

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

City Attorney

2020 JAN -2 AM 10:53

RESOLUTION No. 87990 C.M.S.**RESOLUTION TO WAIVE THE CITY'S ADVERTISING AND COMPETITIVE BID REQUIREMENTS WHEN ENTERING PACIFIC GAS & ELECTRIC (PG&E) COMPANY ON-BILL FINANCING (OBF) AGREEMENTS.**

WHEREAS, in 2018, the City Council approved Resolution No. 87184 C.M.S., authorizing the City Administrator to participate in Pacific Gas & Electric's (PG&E's) On-Bill Financing (OBF) program, enter multiple OBF agreements with OBF contractors to procure and install City-approved energy measures, and allow OBF contractors to accept energy rebates; and

WHEREAS, only PG&E-vetted contractors may participate in PG&E's OBF program; and

WHEREAS, energy measures installed through OBF agreements are paid for with energy savings achieved on the City's utility bills, through payment from PG&E directly to contractors; and

WHEREAS, Section 2.04.040.B.2 of the Oakland Municipal Code (OMC) requires formal advertising and bidding for purchase orders or contracts for supplies, construction services or a combination thereof involving expenditures in excess of fifty thousand dollars (\$50,000.00) in any one transaction or term agreement; and

WHEREAS, Section 2.04.050.I of the OMC allows for exceptions to the competitive bidding process, including a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, the City wishes to execute PG&E OBF agreements to provide construction services that may exceed fifty thousand dollars (\$50,000.00) in valuation in any one term agreement; and

WHEREAS, in 2018, staff engaged PG&E OBF-vetted contractors in an informal bidding process that considered costs and provided preferential considerations for Oakland-based businesses, and for those certified as a Local Business Enterprise, Small Local Business Enterprise, or Very Small Local Business Enterprise; and

WHEREAS, City staff recommends waiving the formal advertising and bidding requirements for OBF agreements because it is in the best interests of the City to do so since (1) no direct City funding is involved, eliminating the cost basis for competitive bidding; (2) all contractors have been prequalified by PG&E; and (3) the contractors with whom the City will enter OBF agreements have been further evaluated through staff's informal Request for Qualifications process; now, therefore, be it

RESOLVED: That pursuant to OMC 2.04.050.I and for the reasons stated above and in the City Administrator's report accompanying this item, the City Council finds and determines that it is in the best interests of the City to waive the formal advertising and bidding requirements for the City's participation in PG&E's OBF program and so waives the requirements; and be it

FURTHER RESOLVED: That this Resolution shall become effective immediately, unless otherwise required by the Charter of the City of Oakland; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 21 2020

PASSED BY THE FOLLOWING VOTE:

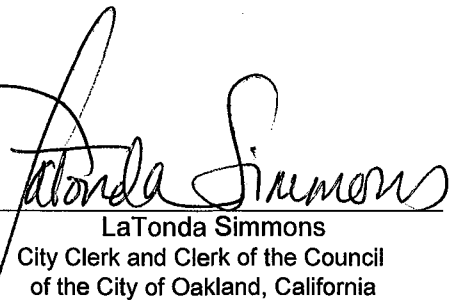
AYES FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO, and PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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