



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH FRANCISCO & ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR VARIOUS LOCAL MEASURES AND THE CITY OF OAKLAND LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT TO INCREASE THE COMPENSATION BY AN AMOUNT UP TO \$80,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$630,000; AND WAIVING THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENTS AND THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE REQUIREMENTS

WHEREAS, pursuant to the California Streets and Highways code, Sections 22500, et seq known as the Landscaping and Lighting Act of 1972 (the "Act"), the City the City established the Landscaping and Lighting Assessment District (LLAD) on June 23, 1989; and

WHEREAS, Oakland voters approved the Emergency Medical Services Retention Act of 1997 (Measure M), the Paramedic Services Act Of 1997 (Measure N), The Library Services Retention And Enhancement Act (Library Measure Q as amended by Measure C), the Children's Initiative Of 2018 (Measure AA), the 2018 Oakland Public Library Preservation Act (Measure D), the 2020 Oakland Parks And Recreation Preservation, Litter Reduction, Homelessness Support Act (Parks Measure Q), the Wildfire Prevention Financing Act of 2024 (Measure MM), and the Oakland Community Violence Reduction and Emergency Response Act of 2024 (Measure NN), all of which create separate taxes on parcels within City of Oakland; and

WHEREAS, the services of a professional engineer are required to delineate the parcels subject to the above described district and parcel taxes, to determine the land uses and assessment rates for each parcel, to annually develop the Assessment Roll for the County Assessor, and to assist with any informational requests required by the City relating to the district and parcel taxes (the "Professional Services"); and

WHEREAS, the City conducted an RFP/Q process for the Professional Services in or about November 2017; and

WHEREAS, Francisco & Associates, Inc. applied through that RFP/Q process and was selected in compliance with the RFP/Q selection guidelines; and

WHEREAS, on December 20, 2017, and pursuant to authority granted to the City Administrator by OMC § 2.04.020.A.2, the City and Francisco. & Associates, Inc. executed an agreement with a term of January 1, 2018 to December 31, 2021 pursuant to which Francisco & Associates, Inc. agreed to provide the Professional Services and the City agreed to pay Francisco & Associates, Inc. in an amount not to exceed two hundred forty-six thousand dollars (\$246,000); and

WHEREAS, on November 19, 2019 the City Council adopted Resolution 87927 C.M.S. which authorized an amendment to the December 20, 2017 agreement with Francisco & Associates, Inc. to increase the not-to-exceed amount to five hundred fifty thousand dollars (\$550,000) and to extend the agreement term to December 31, 2023, and authorized an amendment to extend the agreement term to December 31, 2025; and

WHEREAS, on March 14, 2024 pursuant to Resolution No. 87927 C.M.S., the City entered into a second amendment to the Agreement to extend the term through December 31, 2025; and

WHEREAS, the compensation amount of five hundred fifty thousand dollars (\$550,000) as stipulated on the first amendment was not adjusted when the City entered into the second amendment to the Agreement to extend the term through December 31, 2025; and

WHEREAS, Department of Finance Staff has now determined that an additional amount of eighty thousand dollars (\$80,000) is required to cover the cost of the contract through December 31, 2025; and

WHEREAS, sufficient funding for services provided in FY 2024-25 to cover the cost of the proposed amendment, estimated at forty thousand dollars (\$40,000) is available in the budgets of the respective special assessment funds, in the Budget Unit Organization (08811) and City-Wide Activities Organization (90591), Architectural and Engineering Services Account (54411) and Contract Service Expenditures Budget Carry Forward Account (54999); and

WHEREAS, funding for services provided in FY 2025-26 between July 1 through December 31, 2025 estimated at forty thousand dollars (\$40,000) to cover the cost of the proposed amendment will be requested as part of the Department of Finance's budget proposal, contingent upon the availability of funds, Council Adoption of the FY 2025-27 Biennial Budget, and appropriation in to the budgets of the respective special assessment funds, in the Budget Unit Organization (08811) and City-Wide Activities Organization (90591), Architectural and Engineering Services Account (54411) and projects to be determined; and

WHEREAS, the budget proposal for the FY 2025-27 Biennial Budget is anticipated to align with ongoing yearly budgeted amounts for these Professional Services which have averaged approximately one hundred thousand dollars (\$100,000) per year over the past five fiscal years; and

WHEREAS, the City Administrator has determined that the services to be provided pursuant to the December 20, 2017 agreement and the proposed amendment are of a professional, technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.051.A requires a competitive request for proposals (RFP) or request for qualifications (RFQ) process for the award of professional services contracts and OMC section 2.04.051.B provides that the City Council may waive the RFP/RFQ process upon a finding that it is in the best interest of the City to do so; and

WHEREAS, the City Council may waive the City's Local/Small Local Business Enterprise ("L/SLBE") requirements pursuant to Part 1 of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S.; and

WHEREAS, the City Administrator has determined that it is in the best interest of the City to waive the RFP/Q process because of the specialized services, consultation, and engineering reports provided by Francisco & Associates, Inc. and such waiver will prevent the delay in the filing of critical assessment data to the Alameda County Auditor- Controller's office; now, therefore, be it

RESOLVED: That the City Council authorizes a third amendment to the December 20, 2017 agreement with Francisco & Associates, Inc. to increase the compensation by an amount up to eighty thousand dollars (\$80,000) for a total contract amount not to exceed six hundred thirty thousand dollars (\$630,000); and be it

FURTHER RESOLVED: That pursuant to OMC section 2.04.051 and the reasons stated in this resolution and the accompanying agenda report, the City Council finds and determines that a waiver of the advertising and request for proposals/qualifications process for this contract amendment is in the best interest of the City, and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby waives the L/SLBE requirements for this contract.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES -

ABSENT - COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION -

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

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