

**DRAFT**

City Attorney's Office

2020 MAR -5 PM 1:41 **OAKLAND CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

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**A RESOLUTION WAIVING THE CITY'S ADVERTISING, COMPETITIVE BID AND REQUEST FOR PROPOSALS/QUALIFICATIONS (RFP/RFQ) PROCESS AND AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AWARD A CONTRACT TO MADDEN FABRICATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000.00) FOR THE PURCHASE AND INSTALLATION OF PORTLAND LOOS IN THE CITY OF OAKLAND.**

**WHEREAS**, as part of the Fiscal Year (FY) 2019-21 Adopted Capital Improvement Program (CIP) Budget, the City Council approved Measure KK Infrastructure Bond funding of up to five hundred thousand dollars (\$500,000.00) for the purchase and installation of Portland Loo, Model 5 loos; and

**WHEREAS**, given the number of restrooms in the City requiring extensive repair and replacement, staff requests that the City Council adopt a resolution that would allow the City Administrator to enter into an agreement with Madden Fabrication to purchase and install Portland Loos in the City of Oakland in an amount not to exceed one million dollars (\$1,000,000.00); and

**WHEREAS**, locations specified in the Adopted CIP Budget include Madison Park (Madison Street between 8th and 9th Streets) and Concordia Park (2901 64th Avenue) with additional units to be installed as funds allow; and

**WHEREAS**, across the country, innovative facility designs have been implemented to address a need for permanent public toilets in heavily visited areas, and one of those designs, the Portland Loo, is currently operating in cities across the United States and Canada; and

**WHEREAS**, the Portland Loo is designed to: resist graffiti and vandalism, have open grates at the bottom and top of the structure that discourage unwanted behavior while providing privacy to the occupant meet the accessibility standards of the Americans with Disabilities Act (ADA); 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; and

**WHEREAS,** Oakland Municipal Code (OMC) Section 2.04.040.B.4 requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures of more than \$50,000.00; and

**WHEREAS,** Madden Fabrication is the only manufacturer authorized by the patent holder, the City of Portland, to produce a stainless steel, modular public restroom with these specifications; and

**WHEREAS,** OMC Section 2.04.051.B allows for a waiver by the Council of these advertising and solicitation requirements upon a finding that it is in the best interests of the City to do so; now, therefore, be it

**RESOLVED:** That the Council hereby finds and determines per OMC Section 2.04.051.B that it is in the best interests of the City to waive the formal advertising and competitive selection requirement of OMC Section 2.04.040.B.4, because Madden Fabrication is the only manufacturer authorized by the patent holder, the City of Portland, to produce a stainless steel, modular public restroom with these specifications, and so waives the requirement; and be it

**FURTHER RESOLVED:** That the City Administrator, or Designee, is authorized to execute said contract with Madden Fabrication in an amount not to exceed one million dollars (\$1,000,000.00), subject to the review and approval of the City Attorney; and be it

**FURTHER RESOLVED:** That Five hundred thousand dollars (\$500,000.00) has been included and is available FY 2019-21 budget in Measure KK: Infrastructure Series 2020B-1 (Tax Exempt) (Fund 5332); Organization 92270; Account 54011; Project 1004979; and Program IN06; and be it

**FURTHER RESOLVED:** All funds shall be allocated into account to be established for the purposes of administering expenditures relating to this contract; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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