

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

2018 NOV 20 PM 12:43

RESOLUTION NO. 87458 = C.M.S.

RESOLUTION AUTHORIZING: (1) THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH BEECHER EMISSION SOLUTION TECHNOLOGIES, LLC, (DOING BUSINESS AS WARD DIESEL FILTER SYSTEMS) FOR AN AMOUNT NOT TO EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000.00) ANNUALLY FOR THE PERIOD OF JANUARY 1, 2019 THROUGH DECEMBER 31, 2019 FOR UPGRADES AND REPAIRS OF THE EXHAUST SYSTEMS OF FIRE DEPARTMENT EMERGENCY RESPONSE VEHICLES; WITH TWO ONE-YEAR OPTIONS TO EXTEND, FOR A GRAND TOTAL CONTRACT AMOUNT OF FORTY-FIVE THOUSAND DOLLARS (\$45,000.00), WITHOUT RETURNING TO COUNCIL, AND (2) WAIVING THE ADVERTISING, COMPETITIVE BIDDING AND REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) REQUIREMENTS

WHEREAS, Oakland Public Works' Bureau of Maintenance & Internal Services seeks to enter into an agreement with Beecher Emission Solution Technologies, LLC for upgrades and repairs of the diesel-powered exhaust systems of Fire Department emergency response vehicles; and

WHEREAS, since May 2003, Oakland Public Works has steadfastly promoted improving upon Oakland's jurisdictional air quality by promoting policy initiatives such as the City's "Green Fleet" legislation, which was fully ratified by City Council through enactment of Authorizing Resolution No. 77842 C.M.S., dated June 3, 2003; and

WHEREAS, jurisdictional indoor air quality and standards are regulated and governed by the State of California's Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA); and

WHEREAS, Beecher Emission Solution Technologies' Ward Diesel Filter System is the only diesel-powered exhaust filtration system that conforms with both the U.S. Environmental Protection Agency's and Cal/OSHA-mandated environmental standards for diesel-powered vehicular exhaust systems; and

WHEREAS, in keeping with environmental impact standards as set forth and enacted by the U.S. Environmental Protection Agency and Cal/OSHA, the City of Oakland is required to outfit and maintain all Fire Department diesel-powered vehicles using the proprietary Ward Diesel Filter System; and

WHEREAS, Oakland Public Works requests authorization to enter into an agreement with Beecher Emission Solution Technologies, LLC (DBA Ward Diesel Filter Systems) for an amount not to exceed \$15,000.00 annually for the period of January 1, 2019 through December 31, 2019 for upgrades and repairs of the exhaust systems of Fire Department emergency response vehicles; and

WHEREAS, staff also requests authorization for two one-year options to extend said agreement with Beecher Emission Solution Technologies, LLC, for a grand total contract amount not to exceed forty-five thousand dollars (\$45,000.00), without returning to Council; and

WHEREAS, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires the City to conduct a competitive Request for Proposal/Qualifications (RFP/Q) selection process for the procurement of professional services; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires the City to conduct advertising and competitive bidding when it purchases services, supplies or a combination thereof that exceeds \$50,000.00; and

WHEREAS, OMC Section 2.04.051.B and 2.04.050 I. 5 permit the Council to waive the RFP/Q and advertising and bidding requirements upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that the City Council, pursuant to OMC Section 2.04.051.B and 2.04.050 I. 5 waives the RFP/Q and advertising and bidding requirements and authorize the City Administrator or designee to enter into a contract with Beecher Emission Solution Technologies, LLC; and

WHEREAS, the proposed contractual arrangement between Oakland Public Works and Beecher Emission Solution Technologies, LLC will assist the City of Oakland in terms of guaranteeing that critical Fire Department emergency response vehicles and related equipment are maintained to strict, Federally-mandated environmental standards; now, therefore be

RESOLVED, That the City Council hereby authorizes the City Administrator or designee to enter into a one-year professional services agreement with Beecher Emission Solution Technologies, LLC, DBA Ward Diesel Filter Systems, for an amount not to exceed \$15,000.00 annually, for the period of January 1, 2019 through December 31, 2019. The City Council also authorizes two one-year options to extend the agreements for a grand total contract amount not to exceed \$45,000.00; and be it

FURTHER RESOLVED, That pursuant to OMC Sections and 2.04.050 I. 5 and 2.04.051.A, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising, competitive bidding and RFP/Q requirements based upon the reasons as set for herein and in the attached report which accompanies this Resolution, and be it

FURTHER RESOLVED, That the City Administrator or designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the proposed agreement(s) with Beecher Emission Solution Technologies, LLC, except for any increase in the contract(s) costs; and be it

FURTHER RESOLVED, That all proposed contract expenditure allocations shall be expensed to the Oakland Public Works Equipment Services Fund 4100; Equipment Services Administration Organization 30541; Repair and Maintenance Miscellaneous Account 54619; Administrative Project 1000010, Fleet Management and Maintenance Program IN01; and be it

FURTHER RESOLVED, That proposed contract expenditure allocations for Fiscal Year 2019 through Fiscal Year 2021 will be contingent upon the availability of funding; and be it

FURTHER RESOLVED, That the City Attorney shall review and approve the proposed contract(s) as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk.

DEC 11 2018

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - ~~MAJORITY~~, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID $\leftarrow 7$

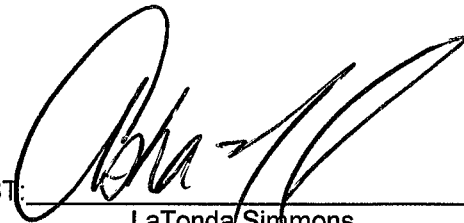
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Brooks

ATTEST: _____



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