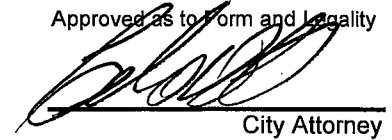


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

86528


City Attorney

2016 NOV 22 PM 5: 26

RESOLUTION No. _____

C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO:

(1) WAIVE ADVERTISING AND COMPETITIVE BIDDING AND NEGOTIATE AND EXECUTE A ONE-YEAR LEASE SERVICE CONTRACT WITH NEW WAY, INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR THE LEASE OF ONE REFUSE COMPACTOR (PACKER) TRUCK FOR THE KEEP OAKLAND CLEAN AND BEAUTIFUL DIVISION TO SUPPORT ILLEGAL DUMPING REMOVAL USING FUND BALANCE; WITH TWO ADDITIONAL ONE-YEAR CONTRACT EXTENSIONS IF NEEDED IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PER YEAR, WITHOUT RETURNING TO COUNCIL; AND

(2) APPROPRIATE ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) PER YEAR IN FISCAL YEAR 2016-17 AND FY 2017-18 FROM FUND 1720 COMPREHENSIVE CLEAN-UP FUND BALANCE TO FUND THE LEASE AGREEMENT AND OPERATIONAL COSTS;

WHEREAS, in Fiscal Year 2015-16 Oakland Public Works receives over 29,000 requests for illegal dumping removal; and

WHEREAS, Keep Oakland Clean and Beautiful Division is responsible for illegal dumping removal and its fleet is comprised of eight commercial vehicles, four of which are rear load refuse compactor trucks; and

WHEREAS, two of the four rear load refuse compactor trucks were put into service in 1999 and are 17-years old and one was put into service in 2006 and is 10-years old and are subject to frequent breakdowns and repairs; and

WHEREAS, the City is purchasing new refuse compactor trucks through its "lease 3.0" Resolution No. 86374 C.M.S; and

WHEREAS, the trucks purchased through Lease 3.0 are not anticipated for delivery to the City of Oakland until December 2017; and

WHEREAS, the City has an immediate need for a refuse compactor truck to collect illegal dumping from the streets of Oakland to protect the health and safety of the community; and

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

WHEREAS, OMC Section 2.04.050.I.5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

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

WHEREAS, OMC Section 2.04.050.I.5 permits the Council to waive formal advertising and competitive bidding upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, OMC section 2.04.010 provides clear definition relative to the City's mandatory Local and Small Local Business Enterprise (L/SLBE) Provision requirements; and

WHEREAS, the City Administrator, acting through the City's Contracts Compliance Office, issued a formal waiver of the L/SLBE Provision for the proposed lease of a refuse compactor truck due to a lack of availability and response from qualified L/SLBE vendors; therefore be it

RESOLVED, That the City Administrator is hereby authorized to waive advertising and competitive bidding and execute a minimum one-year service contract with two additional one-year contract extensions with New Way, Inc. in an amount not to exceed one hundred thousand dollars (\$100,000.00) for the lease of one refuse compactor (packer) truck for the Keep Oakland Clean and Beautiful Division to support illegal dumping removal; and be it

FURTHER RESOLVED: that the City Administrator is authorized to execute a lease agreement in the amount not to exceed one hundred thousand dollars (\$100,000.00) per year and to appropriate this amount in fiscal year 2016-17 and fiscal year 2017-18 from fund 1720 Comprehensive Clean-up Fund balance for the lease payments and operational costs; and be it

FURTHER RESOLVED: That funds will be appropriated in the Comprehensive Clean-Up Fund (1720); Org (30674); Project (TBD); and be it

FURTHER RESOLVED: That the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That a copy of this resolution shall be filed with the City Clerk.

DEC 13 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