

OFFICE OF THE CITY CLERK

Approved as to Form and Legality

Oakland City Attorney's Office

2006 NOV - 1 PM 4: 06

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 80261 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE FOR AS-NEEDED GEOTECHNICAL ENGINEERING SERVICES FOR A CONTRACT AMOUNT NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00)**

**WHEREAS**, professional geotechnical engineering services are needed to provide geotechnical studies, engineering analysis, site evaluations, subsurface investigations, and specialized laboratory testing for various types of projects which involve landslides, soil mechanics, groundwater issues, pavement failure/rehabilitation, and/or trench excavations, and other work as requested by the City; and

**WHEREAS**, as-needed geotechnical engineering services agreements allow the City to promptly respond and provide the necessary services in an efficient and timely manner; and

**WHEREAS**, it is anticipated that several future CIP projects funded by various sources will utilize the as-needed services agreements; and

**WHEREAS**, emergency projects may occur that will likely also require geotechnical engineering services; and

**WHEREAS**, the geotechnical engineering services will be funded through the various individual projects, and funds will be identified prior to the performance of the services; and

**WHEREAS**, seven firms responded to the City's Request for Proposals and Ninyo & Moore was chosen as one of the firms that have the necessary qualifications and experience required to provide the services; and

**WHEREAS**, the City wishes to enter into a contract with Ninyo & Moore and the City Council finds that this contract is for services of a professional nature; and

**WHEREAS,** the City Council finds that the professional geotechnical services are exempt from competitive bidding pursuant to Section 2.04.05 of the Oakland Municipal Code; and

**WHEREAS,** the City Council finds that services under contract will be temporary; and

**WHEREAS,** the City Council finds and determines that the performance of this contract 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 the City Administrator, or her designee, is hereby authorized to enter into an Agreement with Ninyo & Moore to provide as-needed geotechnical engineering services; and, be it

**FURTHER RESOLVED:** That the total amount of the contract is for an amount not to exceed Three Hundred And Fifty Thousand Dollars (\$350,000.00); and, be it

**FURTHER RESOLVED:** That the contract term will be for three (3) years from the date of the contract execution; and, be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to approve any subsequent amendments to or extensions of said agreement except those involving compensation or the allocation of additional funds provided that such amendments or extensions shall be 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 for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 5 2006, 2006

**PASSED BY THE FOLLOWING VOTE:**


AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT OF THE COUNCIL DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

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