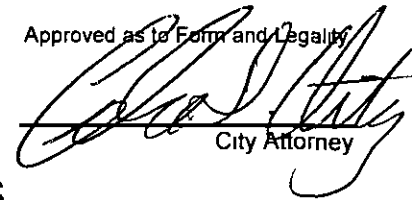


FILED
OFFICE OF THE CITY CLERK
OAKLAND**OAKLAND CITY COUNCIL**
City AttorneyRESOLUTION No. 84804 C.M.S.
2013 DEC 30 PM 2:28
Introduced by Councilmember _____

RESOLUTION (A) WAIVING ADVERTISING AND COMPETITIVE BIDDING AND (B) AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO EXECUTE A FIVE-YEAR SERVICE CONTRACT WITH IPS GROUP, INC. IN AN AMOUNT NOT TO EXCEED FIVE MILLION SEVEN HUNDRED AND NINETY-THREE THOUSAND NINE HUNDRED AND EIGHTY DOLLARS (\$5,793,980.00), INCLUSIVE OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR METER EQUIPMENT, INSTALLATION AND TRAINING, AS WELL AS THREE MILLION TWO HUNDRED AND NINETY-THREE THOUSAND NINE HUNDRED AND EIGHTY DOLLARS (\$3,293,980.00) FOR WIRELESS DATA, LICENSING FEES AND MERCHANT FEES FOR THE PURCHASE OF PARKING METERS AND RELATED EQUIPMENT ASSOCIATED WITH THE PUBLIC WORKS AGENCY'S PARKING METER MANAGEMENT SYSTEM INITIATIVE; AND AUTHORIZING

1) ADJUSTMENTS TO THE PUBLIC WORKS AGENCY'S ADOPTED FISCAL YEAR 2013-2015 OPERATING BUDGET IN THE AMOUNT OF ONE MILLION NINE HUNDRED AND EIGHTY THOUSAND ONE HUNDRED AND TWENTY-FIVE DOLLARS (\$1,980,125.00) FOR FISCAL YEAR 2014-2015 FOR DEBT SERVICE; WIRELESS DATA; LICENSING FEES; MERCHANT FEES; REPLACEMENT METERS AND PARTS; PERSONNEL OVERTIME AND OTHER OPERATIONAL AND MAINTENANCE EXPENSES ASSOCIATED WITH PARKING METERS; AND

2) ADJUSTMENTS TO THE ADOPTED FISCAL YEAR 2013-2015 OPERATING BUDGET BY INCREASING BUDGETED PARKING METER REVENUE IN THE AMOUNT OF ONE MILLION SEVEN HUNDRED AND NINETY-FOUR THOUSAND ONE HUNDRED AND SIXTY DOLLARS (\$1,794,160.00) AND INCREASING BUDGETED PARKING CITATION REVENUE IN THE AMOUNT OF TWO HUNDRED NINE THOUSAND DOLLARS (\$209,000.00) IN FISCAL YEAR 2014-2015; AND

3) THE CITY ADMINISTRATOR OR HER DESIGNEE TO EXECUTE A MASTER LEASE PURCHASE AGREEMENT AND ALL RELATED DOCUMENTS WITH A FINANCIAL INSTITUTION TO BE IDENTIFIED AND SELECTED THROUGH THE COMPETITIVE BIDDING PROCESS FOR SAID PARKING METER MANAGEMENT SYSTEM INITIATIVE FINANCING IN THE AMOUNT OF TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR A TERM NOT TO EXCEED FIVE (5) YEARS AND AN INTEREST RATE NOT TO EXCEED TWO AND ONE-HALF PERCENT (2.5%) FOR THE PURCHASE OF FOUR THOUSAND THREE HUNDRED (4,300) SINGLE-SPACE PARKING METERS AND RELATED EQUIPMENT; AND

4) THE CITY ADMINISTRATOR OR HER DESIGNEE TO INCREASE THE FINANCIAL TERMS OF THE PROPOSED CONTRACT WITH IPS GROUP, INC. FOR THE POSSIBLE FUTURE PURCHASE(S) OF ADDITIONAL PARKING METERS AND RELATED EQUIPMENT TO ENSURE INFRASTRUCTURE AND EQUIPMENT INTEGRITY IN AN AMOUNT NOT TO EXCEED THE APPROPRIATED BUDGET FOR SAID ACTIVITIES, WITHOUT RETURN TO COUNCIL

WHEREAS, Oakland Municipal Code (OMC) Title 10, Chapter 10 36, Article 10 36 140 clarifies and comprehensively sets forth parking meter zones throughout the City of Oakland, with said legislation aligned with the California Vehicle Code which requires local authorities to establish parking meter zones, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2 04 051 A requires staff to conduct a competitive Request for Proposal/Qualification (RFP/Q) selection process for the procurement of professional services, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2 04 050 requires formal advertising and competitive bidding when the City purchases services, supplies or a combination thereof that exceeds \$50,000 00, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2 04 050 I 5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so, and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2 04 010 provides clear definition relative to the City's mandatory Local and Small Local Business Enterprise (L/SLBE) Provision requirements, and

WHEREAS, on September 12, 2012, the City Administrator, acting through the City's Contracts Compliance Office, issued a formal waiver of the L/SLBE Provision for the proposed Parking Meter Management System initiative due to a lack of availability and response from qualified L/SLBE vendors, and

WHEREAS, in accordance with OMC Title 2, Chapter 2, Article I, Section 2 04 051 A, in September of 2012, the Public Works Agency's Department of Infrastructure and Operations issued an RFP/Q for the City's Parking Meter Management System, City Project No C458510, and

WHEREAS, in October of 2012, a total of four (4) qualified bid responses were received, with the scope of proposed services inclusive of Single-Space Parking Meter Systems, Double-Space Parking Meter Systems and Multi-Space Pay & Display Matching Systems which utilize wireless communications technology, and

WHEREAS, the bid response received from IPS Group, Inc was evaluated and deemed as the most qualified and cost-effective vendor, and was subsequently selected as the prime contractor for the proposed Parking Meter Management System, and

WHEREAS, the City of Oakland, through the Public Works Agency's Department of Infrastructure and Operations, seeks to enter into a Professional Services Agreement with IPS Group, Inc for a five-year period commencing during calendar year 2014 in an amount not to exceed five million seven hundred ninety-three thousand nine hundred eighty dollars (\$5,793,980 00), and

WHEREAS, said proposed contractual provisions with IPS Group, Inc shall encompass a base contract in the amount of two million five hundred thousand dollars (\$2,500,000 00), which includes meter purchases, installation, training, documentation and sales tax, as well as a contingency provision of sixteen percent (16%), and

WHEREAS, said proposed contractual provisions with IPS Group, Inc shall also encompass the purchase of wireless data, licensing and merchant fees in the amount of three million two hundred ninety-three thousand nine hundred and eighty dollars (\$3,293,980 00) associated with the acquisition of forty-three hundred (4,300) replacement single-space parking meters and equipment, and

WHEREAS, the proposed legislation seeks authorization for the City Administrator, or her designee, to execute a Master Lease Agreement in the amount of two million five hundred thousand dollars (\$2,500,000 00) to fund meter purchases associated with the proposed Parking Meter Management System initiative; and

WHEREAS, the Public Works Agency's Department of Infrastructure and Operations seeks authorization to appropriate a revenue and operating budgetary increase in the amount of one million nine hundred eighty thousand one hundred and twenty-five dollars (\$1,980,125 00) in Fiscal Year 2014-2015 to facilitate debt service payments, ongoing operational costs, replacement meters and equipment and additional personnel overtime; and

WHEREAS, the Public Works Agency's Department of Infrastructure and Operations seeks authorization for staff to purchase additional parking meters to ensure infrastructure and equipment integrity in an amount not to exceed the appropriated budget for said activities aligned with the Parking Meter Management System initiative, and

WHEREAS, the City Council previously authorized the execution of similar parking meter-related legislation within the context of Authorizing Resolution No 80392 C M S , dated February 6, 2007, Authorizing Resolution no 80608 C M S , dated June 5, 2007, Authorizing Resolution No 82726 C M S , dated May 4, 2010, and Authorizing Resolution No 83247 C M S , dated May 1, 2011, now therefore be it

RESOLVED: That the City Council, pursuant to Title 2, Article I, Section 2 04 050 I 5 of the Oakland Municipal Code, hereby finds and determines that it is in the best interest of the City to waive the formal advertising and competitive bidding requirements of the OMC because with the exception of adherence to bid security provisions, as stipulated within the context of OMC Section 2 04 050 B, all other requirements of the competitive bidding process pertaining to the RFP/Q processes were readily achieved, and based on the reasons and circumstances described in the Agenda Report which accompanies this Authorizing Resolution, and be it

FURTHER RESOLVED That the City Administrator, acting through the City's Contracts Compliance Office, has issued a formal waiver of the L/SLBE Provision for the proposed Parking Meter Management System initiative due to a lack of availability and response from qualified L/SLBE vendors, and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator, or her designee, to execute a five-year contract for service with IPS Group, Inc in an amount not to exceed five million seven hundred ninety-three thousand nine hundred and eighty dollars (\$5,793,980 00), for the purchase and utilization of single space parking meters, inclusive of two million five hundred thousand dollars (\$2,500,000 00) for parking meters, equipment, installation and training and three million two hundred ninety-three thousand nine hundred and eighty dollars (\$3,293,980 00) for wireless data and licensing and merchant fees associated with the City's Parking Meter Management System within the Public Works Agency's Department of Infrastructure and Operations, and be it

FURTHER RESOLVED: That the City Council authorizes adjustments to the adopted Fiscal Years 2013-2015 Public Works Agency's Operating Budget in the amount of one million nine hundred eighty thousand one hundred and twenty-five dollars (\$1,980,125 00) for Fiscal Year 2014-2015 in the General Purpose fund (1010) of the Meter Operations Section Org (30524), Parking Management Repair Program (IP60) to facilitate debt service payments, ongoing operational costs, replacement meters and parts, and additional personnel overtime, and be it,

FURTHER RESOLVED: That the City Council authorizes adjustments to the adopted Fiscal Year 2013-2015 operating budget by increasing budgeted parking meter revenue in the amount of one million seven hundred ninety-four thousand one hundred and sixty dollars (\$1,794,160 00) in Fiscal Year 2014-2015 and increasing budgeted parking citation revenue in the amount of two hundred nine thousand dollars (\$209,000 00) in Fiscal Year 2014-2015, and be

FURTHER RESOLVED That the City Administrator, or her designee, is hereby authorized to execute a Master Lease Agreement and all related documents, with a financial institution to be identified and selected through the competitive bidding process in the amount of two million five hundred thousand dollars (\$2,500,000 00), for a term not to exceed five (5) years and an interest rate not to exceed two and one-half percent (2 5%) and to appropriate this amount in FY2013-14 to fund the purchase of four thousand three hundred (4,300) single-space parking meters and related equipment associated with the proposed Parking Meter Management System initiative, and be it

FURTHER RESOLVED That future revenue and expenditure appropriations for the outer years of the contract duration from Fiscal Year 2016-2018 shall be discussed and included during the budget process and will be contingent upon actual revenues received, and be it

FURTHER RESOLVED That staff within the Public Works Agency's Department of Infrastructure and Operations are authorized to purchase additional parking meters to ensure infrastructure and equipment integrity in an amount not to exceed the appropriated budget for said activities, without return to Council, and be it

FURTHER RESOLVED That the City Administrator, or her designee, is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed Parking Meter Management agreement, except for any increase in the contract cost, and be it

FURTHER RESOLVED That the City Attorney shall review and approve the proposed agreement(s) and any and all other vendor service agreements as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 21 2014

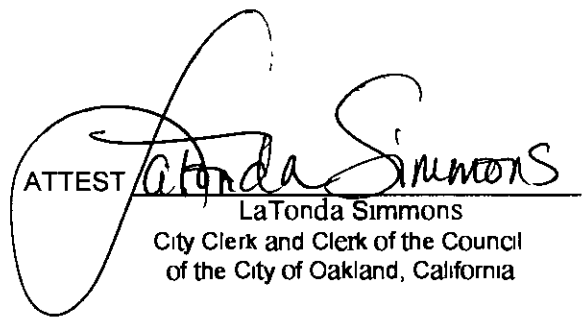
PASSED BY THE FOLLOWING VOTE

AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, REID SCHAAF and PRESIDENT KERNIGHAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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