


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION (1) EXTENDING THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH PARKMOBILE USA, INC. ("PARKMOBILE") FOR UP TO ONE YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR THE REIMBURSEMENT OF TRANSACTION FEES CHARGED TO PARKERS; AND (2) WAIVING THE REQUEST FOR QUALIFICATIONS/PROPOSALS COMPETITIVE SELECTION REQUIREMENT

WHEREAS, in 2015 a total of four (4) proposals for pay-by-phone parking services were submitted to the City by the submission deadline and all four (4) proposals were found to be qualified and meet the requirements specified in in the City's request for proposal; and

WHEREAS, after reviewing the proposals, interviews, reference checks and pricing submitted by each proposer, ParkMobile USA, Inc. ("ParkMobile") was found to be the most qualified proposer and was selected to provide pay-by-phone services for the City; and

WHEREAS, ParkMobile provides the following services at no cost to the City: (i) all technical, operational, integration, implementation, and functional responsibility, (ii) a fully functional mobile payment phone system to accommodate both single-space and multi-space meters, (iii), responsibility for all expenses related to the implementation and installation of the system including but not limited to signage, decals, etc., along with training City staff, (iv) a toll free phone number and email service/Help Center available 24 hours per day and seven days per week to provide assistance to mobile application (app) users with registration via internet or phone and any other inquiries about ParkMobile's app; and

WHEREAS, ParkMobile recovers its costs by charging the parker a fixed transaction fee of \$0.30 cents for every transaction, which the parking app user agrees to pay and is in addition to the City's \$2.00 per hour parking meter fee charged to the parker; and

WHEREAS, under the current agreement, all parking meter revenues generated through ParkMobile's system including any user transaction fees are deposited into the City's bank account on a daily basis; and

WHEREAS, the revenues collected from parking meters through ParkMobile's system on behalf of the City and the total amount collected from ParkMobile transaction fees are deposited into the designated City's bank account on a daily basis; and

WHEREAS, upon receipt of invoice and supporting documentation to show the number of transactions, revenue collected from parking meter and the transaction fees collected, the City reimburses the transaction fees to ParkMobile in an amount not to exceed \$250,000 per year; and

WHEREAS, in 2015 the City Council found that the services are professional, scientific or technical and awarding this agreement will not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, since 2015 ParkMobile has met the terms of its contract with the City of Oakland and fulfilled its obligations as per the terms of this agreement; and

WHEREAS, the current agreement between the City of Oakland and ParkMobile will expire on August 1, 2021; and

WHEREAS, in early 2021 the responsibility of the agreement between the City of Oakland and ParkMobile was transferred from the Finance Department and to the Department of Transportation; and

WHEREAS, from 2016 through 2019, parking payments made through ParkMobile comprised between 10 and 15% of annual on-street parking payments; additionally, from November 2020 through April 2021, about 65% of transient (short-term) parker payments at the La Salle Garage pilot were made through ParkMobile; and

WHEREAS, the City's Parking Principles (Resolution No. 84664) were adopted in 2013 and state that, "Parking should be easy for customers" and subsequently that, "Fees should be payable by a variety of fare media (prepaid cards, credit cards, cash, and cell phones)"; and

WHEREAS, staff are working to maximize the benefit to parkers in Oakland that the contract renewal process presents by developing and procuring a new mobile parking payment system that will enhance parkers' contactless options for paying for parking, support both on-street and off-street parking facilities, and enhance user data privacy and protections; and

WHEREAS, staff have appeared before the Privacy Advisory Commission to enhance the new mobile parking payment system's user data and security protections; and staff will continue to work with the Commission to ensure that an approved use policy and anticipated impact report for this system informs the results of the competitive process and negotiations with prospective vendor(s); and

WHEREAS, Oakland Municipal Code (“OMC”) section 2.04.051 A requires that the City conduct a competitive Request For Qualifications/Proposals (“RFQ/P”) selection process for the award of professional contracts that exceed \$50,000 and are exempt from bidding under OMC section 2.04.050.I.1; and

WHEREAS, pursuant to OMC section 2.04.051 B, the City Council may waive the City’s RFQ/P requirement upon recommendation by the City Administrator and a finding and determination by the City Council that it is in the City’s best interests to do so; and

WHEREAS, the City Administrator recommends that City Council waive the City’s RFQ/P competitive selection requirement and award a professional services agreement to ParkMobile because it is in the best interests of the City based on the reasons set forth in the staff report that accompanies this Resolution and herein; and

WHEREAS, staff have negotiated with ParkMobile to secure more favorable terms for the City and ParkMobile users in Oakland, resulting in a reduced user fee of \$0.25 per transaction, promotional offers, and marketing campaigns; and

WHEREAS, the existing agreement between the City of Oakland and ParkMobile may be extended for up to one year to avoid any lapse in mobile parking payment services available to parkers; and the City would reserve the right to terminate the extension when a new contract is signed and successor services in place; 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 for the reasons articulated by the City Administrator herein, and in the staff report that accompanies this Resolution, the City Council finds and determines that it is in the City’s best interest to waive and hereby waives the RFQ/P competitive selection requirement for the award of a contract extension to ParkMobile because: 1) while staff develop and procure a new mobile parking payment system, parkers will experience no lapse in service, 2) a substantive portion of on-street parking payments and La Salle Garage pilot revenues are made through the existing mobile app or website, and 3) mobile parking payment services support positive parker experiences and support the City’s Parking Principles (Resolution No. 84664 C.M.S.) by making parking easier; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to grant an extension of the existing Professional Services Agreement to ParkMobile for up to one year in an amount not to exceed two hundred fifty thousand dollars (\$250,000) without returning to Council; and be it

FURTHER RESOLVED: that ParkMobile will provide more favorable terms to parkers in Oakland, including but not limited to reduced user fees from \$0.30 per transaction to \$0.25 per transaction; 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, KALB, KAPLAN, REID, TAYLOR, THAO and PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
Asha Reed
City Clerk and Clerk of the Council
of the City of Oakland, California