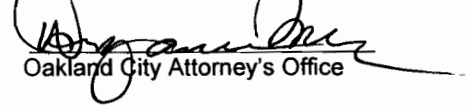


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 MAR 25 AM 10:19

Approved as to Form and Legality

  
Oakland City Attorney's Office

# OAKLAND CITY COUNCIL

Resolution No. 82615 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 MMS DESIGN ASSOCIATES FOR AS-NEEDED CIVIL ENGINEERING SERVICES OVER A PERIOD OF THREE (3) YEARS**

**WHEREAS**, professional as-needed civil engineering services are needed to assist the Department of Engineering and Construction (DEC) and other City Departments and Agencies, including, the Community and Economic Development Agency (CEDA), the Public Works Agency (PWA), and the Oakland Redevelopment Agency (ORA) with the planning, design, and implementation of various improvement projects; and

**WHEREAS**, the as-needed civil engineering services agreement allows DEC and CEDA, as a whole, to respond and provide the necessary services in an efficient and timely manner; and

**WHEREAS**, the as-needed civil engineering services allows DEC and CEDA, as a whole, to design and plan improvements to Oakland's infrastructure; and

**WHEREAS**, mid-year plans and projects will arise throughout the three (3) year period and will likely require as-needed civil engineering services; and

**WHEREAS**, as-needed civil engineering services will be funded through the various individual projects and funds will be identified prior to authorizing specific as-needed services; and

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

**WHEREAS**, DEC staff recommends MMS Design Associates to provide as-needed civil engineering services required for an amount not-to-exceed \$150,000.00; and

**WHEREAS**, MMS Design Associates has met the City's 20% Local/Small Local Business Enterprises (LBE/SLBE) Program requirements and has been determined to be in compliance with the Equal Benefits Ordinance (EBO); 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 the 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 the City Council authorize the City Administrator, or his designee, to enter into a Professional Service Agreement with MMS Design Associates for as-needed civil engineering services in an amount not-to-exceed \$150,000.00; and be it

**FURTHER RESOLVED:** That the terms of the Agreement shall be for three (3) years and is anticipated to cover the time period from January 2010 to December 2012; 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 funds, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; 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 Agreement shall be approved for form and legality by the City Attorney, and a copy shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2010

**PASSED BY THE FOLLOWING VOTE:**

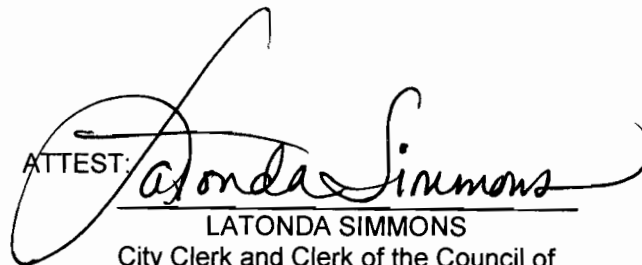
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:

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