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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. 89760 C.M.S.**

**RESOLUTION: (1) AWARDING A PROFESSIONAL SERVICES AGREEMENT TO KIMLEY-HORN FOR AN AMOUNT NOT TO EXCEED FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO PROVIDE BROADBAND CONSULTING FOR THE OAKLAND BROADBAND LAST-MILE CONNECTIVITY PLANNING & DESIGN PROJECT; AND (2) WAIVING THE CITY'S MULTI-STEP PROPOSAL SOLICITATION AND LOCAL BUSINESS PROGRAM UTILIZATION REQUIREMENTS**

**WHEREAS**, The City of Oakland was awarded a technical assistance grant in the amount of \$500,000 by the California Public Utilities Commission (CPUC); and

**WHEREAS**, The City of Oakland has developed an agreement with Kimley-Horn to implement the last-mile broadband planning project in an amount not to exceed \$500,000; and

**WHEREAS**, the project will be funded from State of California Other Fund (2159), Administrative Services Organization (46111), Last-Mile Broadband Project (1006956); and

**WHEREAS**, the \$500,000 CPUC grant will fully reimburse the cost of the project with Kimley-Horn, subject to the rules of the CPUC grant; and

**WHEREAS**, Kimley-Horn has a long standing and satisfactory history of engineering and broadband consulting projects with the City of Oakland, including developing its previous Fiber Optics Master Plan; and

**WHEREAS**, the Council may waive the City's LBE/SLBE requirements for the purchase of commodities, goods, services, supplies or combination thereof due to a lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. and because it is in the best interests of the City to do so based on the reasons discussed herein and in the Report that accompanies this Resolution; and

**WHEREAS**, staff has not been able to identify LBE/SLBEs that can provide the expertise in engineering and broadband consulting services that are required under this contract and recommends that the Council waive the LBE/SLBE program utilization because it is in the best interests of the City to do so; and

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

**WHEREAS**, the City Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; therefore, and

**WHEREAS**, OMC Title 2, Chapter 2, Article I, Section 2.04.051 permits the Council to waive the multi-step proposal solicitation competitive selection requirement upon a finding and determination that it is in the best interests of the City to do so; so be it

**RESOLVED:** That the City Administrator is authorized to enter into a professional services agreement with Kimley-Horn for an amount not-to-exceed five hundred thousand dollars (\$500,000.00) to provide consulting services for the Last-Mile Broadband Planning Project; and be it

**FURTHER RESOLVED:** That pursuant to OMC Title 2, Chapter 2, Article I, Section 2.04.042 D, the Council hereby finds and determines that it is in the best interests of the City to waive the multi-step proposal competitive solicitation requirement for the above agreement due to the time-sensitive nature of the project, and Kimley-Horn's long standing and satisfactory history of engineering and broadband consulting projects with the City of Oakland, including developing its previous Fiber Optics Master Plan, and thus so waives this requirement; and be it

**FURTHER RESOLVED:** The Council hereby waives the City's LBE/SLBE requirements because staff has not been able to identify LBE/SLBEs that can provide the expertise in engineering and broadband consulting services that are required under this contract, due to the lack or limited availability of SLBEs or LBEs pursuant to Part I of Oakland's Local and Small Local Business Enterprise Program guidelines adopted by Ordinance No. 13647 C.M.S. and because it is in the best interests of the City to do so based on the reasons discussed herein and in the Report that accompanies this Resolution; and

**FURTHER RESOLVED:** That the said agreement will be executed in the timeline set forth in the agreement; and be it

**FURTHER RESOLVED:** That the contracted firm(s) shall comply with all other City contracting and compliance program requirements that apply to this contract and be it

**FURTHER RESOLVED:** That the City Administrator, is hereby authorized to conduct all negotiations and approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amount authorized under this Resolution; and be it

**FURTHER RESOLVED:** That the agreement and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **JUN 06 2023**

AYES - FIFE, GALLO, ~~REID~~, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID,  
AND PRESIDENT FORTUNATO BAS - 6

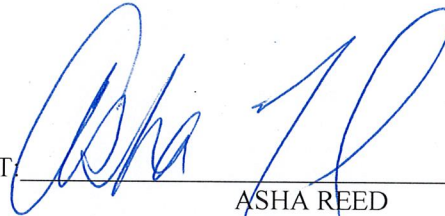
NOES ~~0~~

ABSENT ~~0~~

ABSTENTION ~~0~~

2 Excused - Jenkins, Ramachandran

ATTEST



ASHA REED

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