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OFFICE OF THE CITY CLERK
OAKLAND

2008 SEP 11 PM 3:21

OAKLAND CITY COUNCIL

RESOLUTION No. 81610 C.M.S.

Approved as to Form and Legality


City Attorney

A RESOLUTION (1) WAIVING ANY FURTHER COMPETITIVE PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND AWARD A PROFESSIONAL AND CONSTRUCTION SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$256,000) TO IMPLEMENT ENERGY SAVINGS MEASURES AT THE CITY'S FIVE SWIMMING POOLS, WITHOUT RETURNING TO CITY COUNCIL AND (2) ACCEPTING AND APPROPRIATING ENERGY-RELATED REBATES FOR PROJECT NO. C256516

WHEREAS, the City of Oakland participated in Gas and Electric Company (PG&E) pool audit program that provided general energy efficient measures for reducing energy consumption and greenhouse gas emissions; and

WHEREAS, the pool audit program found the City could experience significant savings by implementing energy efficiency measures at its five pools; and

WHEREAS, if the City will undertake these cost effective energy efficiency projects then it may save an estimated \$32,000 in City cost, cut approximately 213,000 Kilowatt-hours of annual energy use, and reduce greenhouse gas emissions by about 219 MT each year; and

WHEREAS, the City has appropriated funds in the City Facilities Energy Conservation Loan Fund (4450), OPR Capital Improvement Projects Organization (94500), OPR Energy Efficiency Project (C256516) to implement this project and lower the City's operating costs; and

WHEREAS, the City, in compliance with Oakland Municipal Code ("O.M.C.") Section 2.04.051 conducted a formal Request For Proposals solicitation for providing swimming pool energy efficiency design and construction services, however no proposals were received; and

WHEREAS, Department of Contracting and Purchasing performed an availability analysis for local contractors and found none qualified for this pool energy related work; and

WHEREAS, the City Council has determined that it is in the best interests of the City to waive any further competitive solicitation requirements of the competitive process for reasons detailed in the agenda report and this resolution, and further recommends negotiation and execution of agreements without returning to the City Council for professional and construction services for life-cycle cost-effective and energy efficiency projects for the City community swimming pools; now, therefore, be it

RESOLVED: That, pursuant to O.M.C. Section 2.04.051 B, the Council hereby finds that any further competitive process is waived because it is in the best interest of the City to do so for the reasons detailed in the agenda report and this resolution, and the City Administrator, or designee, is authorized to negotiate and execute agreements without returning to the City Council for professional and construction services for life-cycle cost-effective and energy efficiency projects for the City swimming pools; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to apply for, accept, and appropriate energy related rebates or incentive payments from programs offered by the State, PG&E or other rebate programs and place funds into the City Facilities Fund (4400); and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to transfer funds between projects as necessary to achieve the optimal use of resources; and be it

FURTHER RESOLVED: That the Local and Small Business Enterprise Program be waived due to an availability analysis revealing that no local firm holds a C-53 California state swimming pool contractor license; and be it

FURTHER RESOLVED: That, unless specifically designated above, all grantees and contractors will be bound by all applicable Oakland laws and policies including the Living Wage Ordinance; the Local Employment Program; the 15% Apprenticeship Policy; the Equal Benefits Ordinance; and the Local Construction Employment referral Program; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 21 2008, 20

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - Brooks - 1

ABSTENTION - 0

ATTEST



LaTonda Simmons

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