

**DRAFT**

City Attorney's Office

# OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXTEND THE EXISTING PROFESSIONAL SERVICES AGREEMENT FOR THE OPERATION AND MANAGEMENT OF MUNICIPAL PARKING FACILITIES WITH CITY OF OAKLAND PARKING PARTNERS FOR TWO YEARS IN AN ANNUAL NOT TO EXCEED AMOUNT OF FOUR MILLION ONE HUNDRED THIRTY-THREE THOUSAND THIRTEEN DOLLARS (\$4,133,013.00) WITH AN OPTION TO EXTEND THE AGREEMENT ON A MONTH TO MONTH BASIS FOR UP TO ONE ADDITIONAL YEAR; WAIVING THE REQUEST FOR QUALIFICATIONS/PROPOSALS COMPETITIVE SELECTION REQUIREMENT; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City of Oakland (City) oversees the management and operations of off-street parking facilities in locations throughout the City generating approximately seven million dollars (\$7 million) in gross annual revenue; and

**WHEREAS**, the City has historically relied on the services of professional contractors to operate and manage these facilities; and

**WHEREAS**, in May 2014, after an extensive competitive process, the Oakland City Council adopted Resolution No. 84993 C.M.S. authorizing and directing the City Administrator to finalize and execute a contract with City of Oakland Parking Partners (COPP) for the operation and management of the sixteen municipal parking facilities for an initial term of five-years and two extensions totaling three years; and

**WHEREAS**, in May 2016, the Oakland City Council adopted Resolution No. 86146 C.M.S. authorizing an increase of \$600,000.00 in the COPP contract capacity; and

**WHEREAS**, in November 1, 2016 City Council adopted Resolution No. 86461 C.M.S. authorizing and directing the City Administrator to amend the City's Parking Operations and Facilities Management Contract with COPP by an additional \$850,000 in contract capacity; and

**WHEREAS**, in the Fiscal Years 2021-2023 Adopted Policy Budget, City Council authorized the installation of a gateless integrated parking system in all City-owned garages to make parking easier by integrating on-street and off-street parking and avoiding the substantial cost of replacing the legacy parking system; and

**WHEREAS**, staff estimates that it will take another twelve to twenty-four months to complete the full integration of off-street and on-street systems; and

**WHEREAS**, the existing contract for services with COPP, which provides services for facilities including but not limited to Alexan-Webster, City Center West, Dalziel, Franklin Plaza, Harrison Street, and Telegraph Plaza, is set to expire on July 31, 2023; and

**WHEREAS**, the existing contract includes a provision for increasing the per space management fee by a cost-of-living adjustment, but requires City Council review and authorization; and

**WHEREAS**, COPP is organized as a California General Partnership, and includes SP+, a respected national parking operator and local business enterprise, and CMA/Wellington, LLC, made up for two local businesses with decades of experience in and contributions to Oakland (CMA Asset Managers and Wellington Property); and

**WHEREAS**, at the time of award, SP+ was certified as a Local Business Enterprise, and CMA and Wellington were both certified as Small Local Business Enterprises; and

**WHEREAS**, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.051.A requires staff to conduct a competitive Request for Qualification/Proposal (RFQ/P) selection process for the procurement of professional services; and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.051.B permits the Council to waive the competitive RFQ/P competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; 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 this contract 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 recitals set forth above are true and correct, and the City Council so finds and determines; and be it

**FURTHER RESOLVED:** that the City Administrator is hereby authorized to amend the existing Professional Services Agreement for the Operation and Management of Municipal Parking Facilities with COPP by extending the term for two years, with an option to extend the agreement on a month to month base for up to one additional year, in an annual not-to-exceed amount of four million one hundred thirty-three thousand thirteen dollars (\$4,133,013.00); and be it

**FURTHER RESOLVED:** that consistent with the terms of the agreement, the per space management fee be increased by 15% to \$3.17 for garages and \$1.57 for surface lots, as a cost-of-living adjustment; and be it

**FURTHER RESOLVED:** that funding for authorized reimbursable expenses and fees are available in Multipurpose Reserve Fund (1750), Mobility Management Organization (35247), Miscellaneous Contract Services Account (54919); and be it

**FURTHER RESOLVED:** that pursuant to OMC Section 2.04.051.B, the Council hereby finds and determines that it is in the best interests of the City to waive the competitive RFQ/P competitive selection requirements for the above purchase expenditures because there would be no delay or disruption of service and the existing contractors have an acquired understanding of the City's parking facilities and demonstrated ability to perform, without returning to Council; and be it

**FURTHER RESOLVED:** that the City Council hereby finds that this project and action is exempt from the California Environmental Quality Act (CEQA) pursuant to the following CEQA Guidelines Sections: 15061(b)(3) and 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is an organizational or administrative activity of government that will not result in direct or indirect physical changes to the environment each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance; and be it

**FURTHER RESOLVED:** that the City Administrator is hereby authorized to execute any amendments or modifications to said contracts with the exception of those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office, without returning to City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN. REID, and  
PRESIDENT FORTUNATO BAS

NOES -  
ABSENT -  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California