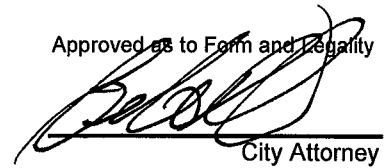


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL



City Attorney

2016 SEP 29 PM 3:58

RESOLUTION No. 86462 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO FINALIZE AND EXECUTE A MAINTENANCE AND SERVICE AGREEMENT WITH SCHEIDT AND BACHMANN USA, INC. IN SUPPORT OF THE PARKING ACCESS AND REVENUE CONTROL SYSTEM USED AT CITY PARKING GARAGES FOR A PERIOD OF THREE YEARS AT A TOTAL CONTRACT COST OF \$313,313.00; APPROPRIATING TOTAL EXPENDITURES OF \$214,313.00 FOR FISCAL YEARS 2017-2019; PROVIDING THE NECESSARY SPENDING AUTHORITY FOR ALL THREE YEARS OF THE CONTRACT; AND WAIVING ADVERTISING, BIDDING AND THE REQUEST FOR QUALIFICATIONS/PROPOSAL COMPETITIVE SELECTION REQUIREMENTS

WHEREAS, the City of Oakland wishes to enter into an agreement with Scheidt and Bachmann USA, Inc. to provide maintenance and service on the City's Scheidt and Bachmann parking access and revenue control system (PARCS) used at seven of the City's parking facilities; and

WHEREAS, the City was informed when it purchased its Scheidt & Bachmann PARCS that such an agreement would be necessary after the initial 1-year warranty that came with the system expired; and

WHEREAS, the City recognizes that the same professional services and warranties cannot be provided by any other company at a comparable cost; and

WHEREAS, the City finds that Scheidt and Bachmann negotiated the terms of the maintenance and service agreement in good faith and met all of the City's specifications; and

WHEREAS, the City has used revenue from garage parking operations to cover the cost of this agreement in the amount of \$80,000.00 over the past three years; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or combination thereof required by the City which exceeds \$50,000.00; and

WHEREAS, OMC section 2.04.050 I. 5 permits the Council to waive these requirements upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC section 2.04.051.A requires staff to conduct a competitive RFP/Q selection process for the procurement of professional services; and

WHEREAS, OMC section 2.04.051.B authorizes the City Council to waive the RFP/Q requirement upon a finding that it is in the best interests of the City to do so; and

WHEREAS, the City Council finds that this agreement is for services of a professional nature; and

WHEREAS, the City Council finds that services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract 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 finds and determines that pursuant to Oakland Municipal Code sections 2.04.050.I.5 and 2.04.051.B, that it is in the best interests of the City to waive the advertising, competitive bidding, and competitive RFP/Q process for products, replacement parts and services to be purchased under the proposed agreement because: 1) the Department of Information Technology continues to view the Scheidt & Bachmann PARCS as a turn-key system and, therefore, the necessary support services for the system should be provided by Scheidt & Bachmann; 2) that there is no alternative service provider in the local market that is capable of supporting the system; and 3) that the cost of using Scheidt and Bachmann to support the system on a "time and materials" (T&M) basis would be unpredictable and likely to lead to additional costs including loss of additional revenues and poor customer service due to lack of timely support; therefore, the City Council hereby authorizes the waiver of the OMC advertising, bidding and RFP/Q competitive selection requirements; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to enter into a maintenance and service agreement with Scheidt & Bachmann USA, Inc. for a period of three years at a cost of Year 1 \$99,000, Year 2 \$104,040 and Year 3 \$110,273, for a grand total contract amount of \$313,313, with contract payments to be paid quarterly; and be it

FURTHER RESOLVED: To use available funds in Multipurpose Reserve Fund (1750), Revenue Organizations (08931), Miscellaneous Contract Services Account (54919), Non Project (0000000) in the amount of \$99,000.00 for the first year of the contract; and be it

FURTHER RESOLVED: To appropriate expenditures and use funds in Multipurpose Reserve Fund (1750), Revenue Organizations (08931), Miscellaneous Contract Services Account (54919), Non Project (0000000) in the amount of \$104,040.00 in Fiscal Year 2017-2018 and in the amount of \$110,273.00 in Fiscal Year 2018-2019 to cover the cost of the second and third year of the contract respectively; and be it

FURTHER RESOLVED: That the annual expenditures for the contract be divided between three projects using the following percentages: City Center West Project (P455010), 27.45%; Telegraph Plaza Garage Project (P472710), 11.42% and Non-Project (0000000), 61.13%; and be it

FURTHER RESOLVED: That the City Administrator have the spending authority to pay invoices from Scheidt and Bachmann USA, Inc. according to this agreement on a quarterly basis; and be it

FURTHER RESOLVED: that the City Attorney shall review and approve the proposed contract as to form and legality, and copies of the agreement(s) shall be filed with the Office of the City Clerk without returning to Council.

NOV 0 1 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

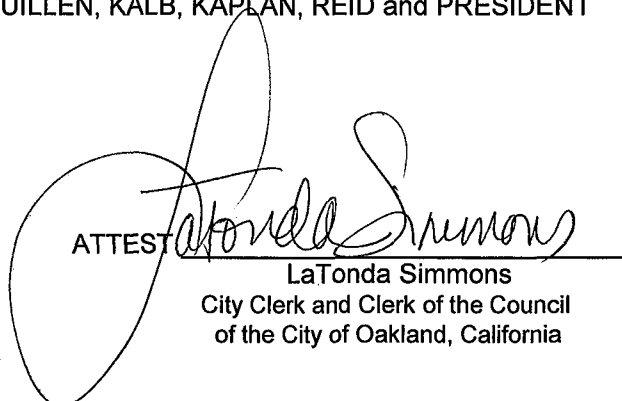
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID and PRESIDENT GIBSON MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



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