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2013 APR 17 PM 4:11

APPROVED AS TO FORM AND LEGALITY:  
BY: [Signature]  
ORSA COUNSEL

## OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

RESOLUTION No. 2013- 014

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**RESOLUTION AUTHORIZING THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE FOR ON-CALL HAZARDOUS MATERIALS CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED TWO-HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR A THREE YEAR PERIOD FROM JULY 1, 2013 THROUGH JUNE 30, 2016**

**WHEREAS**, the Oakland Redevelopment Successor Agency (“ORSA”) anticipates receiving a finding of completion under Health and Safety Code Section 34179.7; and

**WHEREAS**, the finding of completion will allow ORSA to expend unencumbered bond proceeds for purposes consistent with the bond covenants; and

**WHEREAS**, the use of these so-called excess bond proceeds must be included on the Recognized Obligation Payment Schedule (“ROPS”) once a finding of completion is issued; and

**WHEREAS**, ORSA will require the assistance of environmental professionals to analyze soil and groundwater contamination, design cleanup plans, monitor air emissions, test fuel tanks, develop stormwater pollution prevention plans, and perform other services related to the protection of human health and environmental resources for real properties it owns and intends for future redevelopment; and

**WHEREAS**, such work in support of redevelopment of those properties would be allowable uses of bond proceeds under bond covenants; and

**WHEREAS**, ORSA needs to be able to respond quickly to deadlines associated with environmental laws and regulatory mandates, and such responsiveness is most effectively provided through on-call contracts; and

**WHEREAS**, through a competitive Request for Qualifications process, Ninyo & Moore was rated as one of the top-ranked firms available to provide the services herein described; and

**WHEREAS**, ORSA finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

**WHEREAS**, ORSA finds that the agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore, be it

**RESOLVED**: That the ORSA Administrator or his/her designee is hereby authorized to negotiate and enter into a professional services agreement for on-call hazardous materials consulting services with Ninyo & Moore, subject to the review and approval of ORSA Counsel; and be it

**FURTHER RESOLVED**: That the work shall be completed on an as-needed basis and the total amount of the contract shall not exceed two-hundred fifty thousand dollars (\$250,000) for a three-year period from July 1, 2013 through June 30, 2016; and be it

**FURTHER RESOLVED**: That issuance of work orders or disbursement of funds under the contract shall be contingent on ORSA having received a finding of completion and the work and contract payments being included on an approved ROPS; and be it

**FURTHER RESOLVED**: That the ORSA Administrator or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in total compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the ORSA Secretary; and be it

**FURTHER RESOLVED**: That a copy of the executed agreement shall be on file with the ORSA Secretary and shall be approved for form and legality by ORSA Counsel.

BY SUCCESSOR AGENCY, OAKLAND, CALIFORNIA, JUN 4 2013, 2013

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, GALLO, KALB , KAPLAN, GIBSON MCELHANEY, REID, SCHAAF, AND PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
Secretary of the Oakland  
Redevelopment Successor Agency