

# OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. \_\_\_\_\_ C.M.S.

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

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**RESOLUTION INCREASING THE CONTRACT AMOUNT FOR THE  
PIEDMONT PINES UTILITY UNDERGROUNDING PHASE II FOR THE  
PREPARATION OF THE ENGINEERING ASSESSMENT REPORT AND  
PROFESSIONAL SERVICES FOR PROJECT (#1000647) WITH HARRIS  
AND ASSOCIATES FOR AN AMOUNT NOT-TO-EXCEED EIGHTY-ONE  
THOUSAND SIX HUNDRED THIRTEEN DOLLARS (\$81,613.00), AND  
WAIVING THE COMPETITIVE REQUEST FOR  
QUALIFICATIONS/PROPOSAL (“RFQ/P”) SELECTION REQUIREMENT**

**WHEREAS**, on October 14, 2016, a Request for Proposal was advertised for the Piedmont Pines Utility Undergrounding Phase II Assessment Engineering Report and Professional Services; and

**WHEREAS**, Piedmont Pines Utility Undergrounding Phase II is the next phase of the Piedmont Pines Utility Undergrounding District; and

**WHEREAS**, a Professional Services Request for Proposals was advertised on October 14, 2016, in accordance with Administrative Instruction 150 and only one (1) response was received by Public Works Contract Services on November 29, 2016; and

**WHEREAS**, the only firm with prior experience submitted a proposal and was selected and awarded with a contract for an amount of forty-seven thousand five hundred ninety dollars (\$47,590.00) on March 1, 2017; and

**WHEREAS**, additional professional services were required of the consultant in addressing the California Public Utilities Commission requests which caused the contract to exceed the fifty thousand dollars (\$50,000.00) to a revised amount of eighty-one thousand six hundred thirteen dollars (\$81,613.00); and

**WHEREAS**, the associated cost for the consultant services would be recoverable when the project is fully funded through a creation of the Piedmont Pines Utility Undergrounding Phase II Project bond; and

**WHEREAS**, City Administrator’s Contract Compliance analysis was not required for the submitted amount of forty-seven thousand five hundred ninety dollars (\$47,590.00) which was below the fifty thousand dollars’ threshold; and

**WHEREAS**, Oakland Municipal Code (“OMC”) section 2.04.051 A requires a competitive Request For Qualifications/Proposal (“RFQ/P”) selection process for the purchase of professional services which exceed \$50,000.00; and

**WHEREAS**, OMC Title 2, Chapter 2.0, Article I, Section 2.04.051. B provides an exception to the competitive RFP/Q selection requirement when specifically authorized by the City Council after a finding and determination that it is in the best interest of the City; and

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the professional services contract approved hereunder is temporary in nature; 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 pursuant to OMC 2.04.051 B the City Council finds and determines that it is in the best interest to waive the competitive RFQ/P selection requirement because no other firms submitted proposals initially for work on the Underground Assessment District and the consultant is deemed the most qualified and most responsive and for the reasons stated above and in the City Administrator's report accompanying this item, and therefore so waives this requirement; and be it

**RESOLVED:** That the City Administrator is authorized to award and execute a professional services contract with Harris and Associates for the Piedmont Pines Phase II for the preparation of the Assessment Engineering Report and professional services (1000647) for an amount not-to-exceed Eighty-One Thousand Six Hundred Thirteen Dollars (\$81,613.00); and be it

**FURTHER RESOLVED**, That the City Administrator, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, and be it

**FURTHER RESOLVED**, That the contract and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

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

Asha Reed  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California