



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION WAIVING THE COMPETITIVE BIDDING PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH BLUE SKY CONSULTING GROUP FOR ECONOMIC CONSULTING SERVICES TO INCREASE THE AMOUNT BY ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED FIVE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$595,000).

WHEREAS, on January 12, 2021, City Council adopted Resolution No. 88478 C.M.S, which, among other things, created an eleven-member Blue Ribbon Equitable Business Tax Task Force to review, analyze and make recommendations regarding the proposed progressive, modern and equitable business tax ordinance approved by the City Council on July 14, 2020 for placement on the November 8, 2022 ballot; and

WHEREAS the City issued a Request for Qualifications (RFQ) inviting individuals and firms to submit proposals for the provision of economic consulting services including development of the Five-Year Financial Forecast, analyzing the Equitable Business Tax update and serving as liaison to the newly established Blue Ribbon Equitable Business Tax Task Force; and

WHEREAS the City only received one response to the RFQ from Blue Sky Consulting Group; and

WHEREAS finance staff determined that Blue Sky Consulting Group was qualified to perform the needed economic consulting services in light of Blue Sky Consulting Group's seventeen (17) years of experience performing complex quantitative analyses, including forecasting, econometric analysis, simulation modeling and fiscal impact analyses; and

WHEREAS, pursuant to the City Administrator's contracting authority under Oakland Municipal Code section 2.04.020, the City Administrator executed a professional services agreement in an amount not to exceed Two Hundred Forty-Five Thousand Dollars (\$245,000) with Blue Sky Consulting Group for the provision of economic consulting services including the development of a Five-Year Financial Forecast, analyzing the Equitable Business Tax update and serving as liaison to the newly established Blue Ribbon Equitable Business Tax Task Force; and

WHEREAS, on June 24, 2021, City Council adopted Resolution No. 88720 C.M.S waiving the competitive bidding process and authorizing the City Administrator to amend the agreement with Blue Sky Consulting Group to extend the term through December 31, 2023 and increase the amount by \$200,000 for a total contract amount not to exceed \$445,000; and,

WHEREAS finance staff now seeks authority to increase the amount of the Blue Sky Consulting Group agreement so that Blue Sky Consulting Group can continue to provide economic consulting services on an as needed basis through December 31, 2023; and

WHEREAS, pursuant to Oakland Municipal Code section 2.04.051.A, the City Administrator or his designee is required to conduct request for proposal ("RFP") or request for qualifications ("RFQ") process for the award of professional service contracts that exceed fifty thousand dollars (\$50,000.00); and

WHEREAS, pursuant to Oakland Municipal Code section 2.04.051.B, the City Council may waive the City's RFP/RFQ process upon a finding that it is in the City's best interest to do so; and

WHEREAS, finance staff recommends that the City Council waive the RFP/RFQ process for amendment of the Blue Sky Consulting Group agreement because the economic consulting services provided by Blue Sky Consulting Group to date have been critical, especially the on-going demands for the fiscal and economic analysis of several proposed ballot measures that would change the Business License Tax structure and the work on budget-related based revenue, expenditures and forecast, including the development of the Five-Year Financial Forecast; and

WHEREAS, Ordinance number 13640 C.M.S. requires a minimum 50-percent (50%) Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified business listed in the industry, trade, or profession that constitutes a major category of work; and

WHEREAS, Blue Sky is already a certified small local Oakland-based business and the only business that responded to the RFQ;

WHEREAS funding for the Professional Services Agreement with Blue Sky Consulting Group will be included as part of the Department of Finance Fiscal Year 2022-23 Midcycle Budget; now, therefore, be it

RESOLVED: That, for the reasons stated above, the City Council finds that it is in City's best interest to waive the RFP/RFQ process for amendment of the Blue Sky Consulting Group agreement and hereby waives the process pursuant to Oakland Municipal Code section 2.04.051.B; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to amend the professional services agreement with Blue Sky Consulting Group for the provision of economic consulting services to increase the amount by One Hundred Fifty Thousand Dollars (\$150,000) for a total contract amount not to exceed Five Hundred Ninety-Five Thousand Dollars (\$595,000); and be it

FURTHER RESOLVED: That the amended agreement shall be reviewed and approved as to form and legality by the Office of the City Attorney and a fully executed copy of the amended agreement shall be placed on file with the Office of the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California