

  
Celso Ortiz (Oct 7, 2024 10:23 PDT)

CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

## RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR A NOT TO EXCEED CONTRACT TOTAL AMOUNT OF \$1,354,000 WITH A TERM STARTING OCTOBER 1, 2024 AND ENDING JANUARY 31, 2029 FOR ENGINEERING DESIGN SERVICES IN SUPPORT OF A GRANT AWARD RECEIVED BY THE CITY OF OAKLAND FROM THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC), LAST MILE BROADBAND PROGRAM AND TO THE EXTENT NECESSARY, WAIVING THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS AND THE COMPETITIVE MULTIPLE-STEP PROPOSAL SOLICITATION PROCESS REQUIREMENTS.**

**WHEREAS,** The City of Oakland was awarded a technical assistance grant in the amount of \$14,026,946.15 from the California Public Utility Commission (CPUC) through the Federal Funding Account Last Mile program to expand broadband service to underserved Californian’s; and;

**WHEREAS,** The Oakland City Council approved receipt of these funds and participation in the grant program to reimburse the cost of last-mile broadband connectivity planning, design and construction on September 17, 2024; and

**WHEREAS,** Kimley Horn and Associates, Inc., named in the City’s original grant application will provide required services, including but not limited to, finalizing routes and network design, preparing construction documents, advising on management strategy and required environmental documents to collectively contribute to the City’s overall network design and engineering strategy; and

**WHEREAS,** funding for the professional services agreement will be available from the CPUC grant in the State California Other Fund (2159), Administrative Services Organization (46111), Oakland Last Mile Project (1007582); and

**WHEREAS,** Kimley-Horn and Associates, Inc., has a long standing and satisfactory history of engineering and broadband consulting projects with the City of Oakland, including developing its previous Fiber Optics Master Plan; and

**WHEREAS**, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available; and

**WHEREAS**, the Council may, in it's discretion, waive the requirements of the L/SLBE Program; and

**WHEREAS**, staff has determined that the planned project must integrate and coordinate with existing infrastructure and therefore limits the qualified vendors that are able to provide these required professional services proposed in the grant award; and

**WHEREAS**, Oakland Municipal Code ("OMC") Title 2, Chapter 2, Article I, section 2.04.042 B. requires that the City Administrator conduct a competitive multiple-step proposal solicitation process for the acquisition of technical professional services; and

**WHEREAS**, OMC section 2.04.042 D. provides that the City Council may waive the competitive multiple step proposal solicitation process upon a recommendation of the City Administrator and finding and determination by the City Council that it is in the best interests of the City to waive the competitive multi-step proposal solicitation requirement; and

**WHEREAS**, staff recommends that it is in the best interest of the City to waive the competitive multiple-step proposal solicitation process as the network design plans are crucial to the success of this project and require an experienced strategic partner, and timing is critical given the limited time window for project implementation outlined by the CPUC; and

**WHEREAS**, the City Administrator has determined that this contract is of a professional and temporary nature and shall not result in the loss of employment or salary by and person having permanent status in the competitive civil service; now, therefore be it

**RESOLVED:** That the City Council finds and determines the forgoing recitals to be true and correct and hereby adopts and incorporates them in this Resolution; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is authorized without returning to Council to negotiate and execute an agreement with Kimley Horn and Associates, Inc., to provide network design and engineering services under the City's CPUC Last Mile Broadband grant award for a grand total not-to-exceed contract amount of \$1,354,000 with a term starting October 1, 2024, and ending January 31, 2029; and be it

**FURTHER RESOLVED:** That for the reasons stated above and in the report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multiple-step proposal solicitation process pursuant to OMC Title 2, Chapter 2, Article I, section 2.04.042(D), and forthe, the City's Local/Small Local Business Enterprise program requirements, for the reasons set forth in this Resolution and in the report that accompanies it and so waives these requirements for this agreement; and be it

**FURTHER RESOLVED:** that the agreement and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, PASSED

BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND PRESIDENT FORTUNATO BAS

NOES-

ABSENT-

ABSTENTION -

ATTEST: \_\_\_\_\_

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

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