

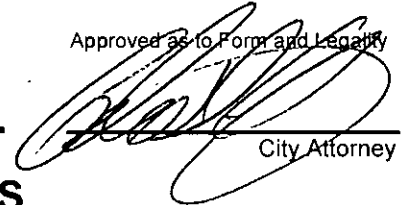
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 SEP 13 PM 2:32

OAKLAND CITY COUNCIL

RESOLUTION No. 84055 C.M.S.

Approved as to Form and Legality



City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AMEND AN AGREEMENT WITH R3 CONSULTING GROUP TO PROVIDE ZERO WASTE SYSTEM TECHNICAL ASSISTANCE SERVICES INCREASING THE AMOUNT NOT TO EXCEED BY SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000.00) AND WAIVING THE ADVERTISING AND COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION REQUIREMENTS

WHEREAS, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015; and

WHEREAS, in June 2012 City Council provided final policy directions regarding a Request for Proposals (RFP) process for procurement of new recycling, composting, and disposal services to become effective July 1, 2015;

WHEREAS, in 2009 through Resolution No. 82175 C.M.S. the City Council approved an Agreement with R3 Consulting Group to provide Zero Waste system technical assistance consulting services for a four-year term ending September 1, 2013, in an amount not to exceed three hundred thousand dollars (\$300,000.00); and

WHEREAS, in February 2012 through Resolution No. 83698 C.M.S. the City Council approved an amendment to the Agreement with R3 Consulting Group, increasing the Agreement's not to exceed amount by two hundred thousand dollars (\$200,000.00), for a total amount not to exceed five hundred thousand dollars (\$500,000.00), and extending the term of the Agreement by two years to September 1, 2015; and

WHEREAS, R3 Consulting Group is uniquely qualified to provide specialized and technical consulting services to complete the RFP procurement process, including the evaluation of proposals and completion of contract documents, and to maintain the integrity of the work and the confidentiality of the process; and

WHEREAS, Section 2.04.040 B 5 and 2.04.051 A, respectively of the Oakland Municipal Code (the "GMC") 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, Section 2.04.051 B of the GMC 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, staff recommends that the City Council waive the advertising and competitive RFQ/RFP selection requirement in order to amend the Agreement with R3 Consulting Group for specialized and technical consulting services which is necessary to avoid project disruption and delay, and ensure thorough and timely completion of the RFP procurement process at the level of analytical detail needed, so that new contracts and services are in place when current service agreements end in June 2015; 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: pursuant to GMC 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 and competitive RFQ/RFP selection requirement of the GMC based on the reasons set forth in this Resolution and the Report accompanying this Resolution; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to amend the Agreement with R3 Consulting Group to provide Zero Waste System Technical Assistance consulting services to increase the Agreement's not to exceed amount by six hundred thousand dollars (\$600,000.00), for a total amount not to exceed one million one hundred thousand dollars (\$1,100,000.00); and be it

FURTHER RESOLVED: That the additional six hundred thousand dollars (\$600,000.00) expenditure under the Agreement with R3 Consulting Group will be funded by Recycling Program Fund (1710); and be it

FURTHER RESOLVED: That the City Administrator or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in total 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

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 02 2012, 20

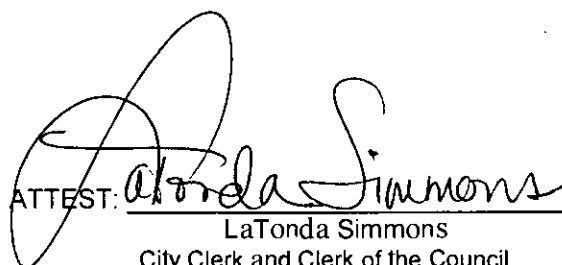
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID 6

NOES - 0

ABSENT - Brooks, Brunner-Z

ABSTENTION - 0

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