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OFFICE OF THE CITY ATTORNEY
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90283 C.M.S.

RESOLUTION AWARDING PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL SPECIAL INSPECTION AND MATERIAL TESTING SERVICES THAT FOLLOW ALL CITY PURCHASING ORDINANCE REQUIREMENTS FOR A CONTRACT TERM OF FIVE (5) YEARS IN THE AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000) EACH TO: 1) APPLIED MATERIALS & ENGINEERING, INC., 2) CONSTRUCTION TESTING SERVICES, INC., 3) EN GEO, 4) ISI INSPECTION SERVICES, INC., 5) NINYO & MOORE, AND 6) TWINING, INC.

WHEREAS, on-call special inspection and material testing services are needed to assist the Oakland Department of Transportation and Oakland Public Works in delivering City of Oakland (City) capital improvement projects expeditiously in response to the influx of Measure U and grant funding; and

WHEREAS, on-call professional services provide various special inspection and material testing services to support capital improvement projects that staff may not have the expertise or capacity to perform; and

WHEREAS, on March 1, 2024, in accord with the City's Purchasing Ordinance (Oakland Municipal Code Chapter 2.04.051) the City issued a Request for Qualifications (RFQ) for On-Call Special Inspection and Material Testing Services; and

WHEREAS, six (6) firms submitted Statements of Qualifications (SOQ) which were evaluated by a panel of three (3) professionals with experience in the scope of services and project types identified in the RFQ; and

WHEREAS, based on the panel's evaluation and contract requirements, six (6) firms are recommended to be awarded professional services agreements to provide on-call special inspection and material testing services; and

WHEREAS, all the recommended firms will be reviewed by the Department of Workplace and Employment Standards to ensure compliance with the City Local Business Enterprise/Small Local Business Enterprise (L/SLBE) Program prior to project assignment through task order execution; and

WHEREAS, there will be an annual enrollment opportunity to allow small local business enterprises (SLBE) and very small local business enterprises (VSLBE) vendors not currently on the on-call vendor list an opportunity to demonstrate their qualifications to be included on the list as prime contractors with the contract amount for new contracts matching the highest remaining contract capacity for the current vendors, and the contract length equaling the remaining number of years in the original solicitation; and

WHEREAS, the City will analyze L/SLBE availability and participation at the Task Order phase instead of at the Pre-Qualification phase to maximize subcontracting opportunities for SLBE and VSLBE firms throughout the term of these on-call contracts, and to ensure that L/SLBE availability and participation requirements accurately represent L/SLBE firms that are ready, willing, and able to perform work at the time a Task Order is executed; and

WHEREAS, the City will utilize the Mandatory Preferred Small Local Business Program so that competition for Task Orders under \$250,000 are limited to certified SLBEs and VSLBEs; and

WHEREAS, a project's scope of services and budget will be developed for each task order; and

WHEREAS, there is no impact to the General Purpose Fund, nor are additional funds being requested; and

WHEREAS, on-call special inspection and material testing services will be funded through various individual projects and funds will be identified prior to the performance of the on-call services; and

WHEREAS, no minimum amount of work is implied or guaranteed, and no appropriation is made as a result of this action; and

WHEREAS, the City Council finds that the services provided pursuant to the agreements authorized hereunder are of a professional, scientific, or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore be it

RESOLVED: That the City Council hereby awards the on-call special inspection and material testing services contracts to the contractors set forth below and authorizes the City Administrator to execute professional services agreements that follow all the City's Purchasing Ordinance contracting requirements including without limitation, Oakland Municipal Code section 2.04.051 and are which are awarded in direct service for a term of five (5) years in the not-to-exceed amount of one million dollars (\$1,000,000) each to: 1) Applied Material & Engineering, Inc., 2) Construction Testing Services, Inc., 3) Engeo, 4) ISI Inspection Services, Inc., 5) Ninyo & Moore, and 6) Twining, Inc.; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator to execute additional professional services agreements for on-call special inspection and material testing services to SLBE/VSLBEs qualified through an annual prequalification process implemented within the five-year term; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments to or extensions of each agreement with the exception of those related to an increase in total compensation, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That a copy of each agreement will be on file in the City Clerk's Office and will be approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 7

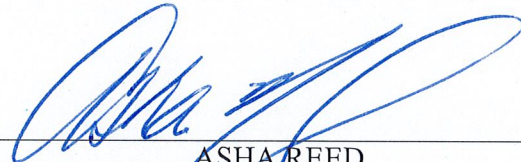
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Fife

ATTEST:



ASHA REED

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