

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality

*Charles A. Hines*  
City Attorney

2021 JAN 22 PM 2: 11

## OAKLAND CITY COUNCIL

RESOLUTION No. 88488 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION AWARDING A MAINTENANCE AND SERVICE AGREEMENT TO SCHEIDT AND BACHMANN, U.S.A., INC. FOR MAINTENANCE AND SUPPORT OF THE PARKING ACCESS AND REVENUE CONTROL SYSTEM USED AT CITY PARKING GARAGES FOR A PERIOD OF THREE YEARS AT AN AVERAGE ANNUAL COST OF \$225,710.67, FOR A TOTAL CONTRACT COST OF \$677,132.00; AND WAIVING THE ADVERTISING, BIDDING AND THE REQUEST FOR QUALIFICATIONS/PROPOSAL COMPETITIVE SELECTION REQUIREMENTS.**

**WHEREAS**, the City of Oakland wishes to enter into an agreement with Scheidt and Bachmann USA, Inc. (Scheidt and Bachmann) to continue providing maintenance and service on the City's Scheidt and Bachmann parking access and revenue control system (PARCS) used at seven of the City's parking facilities; and

**WHEREAS**, the City was informed when it purchased its Scheidt & Bachmann PARCS that such an agreement would be necessary after the initial 1-year warranty that came with the system expired; and

**WHEREAS**, the City recognizes that the same professional services and warranties cannot be provided by any other company at a comparable cost; and

**WHEREAS**, the City finds that Scheidt and Bachmann negotiated the terms of the maintenance and service agreement in good faith and met the City's minimum specifications; and

**WHEREAS**, those terms include provisions for quarterly payments to cover the cost of preventative maintenance and warranty work, monthly payments for the cost of transaction and credit card processing fees, as needed payments for the cost of supplies and non-warranty service work and a one-time payment to cover expenses incurred under the previous agreement that exceeded that agreement's capacity; and

**WHEREAS**, the City has used revenue from garage parking operations to cover the cost of this agreement since the system was acquired in 2010; and

**WHEREAS**, Oakland Municipal Code (OMC) section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or combination thereof required by the City which exceeds \$50,000.00; and

**WHEREAS**, OMC section 2.04.050 I. 5 permits the Council to waive these requirements upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, OMC section 2.04.051.A requires staff to conduct a competitive RFP/Q selection process for the procurement of professional services; and

**WHEREAS**, OMC section 2.04.051.B authorizes the City Council to waive the RFP/Q requirement upon a finding that it is in the best interests of the City to do so; 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 Council finds and determines that pursuant to Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B, that it is in the best interests of the City to waive the advertising, competitive bidding, and competitive RFP/Q process for products, replacement parts and services to be purchased under the proposed agreement because: 1) the Department of Information Technology continues to view the Scheidt & Bachmann PARCS as a turn-key system and, therefore, the necessary support services for the system should be provided by Scheidt & Bachmann; 2) that there is no alternative service provider in the local market that is capable of supporting the system; and 3) that the cost of using Scheidt and Bachmann to maintain and support the system on a "time and materials" (T&M) basis would be unpredictable and likely to lead to additional costs including loss of additional revenues and poor customer service due to lack of timely support; therefore, the City Council hereby authorizes the waiver of the OMC advertising, bidding and RFP/Q competitive selection requirements; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized to enter into a maintenance and service agreement with Scheidt & Bachmann USA, Inc. for a period of three years at a cost of Year 1 \$257,149.00, Year 2 \$206,452.00 and Year 3 \$213,531.00 to cover the negotiated cost of the agreement, variable transaction and credit card fees, an annual contingency of \$40,000.00 and a one-time amount of \$57,439.00 in Year 1, for an average annual cost of \$225,710.67 and a grand total not to exceed contract amount of \$677,132.00; and be it

**FURTHER RESOLVED:** To use available funds in Multipurpose Reserve Fund (1750), Revenue Organizations (08931), Miscellaneous Contract Services Account (54919), Non Project (10003469) for Year 1 of the agreement; and be it

**FURTHER RESOLVED:** That an appropriation of funds adequate to cover the cost of Years 2 and 3 of the agreement in Multipurpose Reserve Fund (1750), Revenue Organizations (08931), Miscellaneous Contract Services Account (54919), Non Project (10003469) be included in the City's Fiscal Budget 2021-2023; and be it

**FURTHER RESOLVED:** That the City Administrator have the spending authority to pay invoices from Scheidt and Bachmann USA, Inc. according to this agreement on a monthly, quarterly or as needed basis; and be it

**FURTHER RESOLVED:** that the City Attorney shall review and approve the proposed contract as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 19 2021

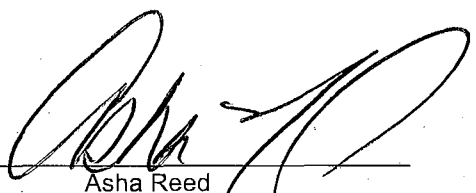
**PASSED BY THE FOLLOWING VOTE:**

AYES - ~~WILLIAMS~~ GALLO, KALB, KAPLAN, REID, TAYLOR, THAO and PRESIDENT FORTUNATO BAS - 7

NOES - 1 File

ABSENT - 0

ABSTENTION - 0

ATTEST:   
Asha Reed  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California