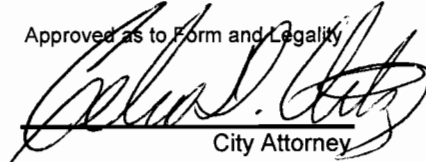


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 FEB 10 AM 9:58

**OAKLAND CITY COUNCIL**  
**RESOLUTION No. 82545 C.M.S.**

Approved as to Form and Legality

  
City Attorney

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**RESOLUTION WAIVING THE COMPETITIVE RFQ/RFP SELECTION REQUIREMENT AND AWARDING A TWO-YEAR AGREEMENT FOR AN AMOUNT NOT-TO-EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) TO THE ASSOCIATION OF BAY AREA GOVERNMENTS BALANCE FOUNDATION – ALAMEDA COUNTY GREEN BUSINESS PROGRAM TO PROVIDE GREEN BUSINESS CERTIFICATION FOR OAKLAND BUSINESSES**

**WHEREAS**, in 2006 through Resolution No. 80286 C.M.S. the Council approved the Zero Waste Strategic Plan to achieve the Zero Waste goal by year 2020, which identified funding and promoting the Green Business Program in Oakland as a recommended step to expand and improve local and regional recycling programs; and

**WHEREAS**, the Association of Bay Area Governments Balance Foundation (ABAG) – Alameda County Green Business Program (GBP) promotes environmentally responsible business practices through a certification program; and

**WHEREAS**, to attain a Green Business certification, businesses must meet specific standards in energy and water efficiency, solid waste reduction and pollution prevention that exceed applicable environmental regulations; and

**WHEREAS**, the City wishes to increase the GBP certification processing capacity to handle the demand from Oakland businesses wishing to be certified as “green”; and

**WHEREAS**, the City desires to enter into an agreement with ABAG to increase the processing capacity for the GBP and facilitate the participation of Oakland businesses in the GBP; and

**WHEREAS**, pursuant to Section 2.04.051 B of the Oakland Municipal Code (OMC), the City Council finds that it is in the best interest of the City to waive the competitive Request For Qualifications/Request For Proposals (“RFQ/RFP”) selection requirement because green business certification cannot be provided by any entity other than ABAG Balance Foundation – GBP at no costs to participating businesses; and

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

**WHEREAS**, the City Council finds that this agreement shall 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 Chapter 2.04, Article I, section 2.04.050.I.5, and to section 2.04.051.B, the City Council hereby finds that based on the reasons and circumstances set forth herein and in the Report accompanying this Resolution, it is in the best interest of the City to waive the competitive RFP/RFQ selection requirements of the Oakland Purchasing Ordinance; and be it

**FURTHER RESOLVED:** That the City Council hereby awards, and the City Administrator is hereby authorized to enter into, a two-year agreement for a total amount not to exceed sixty thousand dollars (\$60,000) with the ABAG to promote environmentally responsible business practices through its green business certification program; and, be it

**FURTHER RESOLVED:** That the City Administrator or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of 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 a copy of the agreement will be on file in the City Clerk's Office and will be reviewed by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 2 2010, 20      

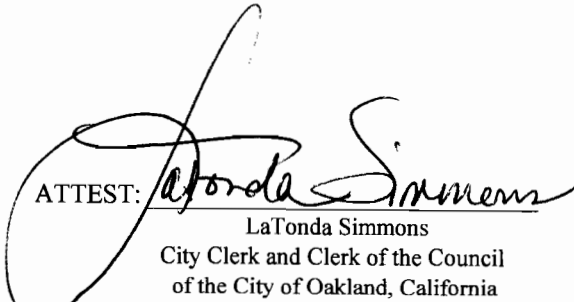
**PASSED BY THE FOLLOWING VOTE:**

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