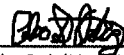


22 JUL 19 PM 7:58

APPROVED AS TO FORM AND LEGALITY

  
Celso Ortiz (May 17, 2022 16:46 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89366 C.M.S.

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**RESOLUTION: (1) AMENDING AND EXTENDING THE TERM OF THE AS-NEEDED CONTRACT WITH THE BEAUTIFICATION COUNCIL BY FOURTEEN (14) MONTHS FROM APRIL 30, 2023, TO JUNE 30, 2024; (2) INCREASING THE CONTRACT AMOUNT BY ONE MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$1,280,000) FOR A TOTAL NOT TO EXCEED CONTRACT AMOUNT OF TWO MILLION EIGHT HUNDRED EIGHTY THOUSAND DOLLARS (\$2,880,000); AND (3) WAIVING FURTHER ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION SELECTION AND LOCAL BUSINESS/SMALL LOCAL BUSINESS PARTICIPATION REQUIREMENTS**

**WHEREAS**, in 2020, the City Council approved Resolution No. 88079 C.M.S., authorizing the City Administrator to enter into agreements to provide waste removal services at homeless encampments in the City of Oakland (City), and

**WHEREAS**, Beautification Council is dedicated to combatting the pernicious issues plaguing underserved communities, by developing innovative practices to uplift justice system-involved and unhoused individuals through on-the-job, job readiness training and life skills training; and

**WHEREAS**, in May 2021, the City entered into an agreement with Beautification Council to recruit, hire and train persons needed to facilitate the cleaning of encampments for an on-call two-year contract; and

**WHEREAS**, Beautification Council has demonstrated higher than satisfactory performance in Fiscal Year 2021-22 in managing teams of unsheltered individuals to abate litter and illegal dumping from public rights of way and encampments; and

**WHEREAS**, this agreement advances City racial equity outcomes through valuable job readiness training and employment and improved health outcomes for unsheltered residents; and

**WHEREAS**, the City desires to amend its on-call agreement with Beautification Council for cleaning services on Caltrans property within the City including: (1) litter pickup;

(2) bulky waste collection and disposal; (3) weed removal; and (4) additional related work to be assigned on a task order basis; and

**WHEREAS**, the activities included in the amended agreement with Beautification Council will be funded by Caltrans' Clean California grant in Fund 2140 – California Department of Transportation; and

**WHEREAS**, Oakland Municipal Code (OMC) Sections 2.04.040 B 5 and 2.04.051 A, respectively, require the City to conduct a formal advertising and competitive Request For Qualifications/Proposals (RFQ/RFP) selection process for professional services agreements over \$25,000.00; and

**WHEREAS**, OMC Section 2.04.051 B authorizes the City Council to waive the advertising and competitive RFQ/RFP selection requirement if it finds that it is in the City's best interests to do so; and

**WHEREAS**, Ordinances number 13101 C.M.S., number 13640 C.M.S. and number 13647 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all purchase of commodities, goods and associated services for contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and,

**WHEREAS**, the City Council may waive the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

**WHEREAS**, neither the proposed contractor nor staff have been able to identify any or a limited availability of LBE/SLBEs that can provide the products or perform the materials and services that are required under this contract; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance and that this contract is of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds and determines that the performance of these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, staff recommends that it is in the City's best interests for the City Council to waive the advertising and competitive RFQ/RFP process, and the LBE/SLBE participation requirements for this contract because Beautification Council is uniquely qualified to provide this group of services, which is supported by state grant funding and includes job readiness training and development programs for homeless and justice-system-involved individuals; 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 agreement 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:** pursuant to OMC Section 2.04.051 B, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising, competitive RFQ/RFP selection and the LBE/SLBE participation requirements of the OMC based on the reasons set forth in this Resolution and the Report accompanying this Resolution, and so does hereby waive these requirements; and be it

**FURTHER RESOLVED:** That the City Council hereby awards, and the City Administrator is hereby authorized to amend the Beautification Council agreement by fourteen (14) months for a total term of a three-years, two-month agreement from May 1, 2021, through June 30, 2024, to coincide with the Caltrans grant funding and to appropriate an additional one million two hundred eighty thousand dollars (\$1,280,000) for a total not to exceed contract amount of two million eight hundred eighty thousand dollars (\$2,880,000) with Beautification Council to provide litter and bulky waste removal, weeding and encampment cleaning and related services; and, be it

**FURTHER RESOLVED:** That all expenditures related to this proposed contract shall be allocated in the California Department of Transportation Fund (2140); Organization KOCB: Illegal Dumping (30674); and Keep Oakland Clean and Beautiful Program (NB35); and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized and empowered to approve any subsequent amendments to, or extensions of said agreement, except for those related to an increase in compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

**JUL 19 2022**

AYES - ~~4~~, GALLO, KALB, ~~4~~, TAYLOR, THAO AND -5  
PRESIDENT FORTUNATO BAS


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 3 - File, Kaplan, Reid

ATTEST:



ASHA REED

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

## EXHIBIT A -- CCMA Project Locations

Site #	SR	Council District	Location	Postmile	Image Location Code	CCMA Email #
1	I-980	D3	Off-Ramp Median -- 12th St (Exit 1C) Left side only from 14th St bridge to 12th	PM 0.69 to PM 0.6	(V)A1Location12	File 1
2	I-980	D3	On-Ramp -- Brush from 11th to 7th (triangular parcel right of On-ramp from 11th St, and narrow strip parcel left of On-ramp to 7th St)	PM 0.50 to PM 0.35	(V)A1Location12	File 1
3	I-980	D3	Off-Ramp -- 17th St/ San Pablo Ave (Exit 1B) both sides up to I-980/Hwy 24 On-Ramp Overpass	PM 0.50 to PM 0.65	(V)A1Location12	File 1
4	I-980	D3	Castro St between 17th & 18th	PM 0.85 to PM 0.90	(V)A2	File 1
5	I-980	D3	Castro St between 15th & 17th Exit	PM 0.75 to PM 0.85	(V)A3Location9a	File 1
6	I-980	D3	Off-Ramp -- 17th St/ San Pablo Ave (Exit 1B)	PM 0.80 to PM 0.85	(V)A3Location9a	File 1
7	I-980	D3	Off-Ramp Median -- Brush From 19th to 20th	PM 0.95 to PM 1.00	(V)A3Location9a	File 1
8	I-980	D3	Off-Ramp Median -- Castro From 19th to 20th	PM 0.95 to PM 1.03	(V)A3Location9a	File 1
9	I-580	D1/D3	Off Ramp Median -- Harrison St/ Oakland Ave (Exit 21A), towards Oakland Ave	PM 44.36 to PM 44.40	(V)A4Location30	File 1
10	I-580	D1	Underpass -- Santa Clara Ave, below I-580 On-Ramp	PM 44.35 to PM 44.38	(V)A4Location30	File 1
11	I-580	D3	Underpass -- Circular Westbound I-580 On-Ramp from Harrison St	PM 44.32 to PM 44.35	(V)A4Location30	File 1
12	I-580	D3	Underpass -- below Eastbound I-580 On-Ramp from Oakland Ave	PM 44.26 to PM 44.28	(V)A4Location30	File 1
13	I-580	D1/D3	Off-Ramp -- Harrison St/ MacArthur Blvd (Exit 21A) Right side only	PM 44.15 to PM 44.20	(V)A4Location30	File 1
14	I-580	D3	MacArthur Blvd before Adams St. (where Perry Pl turns into MacArthur@ Orange St) Left side only	PM 44.14 to PM 44.20	(V)A4Location30	File 1
15	I-580	D2	Westbound I-580 via Ardley Ave bridge access -- NW embankments, under bridge access	PM 41.92 to PM 41.97	(V)A4Location31	File 1
16	I-580	D5	38th Avenue -- Officer James Williams Memorial Overpass (Br No 33-0319)	PM 40.39	(V) A6	File 2
17	I-580	D1/D3	35th St to intersection of 35th and San Pablo Ave	PM 45.62 to PM 45.67	(V) A7	File 2
18	I-581	D1/D3	36th St to intersection of 36th and San Pablo Ave	PM 45.67 to PM 45.69	(V) A7	File 2
19	I-580	D3	35th St to intersection of 35th and MLK Jr Way	PM 45.26 to PM 45.30	(V) A8	File 2
20	I-980	D3	Underpass -- I-980 & Northgate on Northgate to Sycamore	PM 1.37 to PM 1.40	(V) A9	File 2
21	I-980	D1/D3	Underpass -- I-980 @ Apgar (dead end) to MacArthur	PM 2.13 to PM 2.04	(V) A10Location7a	File 2
22	HWY 24	D1	40th St & MacArthur BART Access Road	PM 2.22 to PM 2.24	(V) A10Location7a	File 2
23	HWY 24	D1	Off-Ramp -- MLK Jr Way/51st St Off-Ramp from MacArthur towards 39th St	PM 2.05 to PM 2.11	(V) A10Location7a	File 2
24	I-980	D3	Underpass -- I-980 @ 34th St to 33rd St (dead end)	PM 1.95 to PM 1.90	(V) A10Location7a	File 2
25	I-980	D3	I-980 Underpasses along Eastbound HWY 24 On-Ramp (between 31st St and 33rd St)	PM 1.76 to PM 1.83	(V) A10Location7a	File 2
26	HWY 24	D1	HWY 24 underpass on Shattuck Ave between 55th St and 54th St (dead end)	PM 2.93 to PM 2.90	(V) A11	File 2
27	HWY 24	D1	Telegraph Ave to Eastbound HWY 24 On-Ramp	PM 3.09 to PM 3.12	(V) A12	File 2
28	HWY 24	D1	HWY 24 underpass @ Claremont Ave	PM 3.25 to PM 3.5	(V) A13	File 2
29	HWY 77	D5	HWY 77 On-Ramp from E12th St to San Leandro Ave Overpass	PM 0.33 to PM 0.29	(V) A14sameLoc50	File 2
30	HWY 185	D5	HWY 185 Off-Ramp to E 12th/High St to San Leandro Ave Overpass	PM 0.29 to PM 0.37	(V) A14sameLoc50	File 2
31	HWY 77	D5	On-Ramp - HWY 77 from E12th (sloped parcel on left)	PM 0.35 to PM 0.33	(V) A14sameLoc50	File 2
32	HWY 185	D5	HWY 185 below E12th to International Blvd	PM 0.37 to PM 0.44	(V) A14sameLoc50	File 2
33	HWY 77	D5	HWY 77 below E12th to International Blvd	PM 0.37 to PM 0.44	(V) A14sameLoc50	File 2
34	I-880	D5	Coliseum Way/ High St On-Ramp to I-880, parcel on right next to RR tracks	PM 27.86 to PM .015	(V) A14sameLoc50	File 2

EXHIBIT A -- CCMA Project Locations						
Site #	SR	Council District	Location	Postmile	Image Location Code	CCMA Email #
35	I-880	D5	Narrow median strip where two North I-880 On-Ramps from Coliseum Way converge (HWY 77 to I-880 and Coliseum Way to I-880)	PM 27.94 to PM 27.98	(V) A14sameLoc50	File 2
36	I-880 & HWY 77	D5	I-880 Underpass at Oakport & Terminus of HWYs 77 and 185 (both corners)	PM 27.92 to PM 0.11	(V) A14sameLoc50	File 2
37	I-880 & HWY 77	D5	Coliseum Way from High St to HWY 77	PM 27.82 to PM 27.87	(V) A14sameLoc50	File 2
38	I-880	D7	On-Ramp to Northbound I-880 from Hegenberger Rd (half circle parcel on right)	PM 25.32 to PM 25.34	(V) A15sameLoc24b	File 3
39	I-880	D7	On-Ramp to Northbound I-880 from Hegenberger Rd (triangular parcel on left)	PM 25.38 to PM 25.45	(V) A15sameLoc24b	File 3
40	I-880	D7	Off-Ramp from Southbound I-880 to Hegenberger Rd (parcel on left)	PM 25.60 to PM 25.46	(V) A15sameLoc24b	File 3
41	I-880	D7	On-Ramp to Southbound I-880 from Hegenberger Rd (circular parcel on right)	PM 25.49 to PM 25.51	(V) A15sameLoc24b	File 3
42	I-880	D7	Off-Ramp from Northbound I-880 to Edes Ave (parcel on right)	PM 25.35 to PM 25.46	(V) A15sameLoc24b	File 3
43	I-880	D7	On-Ramp to Northbound I-880 from Hegenberger Rd (parcel on right of curve)	PM 25.58 to PM 25.63	(V) A15sameLoc24a	File 3
44	I-880	D7	Northeast bound on Edes Ave from I-880 (parcel to the left between Edes and Hegenberger)	PM 25.535 to PM 25.645	(V) A15sameLoc24a	File 3
45	I-880	D7	On-Ramp to Northbound I-880 from Hegenberger Rd (circular parcel on right)	PM 25.52 to PM 25.49	(V) A15sameLoc24a	File 3
46	I-880	D7	On Northbound I-880 - parcel to the right from Hegenberger Rd Underpass to the next I-880 Northbound On-ramp (parcel under BART to OAK Airport Rail-line)	PM 25.535 to PM 25.60	(V) A15sameLoc24a	File 3
47	I-880	D7	Exit 36 on Southbound I-880 (triangular parcel to left between freeway and Exit 36, up to circular On-ramp to Southbound I-880)	PM 25.64 to PM 25.53	(V) A15sameLoc24a	File 3
48	I-880	D5	23rd Ave @ E 7th St - downslope parcel to Southbound I-880 on right heading towards 23rd Ave Overpass	PM 28.91 to PM 28.85	(V) A17sameLoc26	File 3
49	I-880	D5	Northbound I-880 @ 29th Ave turnabout (Underpass area)	PM 28.67 to PM 28.69	(V) A17sameLoc26	File 3
50	I-880	D5	Southbound I-880 on 29th Ave @ 29th Ave & E 7th St (narrow strips on both sides of On-ramp)	PM 28.68 to PM 28.63	(V) A17sameLoc26	File 3
51	I-880	D5	Exit 39A on Southbound I-880 (both sides to intersection of Elmwood Ave & Derby Ave)	PM 28.60 to PM 28.50	(V) A17sameLoc26	File 3
52	I-580	D7	Exit 29B on Eastbound 580 - both sides of exit (from freeway exit to approx. Stanley @ Frazier Ave)	PM 35.79 to PM 35.86	(V) A20(M20)	File 4
53	I-580	D7	On-Ramp -- Westbound I-580 @ Peralta Oaks Dr & 106th Ave; both sides	PM 35.737 to PM 35.82	(V) A20(M20)	File 4
54	I-580	D7	On-ramp -- Eastbound I-580 @ 98th Ave (parcel on right to approx. Stanley @ Frazier Ave) *continuation of Site #53	PM 35.86 to PM 36.275	(V) A22(M3)	File 4
55	I-980	D3	Underpasses -- HWY 24; on Northgate Ave between 24th/25th St to Eastbound HWY 24 on-ramp	PM 1.337 to PM 1.537	(V) A23(M13)	File 4
56	I-980	D3	Underpasses (Fenced Areas) -- HWY 24; two segments of 23rd St on either sides of MLK, Jr, to W. Grand Ave	PM 1.26 to PM 1.195	(V) A24(M14)	File 4
57	I-880	D2	Underpass -- I-880 next to Lake Merritt Channel	PM 30.80 to PM 30.82	(V) A25(M22)	File 4