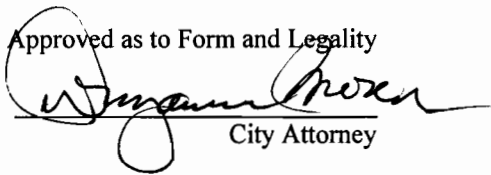


Approved as to Form and Legality

City Attorney

APR 24 2013 11:57 AM
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OAKLAND CITY COUNCIL

RESOLUTION No. 83441 C.M.S.

RESOLUTION:

- 1) **AWARDING A PROPERTY MANAGEMENT AND MAINTENANCE CONTRACT TO ABM FACILITY SERVICES TO MANAGE, AND MAINTAIN THE EAST OAKLAND SPORTS COMPLEX (EOSC) FOR A TERM OF TWO YEARS IN AN AMOUNT NOT-TO-EXCEED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00) (350,000.00, ANNUALLY), AND**
- 2) **AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO EXERCISE TWO ONE-YEAR OPTIONS TO RENEW THE CONTRACT FOR UP TO AN AMOUNT NOT-TO-EXCEED THREE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (385,000.00) IN THE THIRD YEAR AND UP TO AN AMOUNT NOT-TO-EXCEED FOUR HUNDRED TWENTY THREE THOUSAND FIVE HUNDRED DOLLARS (\$423,500.00) IN THE FOURTH YEAR, WHICH INCLUDES 10% INCREASES IN EACH ADDITIONAL YEAR TO COVER INCREASED LABOR COSTS, AND**
- 3) **WAIVING THE CITY'S ADVERTISING AND BIDDING REQUIREMENTS FOR THE PURCHASE OF PRODUCTS, PARTS AND OTHER MATERIALS NEEDED TO MANAGE AND MAINTAIN THE EOSC AND AUTHORIZING THE CITY ADMINISTRATOR TO INCLUDE SUCH NECESSARY PURCHASES IN THE MANAGEMENT AND MAINTENANCE CONTRACT WITH ABM FACILITY SERVICES**

WHEREAS, the City of Oakland completed the construction of the East Oakland Sports Complex ("EOSC") in 2010 and it was funded through Measure DD, the Oakland Trust for Clean Water and Safe Parks, Measure WW, the Regional Open Space, Wildlife, Shoreline and Parks Bond, State of California 2002 Resources Bond Act and Proposition 40 Oakland Redevelopment Agency; and

WHEREAS, the City initiated the request for qualifications ("RFQ") process to select the most qualified property management and building maintenance firm to meet the operational needs of the EOSC; and

WHEREAS, the RFQ process was successfully completed and one highly qualified building management company with a vast array of facilities maintenance expertise emerged, ABM Facility Services, that can provide the services, products, parts and other materials needed to manage and maintain the EOSC; and

WHEREAS, staff recommends that the City contact with ABM Facility Services to provide property management and building maintenance services and products at the EOSC for an initial term of 2 years until July 1, 2013 at a cost of \$700,000.00 (\$350,000.00, annually), and that the City Council authorize the City Administrator to exercise two (2) one-year options to renew said

contract, at the City's discretion, under the same terms and conditions of the original contract and to increase the contract by up to 10% in each of the third and fourth years to cover increased costs due to Oakland's Living Wage Ordinance or federal or state law, if any, up to an amount not-to-exceed \$385,000.00 in the third year, and up to an amount not-to-exceed \$423,500.00; and

WHEREAS, the Oakland Municipal Code requires staff to conduct a City Administrator-approved request for proposals or qualifications process to purchase real property management services, and to advertise a solicitation for bids to purchase products and award to the lowest responsible bidder (Oakland Municipal Code, Chapter 2.04, Sections 2.04.050 and 2.04.051.A), but does not authorize staff to use either process alone to purchase both professional, scientific or technical services and products unless authorized to so by the City Council; and

WHEREAS, Oakland Municipal Code ("OMC"), Chapter 2.04, Purchasing Ordinance, Section 2.04.050.I.5 permits the City Council to waive the advertising, bidding and low bid award process for products upon a finding that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that it is in the City's best interests to waive its advertising, bidding and low bid award processes for products, parts and other materials needed to maintain the EOSC and authorize ABM to purchase and supply such products within the amount paid annually under the contract because it is customary and standard industry practice for a property management firm to purchase and supply products, equipment and other materials needed to manage and maintain real property; and

WHEREAS, the services to be provided by ABM are services of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the funds for this professional services contract are budgeted in FY 2011-2012 in the Facilities Services Fund (4400); now, therefore, be it

RESOLVED: That the City Administrator, or his designee, is authorized to enter into a property management and maintenance contract with ABM Facility to manage, maintain and supply all products, equipment and parts for said management and maintenance of the City of Oakland facility known as the EOSC, located at 9175 Edes Avenue, Oakland, California, for a term of two (2) years from July 1, 2011 to July 1, 2013, in an amount not-to-exceed \$700,000.00 (\$350,000.00, annually); and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized to exercise two (2) one-year options to renew said contract under the same terms and conditions of the original contract and to increase the contract by up to 10% in the third and fourth year to cover increased costs due to increases in labor costs under Oakland's Living Wage ordinance or federal or state laws, if any, up to an amount not-to-exceed \$385,000.00 in the third year, and up to an amount not-to-exceed \$423,500.00 in the fourth year; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 2.04.050.I.5 and for the reasons stated in the City Administrator's report accompanying this Resolution and above, the City Council finds that it is in the best interests of the City to waive the City's advertising and bidding requirements for the purchase of products, parts and other materials needed to manage and maintain the EOSC and so waives the requirements; and be it

FURTHER RESOLVED: That the City Administrator, or his designee, shall include requirements in the property management and maintenance contract with ABM Facility Services to purchase and provide products, equipment and materials needed for the management and maintenance of the EOSC; and be it

FURTHER RESOLVED: That the contract and amendments authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and shall be placed on file in the Office of the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 28 2011, 20

PASSED BY THE FOLLOWING VOTE:

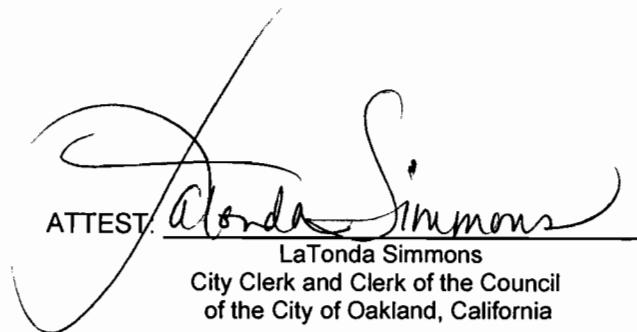
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF and PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST.



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California