

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2019 OCT 31 PM 2:05

Approved as to Form and Legality



City Attorney's Office  
Ravi S. Patel

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87927 =          C.M.S.

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**RESOLUTION APPROVING 1) AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT REGARDING ENGINEERING SERVICES FOR VARIOUS LOCAL MEASURES WITH FRANCISCO & ASSOCIATES, INC. TO INCREASE THE NOT-TO-EXCEED CONTRACT AMOUNT TO FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00); 2) EXTENSION OF THE TERM OF THE AGREEMENT TO CALENDAR YEAR 2023 AND, IF APPROPRIATE, FOR TWO ADDITIONAL YEARS; AND 3) WAIVER OF ADVERTISING, COMPETITIVE BIDDING, AND REQUEST FOR PROPOSALS/QUALIFICATIONS SELECTION REQUIREMENTS**

**WHEREAS**, the City Council and local voters approved the Landscaping and Lighting Assessment District in 1989, the Emergency Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q), The 2014 Oakland Public Safety and Services Violence Prevention Act (Measure Z), and the Rockridge Library Community Facilities District of 1992, all of which create separate taxes on parcels within City of Oakland; and

**WHEREAS**, on June 5, 2018, Oakland voters approved Measure D, the 2018 Oakland Public Library Preservation Act, a parcel tax to maintain, protect and improve library services; and

**WHEREAS**, the services of a professional engineer are required to delineate the parcels subject to the above described districts and parcel taxes, to determine the land uses and assessment rates for each parcel, to annually develop the Assessment Roll for the County Assessor, and to assist with any informational requests required by the City relating to the districts and parcel taxes (the "Professional Services"); and

**WHEREAS**, Oakland Municipal Code (OMC) § 2.04.040.B requires the City Administrator to conduct a Request for Proposals/Qualifications (RFP/Q) process for professional services contracts, and OMC § 2.04.051.B permits the City Council to waive the RFP/Q process upon a finding that it is in the best interest of the City to do so; and

**WHEREAS**, the City conducted an RFP/Q process for the Professional Services in or about November 2017;

**WHEREAS**, Francisco & Associates, Inc. applied through that RFP/Q process and was selected in compliance with the RFP/Q selection guidelines; and

**WHEREAS**, on December 20, 2017, and pursuant to authority granted to the City Administrator by OMC § 2.04.020(B), the City and Francisco & Associates, Inc. executed an agreement with a term of January 1, 2018 to December 31, 2021 pursuant to which Francisco & Associates, Inc. agreed to provide the Professional Services and the City agreed to pay Francisco & Associates in an amount not-to-exceed two hundred forty-six thousand dollars (\$246,000.00); and

**WHEREAS**, an amendment of the December 20, 2017 agreement to increase the not-to-exceed compensation and extend the term will allow the City to implement the collection of parcel taxes of additional local measures initiated by voters and/or ballot measures between calendar years 2020 and 2023 without postponement; and

**WHEREAS**, sufficient funding is available in the budgets of the respective special assessment funds to award the proposed amendment; and

**WHEREAS**, the City Administrator has determined that the services to be provided pursuant to the December 20, 2017 agreement and the proposed amendment are of a professional, technical 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 City Administrator has determined that it is in the best interest of the City to waive the RFP/Q process because of the specialized services, consultation, and engineering reports provided by Francisco & Associates, Inc. and such waiver will prevent the delay in the filing of critical assessment data to the Alameda County Auditor-Controller's office; now, therefore, be it

**RESOLVED:** That the City Council authorizes an amendment to the December 20, 2017 agreement with Francisco & Associates, Inc. to increase the not-to-exceed amount to five hundred fifty thousand dollars (\$550,000.00) and to extend the agreement term to December 31, 2023; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes, as appropriate, an amendment to extend the agreement term to December 31, 2025; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that a waiver of the advertising, competitive bidding and request for proposals/qualifications process is in the best interest of the City; and be it

**FURTHER RESOLVED:** That based on the information above, the contract is of a professional, technical and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive process; and be it

**FURTHER RESOLVED:** That Francisco & Associates, Inc. is designated as the District Engineer for the Landscaping and Lighting Assessment District; and be it

**FURTHER RESOLVED:** That Francisco & Associates, Inc. will file an annual report for the Landscaping and Lighting Assessment District with the City Clerk in accordance with the provision of the Landscaping and Lighting Act of 1972, specifically Section 22622 of the California Streets and Highways Code; and be it

**FURTHER RESOLVED:** That any amendments to the December 20, 2017 agreement with Francisco & Associates, Inc. shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

**NOV 19 2019**

PASSED BY THE FOLLOWING VOTE:

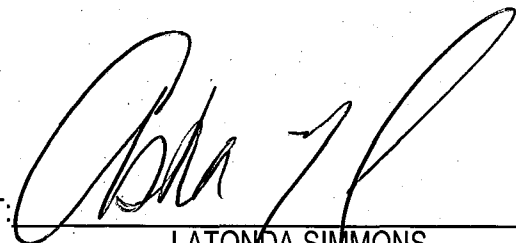
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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