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OFFICE OF THE CITY CLERK  
OAKLAND

Revised by the City Council at the March 2, 2010 Council Meeting

10 MAR 10 AM 9:18

Approved as to Form and Legality

  
Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. 82556 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS  
DESIGNEE TO ENTER INTO A PROFESSIONAL SERVICES  
AGREEMENTS IN AN AMOUNT NOT TO EXCEED FIVE-HUNDRED  
THOUSAND DOLLARS (\$500,000.00) WITH DILLINGHAM  
ASSOCIATES 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 II and Dillingham Associates, was chosen as one of the firms to provide the services; and

**WHEREAS**, the City wishes to enter into a contract with Dillingham Associates; 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 Dillingham Associates 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 Five Hundred Thousand Dollars (\$500,000.00); 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 her 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:**

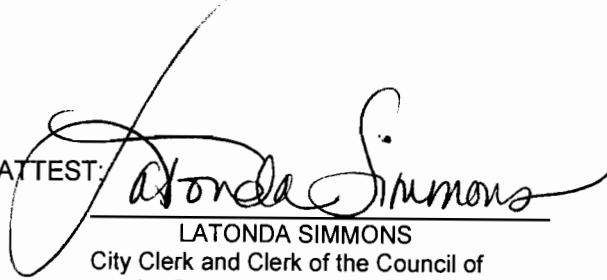
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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