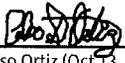


2022 DEC -8 PM 2: 02

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


Celso Ortiz (Oct 13, 2022 18:46 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89539 C.M.S.

RESOLUTION (A) WAIVING THE MULTI-STEP PROPOSAL SOLICITATION REQUIREMENT AND AMENDING AND EXTENDING THE PROFESSIONAL SERVICES AGREEMENT WITH POPULUS TECHNOLOGIES, INC. ("POPULUS") FOR A TERM OF ONE YEAR IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) FOR MOBILITY MANAGEMENT SOFTWARE AND FOR THE REIMBURSEMENT OF PARKING TRANSACTION FEES CHARGED TO COMMERCIAL VEHICLE LOADING ZONE PERMIT HOLDERS; (B) APPROPRIATING ANTICIPATED REVENUES OF UP TO \$235,00 PER YEAR AND CORRESPONDING ONGOING EXPENSES OF UP TO \$235,00 PER YEAR FOR THE REIMBURSEMENT OF PARKING PAYMENT TRANSACTION FEES CHARGED TO COMMERCIAL LOADING ZONE PERMIT HOLDERS; AND (C) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City, through its Transit First Policy (Resolution No. 73036 CMS), supports and prioritizes public transit and transportation alternatives to private, single-occupant vehicles, reducing traffic congestion, and improving air quality while reducing demand for vehicle parking; and

WHEREAS, the City of Oakland recognizes that the parking system should be actively managed to maximize efficient use of a public resource, according to Oakland's Parking Principles (Resolution No. 84664 CMS); and

WHEREAS, The Oakland Department of Transportation (OakDOT) is tasked with managing public parking to balance the diverse needs of Oakland's visitors, merchants, commuters and residents and with improving transportation choices and minimizing parking demand, congestion, and pollution (OakDOT Strategic Plan); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.042.A requires that the City Administrator conduct a competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems; and

WHEREAS, OMC Section 2.04.042.D provides that the City Council may waive the competitive process upon a recommendation of the City Administrator and finding and

determination by the City Council that it is in the best interests of the City to waive the solicitation processes; and

WHEREAS, staff recommends that it is in the best interest of the City to waive the multiple-step solicitation process because extending the existing agreement will allow for a rapid transition to seamless parking meter payment for commercial fleet operators. The new mobile parking payment system will enhance fleet operators' contactless options for paying for parking, support both on-street and off-street parking facilities, and enhance user data and privacy protections, and for the reasons set forth in the agenda report that accompanies this resolution; and

WHEREAS, The Council finds and determines that this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas; and

WHEREAS, As part of their contract with the City, Populus securely intakes data from vehicles with on-board global positioning systems permitted through the Free-floating Car Share Program and calculates their usage of City parking meters; and

WHEREAS, Populus can also perform this service for the Commercial Loading Zone Permit Program with the addition of \$250,000.00 in contract capacity; and

WHEREAS, The additional scope of work to be added to the existing contract with Populus includes onboarding of Commercial Vehicle Loading Zone permit holders, intake of parking data, calculation of parking meter fees, invoicing to permit holders and remittance of all fees back to the City. This scope is described in detail in the Agenda Report associated with this Resolution and its attachment; now therefore be it

RESOLVED: That the City Council finds and determines that pursuant to OMC section 2.04.042.D, for the reasons stated above and in the City Administrator's report accompanying this resolution, it is in the best interests of the City to waive the competitive multiple-step solicitation process for the Mobility Management Software and the Reimbursement of parking transaction fees charged to commercial loading zone permit to be purchased from Populous Technologies, Inc. under the proposed contract and so waives the requirements; and be it

FURTHER RESOLVED: that the City Council directs the City Administrator to:

- Appropriate a one-time expense of \$15,000.00 for a one-year extension of Mobility Management Software provided by Populus until April 2024; and
- Appropriate a one-time expense of up to \$235,00.00 for reimbursement of parking payment transaction fees to Commercial Loading Zone Permit holders; and

- Add the additional scope of work described in Attachment A to the existing contract with Populus; now therefore be it

FURTHER RESOLVED: The Council finds and determines that this action is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of meeting operating expenses or obtaining funds for capital projects, necessary to maintain service within existing service areas; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the Clerk of the County of Alameda for this project that is named in this resolution; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to execute any amendment or modifications to said agreement except as to any increases in compensation; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

DEC 20 2022

AYES - FIFE, GALLO, KALB, KAPLAN, ~~REID~~, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Reid

ATTEST:



ASHA REED

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