

City Attorney

2019 FEB 27 PM 4:44

OAKLAND CITY COUNCIL

RESOLUTION NO. 87576 = C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING (1) AMENDMENT OF THE AGREEMENT WITH THE FORD STORE FOR THE PURCHASE OF PARTS AND SERVICES, TO INCREASE THE ANNUAL CONTRACT AUTHORITY FROM AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00), TO AN AMOUNT NOT TO EXCEED NINE HUNDRED THOUSAND DOLLARS (\$900,000.00) FOR THE PERIOD OF AUGUST 1, 2018 THROUGH JULY 31, 2020 WITH TWO, ONE-YEAR OPTIONS TO RENEW, FOR A GRAND TOTAL AMOUNT OF FOUR MILLION ONE HUNDRED THOUSAND DOLLARS (\$4,100,000.00), WITHOUT RETURNING TO COUNCIL, AND (2) A WAIVER OF THE ADVERTISING, COMPETITIVE BIDDING AND REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) REQUIREMENTS

WHEREAS, Oakland Public Works' Bureau of Maintenance & Internal Services, Equipment Services Division, is responsible for the purchase, repair and maintenance of City vehicles and equipment, inclusive of public safety vehicles; and

WHEREAS, the City Council previously authorized the execution of a contract for parts and service with The Ford Store through ratification of Authorizing Resolution No. 86834 C.M.S., dated July 18, 2017; and

WHEREAS, said City Council authorized contractual provisions with The Ford Store was for an amount not to exceed \$500,000 annually, for the term of August 1, 2017 through July 31, 2020, with two, one-year options to extend; equating to a cumulative, five-year contractual amount of \$2,500,000; and

WHEREAS, due to staffing shortages within OPW's Equipment Services Division, staff has substantially increased the number of vehicles which it outsources to the Ford Store for services and parts; and

WHEREAS, as a result of these outsourcing provisions, OPW's Equipment Services Division has fully depleted the entire current contract year's financial set-aside with The Ford Store, with said exhaustion occurring well before the close of the annual contract term; and

WHEREAS, in order to ensure the enactment of mandatory maintenance and repairs, an increase in the authorized annual contractual provisions with The Ford Store is necessary; and

WHEREAS, Oakland Public Works seeks authorization to amend Authorizing Resolution No. 86834 C.M.S., through enactment of an increase to the annually authorized spending threshold of its contractual provisions with The Ford Store from \$500,000 to \$900,000, effective August 1, 2018 with no proposed changes to contractual term limit(s) and without returning to Council; and

WHEREAS, with approval of the proposed amendment, the cumulative financial impact of the subject contract with The Ford Store would increase from \$2,500,000 to \$4,100,000; and

WHEREAS, The Ford Store's San Leandro location is the closest Ford factory authorized repair facility in proximity to the City of Oakland; and

WHEREAS, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article I, Section 2.04.05I.A requires the City to conduct a competitive Request for Proposal/Qualifications (RFP/Q) selection process for the procurement of professional services; and

WHEREAS, OMC Title 2, Chapter 2, Article I, Section 2.04.050 requires the City to conduct advertising and competitive bidding when it purchases services, supplies or a combination thereof that exceeds \$50,000.00; and

WHEREAS, OMC Section 2.04.05I.B and 2.04.050 I. 5 permit the Council to waive the RFP/Q and advertising and bidding requirements upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that the City Council, based upon staffing shortages within OPW's Equipment Services Division, and pursuant to OMC Section 2.04.051.B and 2.04.050 I.5 waives the RFP/Q and advertising and bidding requirements and authorize the City Administrator, or designee, to enter into the proposed amended contract(s) with The Ford Store; and

WHEREAS, the proposed contractual arrangements with The Ford Store San Leandro will assist the City of Oakland in terms of guaranteeing that critical emergency response vehicles are maintained to the manufacturer's strict warranty standards and guard against untimely public safety equipment failures; now, therefore be

RESOLVED: That the City Council hereby authorizes the City Administrator, or designee, to enter into an amended agreement with The Ford Store for the increased annual contractual amount of \$900,000 for the period of August 1, 2018 through July 31, 2020 for service and parts for emergency response vehicles and related equipment; and be it

FURTHER RESOLVED: That the City Council also authorizes two, one-year options to extend said amended agreement with The Ford Store, for the cumulative contractual allocation of \$4,100,000; and be it

FURTHER RESOLVED: That based upon staffing shortages within OPW's Equipment Services Division and pursuant to OMC Sections and 2.04.050 I. 5 and 2.04.051.A, the City Council hereby finds and determines that it is in the best interests of the City to waive the advertising, competitive bidding and RFP/Q requirements, without returning to Council, for the execution of the proposed amended contractual agreements with The Ford Store to ensure the City's ability to provide adequate repairs and parts for the City's fleet in the midst of staffing shortages; and be it

FURTHER RESOLVED: That all proposed amended contract expenditure allocations shall be expensed to the Equipment Services Fund (4100); Equipment Services Administration Organization (30541); Repair and Maintenance Miscellaneous Account (54619); Administrative Project 1000010, Fleet Management and Maintenance Program IN01; and be it

FURTHER RESOLVED: That proposed amended contract expenditure allocations for Fiscal Years 2018-2019 through 2021-2022 will be contingent upon the availability of funding; and be

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to complete all required negotiations, certifications, assurances and documentation required to accept, modify, extend and/or amend the proposed agreement(s), except for any increase(s) in the agreement(s) costs; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve the proposed contract(s) as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 21 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~ABSON MOELMANN~~ KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 7

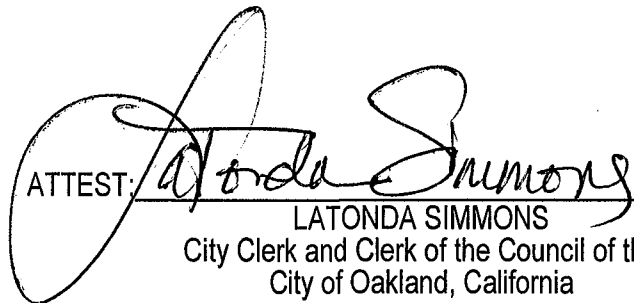
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 McShane

ATTEST:


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