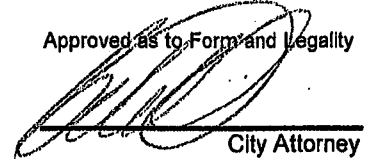


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City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION PROCESS AND AUTHORIZING AN AMENDMENT TO INCREASE THE AS-NEEDED LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH BOTTOMLEY DESIGN & PLANNING BY AN AMOUNT NOT-TO-EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00)**

**WHEREAS**, Bottomley Design & Planning, was chosen through the City's Request-for-Proposal process to provide landscaping architectural services for City of Oakland projects on an as-needed basis; and

**WHEREAS**, on March 2, 2010, the City Council approved Resolution No. 82564 C.M.S. awarding an as-needed landscape architectural services contract to Bottomley Design & Planning in an amount not to exceed \$500,000.00; and

**WHEREAS**, Lake Merritt Improvement Project is identified in the Lake Merritt Master Plan for improvements and funds are available for the project through Bond Measure DD, The Oakland Trust for Clean Water and Safe Parks; and

**WHEREAS**, staff utilized the contract with Bottomley Design & Planning for the Measure DD Lake Merritt Improvement Project to commence the programming/planning, survey, schematic design, design development, and preparation of construction documents; and

**WHEREAS**, Bottomley Design & Planning complies with all Local Business Enterprise/Small Local Business Enterprise requirements; and

**WHEREAS**, additional design services were required to address safe and ADA compliant pedestrian access to the Fairyland and the Garden Center; and

**WHEREAS**, the Bottomley Design & Planning agreement expires December 30, 2018; and

**WHEREAS**, in March of 2014, the Metropolitan Transportation Commission transferred \$827,758 in federal funds to the Lake Merritt Improvement Project; and

**REVISED**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

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**WHEREAS**, upon award of the \$827,758 in federal funding, additional design services were required to complete the federal authorization process and to include several additional design elements that were not included in the initial design due to lack of funding; and

**WHEREAS**, it is in the best interest of the City to continue utilizing Bottomley Design & Planning as the project moves into the construction phase for additional construction support services, contingency for unforeseen conditions and potential additional design services that may occur during the construction of the project; and

**WHEREAS**, the execution of the Bottomley Design & Planning contract amendment and use of Measure DD funds will be contingent upon the January 2017 sale of Measure DD bonds authorized by City of Oakland Council on December 13, 2016; and

**WHEREAS**, funding for the design services of the Lake Merritt Improvement Project within the Bottomley Design & Planning on-call professional service contract Amendment No. 3 will be made available from the Measure DD Fund (Series C fund TBD), Capital Project Management Organization (92270), Consultant Services Account (54411) in Lake Merritt Improvement Project (C TBD); and

**WHEREAS**, Section 2.04.051 B of the Oakland Municipal Code, authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications (“RFP/RFQ”) selection requirement of Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that this contract is for services of a professional, scientific or technical nature; and

**WHEREAS**, the City Council finds that services under the contract will be temporary in nature shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement of Section 2.04.051(A) of the Oakland Municipal Code in order to expedite the completion of the construction support services for the Bottomley Design & Planning and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to execute Amendment No. 3 to increase the agreement with Bottomley Design & Planning for as-needed landscape architectural services in an amount not-to-exceed \$150,000.00, bringing the total contract amount to \$650,000.00; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

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