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OFFICE OF THE CITY CLERK
OAKLAND
2008 JUN 26 PM 04:42

Approved as to Form and Legality
[Signature]
City Attorney

OAKLAND CITY COUNCIL

Resolution No. 8 1 4 6 6 C. M. S.

Requires A Two-Thirds Council Vote

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING A NEGOTIATED ONE (1) YEAR CONTRACT WITH RMT LANDSCAPE CONTRACTORS, INC. WITH THE OPTION FOR TWO (2) ONE-YEAR EXTENSIONS TO MAINTAIN LANDSCAPING ON THE MANDELA PARKWAY IN ACCORD WITH THE CITY'S SPECIFICATIONS IN A NOT-TO-EXCEED AMOUNT OF \$117,000.00 EACH YEAR FOR A TOTAL AMOUNT NOT-TO-EXCEED \$350,000.00 OVER THREE YEARS

WHEREAS, Mandela Parkway was constructed after the 1989 Loma Prieta earthquake destroyed the elevated Cypress Freeway (constructed in 1957) along Interstate 880 that bisected West Oakland, and the Parkway median and landscaped areas on both sides of Mandela Parkway runs from 8th street to the Emeryville border; and

WHEREAS, when the Parkway landscaping project was completed by Caltrans in 2005, the City assumed responsibility for hardscape maintenance and Caltrans has been responsible for landscape maintenance through a three-year Plant Establishment Period (PEP); and

WHEREAS, PEP maintenance, which includes mowing the turf, edging, and trash and debris removal within the medians, has been performed by the contractor that installed the landscape, RMT Landscape Contractors, Inc., an Oakland firm, for the past three (3) years and has an intimate knowledge of the landscaping needs of the Mandela Parkway; and

WHEREAS, Caltrans' obligation to provide landscape maintenance for Mandela Parkway expires in July 2008 and the City must assume full maintenance of the median in August 2008; and

WHEREAS, it would be in the City's best interests to waive advertising and competitive bidding and hire RMT Landscape Contractors, Inc., an Oakland firm, to perform the work because:

- There is not sufficient time to advertise and bid the work by this August when the City must assume maintenance,
- The contractor installed and successfully maintained the landscaping for the last three years,
- The contractor is offering the City a lower price than Caltrans is currently paying,
- The two (2) one-year optional extensions allow the City to bid the work after the first year,
- The cost would be fixed at \$117,000.00 for each year or a total cost of \$350,000 for three (3) years even if the contractor's costs increase,
- The entire \$350,000.00 allocation from the City Council would be securely encumbered for the work for the next three (3) years, and

- RMT Landscape Maintenance, Inc. is an Oakland certified local business enterprise (LBE) and has agreed to comply with the City's small local business, local hire, equal benefits and other Oakland policies applicable to the contract; and

WHEREAS, the one (1) year contract with the option for two (2) one-year extensions for full maintenance of the Mandela Parkway is in the public interest because of economy or better performance and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, pursuant to Oakland Charter Section 902(e), a contact for services regardless of nature and term that is in public interest because of economy or better performance requires a two-thirds (2/3) vote of the City Council; and

WHEREAS, at the June 17, 2008 City Council meeting, as a part of the adopted FY 2008-09 Mid-Cycle Budget, the City Council allocated \$350,000.00 revenue to the General Purpose Fund (1010), Facilities and Environment Organization (30611), Miscellaneous Contracts Account (54919), Mandela Parkway Maintenance Project (P347910) and Grounds Program (NB07) for the maintenance of Mandela Parkway by the current landscaping contractor; now, therefore, be it

RESOLVED: That, pursuant to Oakland Municipal Code Chapter 2.04, Section 2.04.050.I.5 and for the reasons set forth in the City Administrator's report accompanying this Resolution and above, the City Council finds and determines that it is in the best interests of the City to waive advertising and competitive bidding requirements for the Mandela Parkway landscape maintenance contract and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes a negotiated one (1) year contract with the option for two (2) one-year extensions with RMT Landscape Contractors, Inc. to maintain landscaping on the Mandela Parkway in accord with the City's specifications in a not-to-exceed amount of \$117,000.00 each year for a total amount not-to-exceed \$350,000.00 over three years; and be it

FURTHER RESOLVED: That the contract shall be subject to review and approval by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA JUL 15 2008, 20__

PASSED BY THE FOLLOWING VOTE:

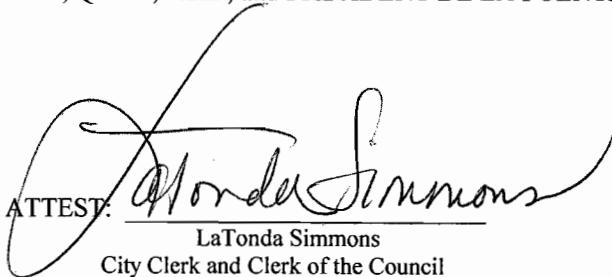
AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



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