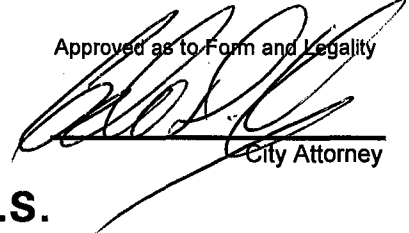


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2014 MAY 29 PM 4:07 **RESOLUTION No. 85052 C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR AND/OR DESIGNEE TO (1) EXECUTE A MASTER LEASE PURCHASE AGREEMENT AND ALL RELATED DOCUMENTS WITH A FINANCIAL INSTITUTION TO BE IDENTIFIED AND SELECTED THROUGH A COMPETITIVE BIDDING PROCESS IN THE AMOUNT OF \$15,731,000 TO REPLACE APPROXIMATELY 269 VEHICLES AND EQUIPMENT ITEMS AND, FOR ITEMS AVAILABLE FROM LOCAL VENDORS, (2) AUTHORIZING THE WAIVER OF THE OAKLAND PURCHASING ORDINANCE'S FORMAL ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND ALLOWING THE CITY ADMINISTRATOR TO SOLICIT BIDS FROM THREE VENDORS AND AWARD CONTRACTS FOR BOTH THE PURCHASE OF THE VEHICLES AND EQUIPMENT AND RELATED FINANCING WITHOUT RETURNING TO COUNCIL AND FOR ITEMS NOT AVAILABLE FROM LOCAL VENDORS (3) AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO COOPERATIVE PURCHASE AGREEMENTS WITH OTHER GOVERNMENTAL AGENCIES TO PURCHASE THE NEEDED VEHICLES AND EQUIPMENT**

**WHEREAS**, Over one half of the City's vehicle and equipment fleet is aged beyond its economic life and that certain assets have deteriorated to a point so as to compromise the performance of essential public services; and

**WHEREAS**, Replacement reserve funds are not available to purchase the needed items outright; and

**WHEREAS**, Excessive maintenance costs for existing equipment is exceeding potential financing cost for its replacement; and

**WHEREAS**, The City has utilized equipment master lease-purchase agreements in 2000, 2002 and 2013 for similar purposes; and

**WHEREAS**, The Equipment Services Division will use the City's informal competitive bid process or cooperative purchasing agreements to purchase the vehicles; and

**WHEREAS**, Oakland Municipal Code ("OMC") Section 2.04.050 A requires formal advertising and competitive bidding for purchases of vehicles and related equipment installation services and the award to the lowest responsible, responsive bidder if award is made; and

**WHEREAS**, Section 2.04.050 I. 5 provides an exception to the formal advertising and competitive bidding requirement of the OMC upon a finding and determination by the Council that it is in the best interests of the City to do so; now, therefore be it

**WHEREAS**, City staff recommends waiving the advertising and bidding requirements for this

contract because the City wishes to purchase the needed equipment from local vendors in order to shop locally and keep City funds in the local economy. Competitive bids will be solicited from local businesses, however, a waiver is required in order to avoid having to advertise and solicit bids on the open market as normally would be required by the OMC.

**RESOLVED**, the Council hereby finds and determines that pursuant to OMC Section 2.04.050 I. 5 it is in the best interests of the City to waive formal advertising and competitive bidding and all other requirements OMC Section 2.04.050 B based on the reasons and circumstances set forth above and in the Council Report that accompanies this Resolution; and be it

**FURTHER RESOLVED**, that the City Administrator, or his designee, is hereby authorized to execute a Master Lease-Purchase Agreement, the Equipment Schedule, the Escrow Agreement and all related documents necessary to the financing, with a financial institution to be identified and selected through a competitive bidding process in the amount of fifteen million seven hundred thirty one thousand dollars (\$15,731,000), at an interest rate not to exceed four and one half percent (4.5%), to fund the lease financing of the vehicles and equipment described herein without returning to council; and be it

**FURTHER RESOLVED**, that the City Administrator, or his designee, is authorized to acquire approximately 153 energy efficient vehicles and pieces of equipment on behalf of the City to replace the City's fleet vehicles scheduled for replacement; and be it

**FURTHER RESOLVED**, that for items available from local business enterprises, the City Administrator is authorized to forego formal advertising and competitive bidding and solicit bids from three vendors and award contracts for the purchase of the vehicles and equipment without returning to Council; and be it

**FURTHER RESOLVED**, that in the event that such equipment is not obtainable through local business enterprises, the City Administrator is authorized to enter into cooperative purchase agreements with other governmental agencies to purchase the needed vehicles and equipment; and be it

**FURTHER RESOLVED**, That the City Administrator or her designee is hereby authorized to execute and deliver any and all agreements, and is hereby authorized to approve any subsequent amendments to or extensions of said Agreement with the exception of those related to an increase in the contract price or the allocation of additional funds provided that such amendments or extensions shall be filed with the City Clerk's office; and be it;

**FURTHER RESOLVED**, that the City Attorney shall review and approve the proposed agreement(s) and any and all other vendor service agreements as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk.

**JUN 17 2014**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

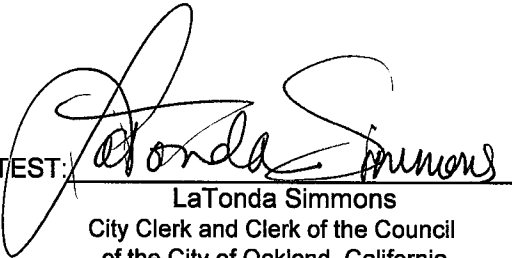
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, KALB, KAPLAN, McELHANEY, REID, SCHAAF and PRESIDENT KERNIGHAN -8

NOES - 0

ABSENT - 0

ABSTENTION 0

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California