

**DRAFT**

City Attorney

AMENDED IN PUBLIC SAFETY COMMITTEE JANUARY 26, 2016

**OAKLAND CITY COUNCIL**

**FILED**  
OFFICE OF THE CITY CLERK  
OAKLAND

**2016 JAN 29 AM 8:59**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

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

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:**

- 1) **NEGOTIATE AND ENTER INTO A TOWING SERVICES CONTRACT WITH AUTO PLUS TOWING (APT) FOR THE PERIOD JULY 1, 2016 TO JUNE 30, 2021, WITH AN OPTION TO EXTEND THE CONTRACT FOR ONE ADDITIONAL FIVE-YEAR TERM, FOR TOWING AND STORAGE OF VEHICLES, COLLECTION AND ADMINISTRATION OF ADMINISTRATIVE TOWING FEES, LIEN SALE BY PUBLIC AUCTION OF ABANDONED VEHICLES AND VARIOUS ADMINISTRATIVE SERVICES RELATED TO TOWING OPERATIONS;**
  
- 2) **ACCEPT AND APPROPRIATE AN ANNUAL PAYMENT ESTIMATED AT ONE HUNDRED SEVENTY TWO THOUSAND DOLLARS (\$172,000), AS ANNUALLY ADJUSTED BASED ON THE CONSUMER PRICE INDEX (CPI), PLUS A REFERRAL FEE OF FIFTY-FOUR DOLLARS (\$54) PER TOWED VEHICLES ANNUALLY ADJUSTED BY THE CPI, AND PLUS A PERCENTAGE OF GROSS REVENUE RECEIVED BY APT IN CONDUCTING TOW SERVICES FOR THE CITY OF OAKLAND/OAKLAND POLICE DEPARTMENT (OPD) FROM APT FOR PAYMENT OF ADMINISTRATIVE AND OTHER COSTS**

**WHEREAS**, the City of Oakland submitted a Request for Proposal (RFP) on June 8, 2015 with two parts related to the towing services operation, the first component for a Tow Vehicle Management System (TVMS) Service Provider, and the second component for a Tow Management and Auction Services Provider, with a response due date of June 25, 2015; and

**WHEREAS**, the City of Oakland received only one valid response to the RFP, which was from Auto Plus Towing (APT), for the Tow Management and Auction Services component of the RFP, and received no valid response for the TVMS service component of the RFP; and

**WHEREAS**, the City of Oakland then resubmit the RFPs on July 15, 2015, with a response due date of August 5, 2015; and

**7.24**  
MEETING OF THE  
OAKLAND CITY COUNCIL  
FEB 0 2 2016

**WHEREAS**, the City of Oakland received two valid responses to the second RFP; one for each component . APT responded to the Tow Management and Auction Service component, and Dispatch and Tracking Solutions responded to the TMVS component; and

**WHEREAS**, the City of Oakland carefully reviewed both responses to the RFP and determined that APT is prepared to meet both the Tow Management and Auction Services and TVMS components of the proposed tow contract needs; and

**WHEREAS**, the initial term of the agreement will be five years, for the period of July 1, 2016 to June 30, 2021, with an option to extend the agreement for one additional five-year term; and

**WHEREAS**, APT will provide the City of Oakland with a reimbursement of services fee in the amount of \$172,000 annually, subject to an annual adjustment based on the Consumer Price Index (CPI), to cover related policing and administrative costs; and

**WHEREAS**, APT will provide the City of Oakland with a referral fee of \$54 per vehicle towed, subject to an annual adjustment based on the CPI, to cover related policing and administrative costs ; and

**WHEREAS**, APT will provide the City of Oakland with a percentage of their gross revenue (Gross Revenue Percentage Fee) associated with conducting tow services for the City, to cover related policing and administrative costs of two percent (2%) per year in the first year of the contract and increase this fee by one-half percent per year to reach four percent in the fifth year of the contract; and

**WHEREAS**, revenue from the Contractor will be received in General Purpose Fund (1010), Treasury Division Org (08721), Miscellaneous Service Charges Account (45729), Financial Management Program (IP59); and

**WHEREAS**, revenue received from the Vehicle Release Fee, which is charged to vehicle owners to cover related policing and administrative costs, will be received in the General Purpose Fund (1010), Records and Warrants Organization Code (103242), Miscellaneous Service Charges Account (45729), Police Records Program (PS07); now, therefore be it

**RESOLVED:** That the Oakland City Council, hereby authorizes the City Administrator, or designee, to negotiate and enter into an agreement for towing and storage services with APT; and be it

**FURTHER RESOLVED:** That the proposed contract term shall include the following provisions:

- Performance period of five years, for the period of July 1, 2016 to June 30, 2021, with an option to extend the agreement for an additional five years;
- APT will provide the City of Oakland with a reimbursement of services fee in the amount of \$172,000 annually, subject to an annual adjustment based on the CPI;
- APT will provide the City of Oakland with a referral fee of fifty-four dollars (\$54) per vehicle towed subject to an annual adjustment based on the CPI;
- APT will provide the City of Oakland with a percentage of their gross revenue (Gross Revenue Percentage Fee) associated with conducting tow services for the City of two percent per year in the first year of the contract and increase this fee by one-half percent per year to reach four percent in the fifth year of the contract;
- APT will not charge Oakland residents for the first 48 hours of storage costs on recovered stolen vehicles towed in Oakland in accordance with law; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to accept and appropriate an estimated annual payment in the amount of one hundred seventy two thousand dollars (\$172,000), subject to an annual adjustment based on the CPI, referral fees of fifty-four dollars (\$54) per vehicle towed subject to an annual adjustment based on the CPI, and a percentage of APTs gross revenue associated with conducting tow services for the City at two percent (2%) per year for the first year and at an increase of one-half percent (0.5%) thereafter to reach four percent (4%) in the fifth year of the contract; and be it

**FURTHER RESOLVED:** That revenue from the Contractor will be received in General Purpose Fund (1010), Treasury Division Org (08721), Miscellaneous Service Charges Account (45729), Financial Management Program (IP59); and be it

**FURTHER RESOLVED:** That revenue received from the Vehicle Release Fee will be received in General Purpose Fund (1010), Records and Warrants Org (103242), Miscellaneous Service Charges Account (45729), Police Records Program (PS07); and be it

**FURTHER RESOLVED:** That the City administrator or designee is authorized to complete and execute all required negotiations, assurances, and documentation required to accept, modify, extend and/or amend this agreement for services, without returning to Council; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve the agreement and contract terms as to form and legality; and be it

**FURTHER RESOLVED:** That the City Administrator or designee shall place a copy of the fully executed Agreement with APT on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and  
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council of the  
City of Oakland, California

7.24  
MEETING OF THE  
OAKLAND CITY COUNCIL  
FEB 0 2 2016