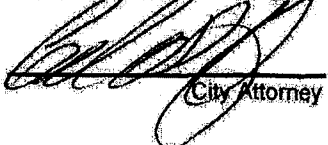


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Revised By Council  
At Its Meeting of 3/16/21

Approved as to Form and Legality



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 88564 C.M.S.

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO: 1) APPLY FOR AND ACCEPT \$100,000.00 IN PAVEMENT MANAGEMENT TECHNICAL ASSISTANCE PROGRAM (P-TAP) GRANT FUNDS FROM THE METROPOLITAN TRANSPORTATION COMMISSION; 2) ALLOCATE \$20,000.00 IN MATCHING FUNDS AND AN ADDITIONAL \$891,120.00 FOR ADDITIONAL PROFESSIONAL SERVICES; AND 3) EXECUTE AN AGREEMENT WITH THE METROPOLITAN TRANSPORTATION COMMISSION TO PROVIDE ADDITIONAL PROFESSIONAL SERVICES TO IMPLEMENT THE PROJECT IN AN AMOUNT NOT-TO-EXCEED \$911,120.00; AND (4) WAIVING THE REQUEST FOR PROPOSAL/QUALIFICATIONS COMPETITIVE SELECTION REQUIREMENT AS THE CONTRACT WAS AWARDED THROUGH A COMPETITIVE SELECTION PROCESS LED BY ANOTHER PUBLIC AGENCY.**

**WHEREAS**, the Moving Ahead for Progress Act for the 21st Century (MAP 21) (Public Law 112-141, July 6, 2012) and the Surface Transportation Program (23 U.S.C. § 133) provides funding for street improvements work; and

**WHEREAS**, the Pavement Technical Assistance Program (P-TAP) provision of MAP 21 provides funding for consulting services to assist local jurisdictions with implementation of their pavement management systems; and

**WHEREAS**, pursuant to MAP 21, and the regulations promulgated there under, eligible project sponsors wishing to receive Surface Transportation Program P-TAP grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Pavement Technical Assistance Program (P-TAP); and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is the MPO for the San Francisco Bay region; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) retains consulting firms selected through a competitive process to service the P-TAP; and

**WHEREAS**, the City of Oakland has been selected to receive the Surface Transportation Program P-TAP grant; and

**WHEREAS**, this grant is intended for P-TAP consultant services to assist project sponsors in implementing and maintaining their pavement management systems as well as non-pavement asset systems such as curb ramps and sidewalks; and

**WHEREAS**, the maximum grant amount for P-TAP Round 22 is \$100,000.00 per jurisdiction, which includes a required 20% local match (\$20,000.00); and

**WHEREAS** the \$100,000.00 grant amount is not enough to fund the inspection of the City's entire pavement network as well as sidewalks and curb ramps so therefore staff request the Council to allocate additional City funds to pay for consultant services from MTC's consultant Nichols Consulting Engineers in the amount of \$911,120 to inspect the complete system of approximately 830 miles of streets, 44 million square feet of sidewalk, and 18,000 curb ramps in Oakland; and

**WHEREAS** these additional consultant services will enable the City to update its entire pavement management data system, ensure data uniformity and consistency throughout Oakland and the region, as required by MTC, as well as provide a completely updated baseline on the condition of citywide sidewalks and curb ramps.

**WHEREAS**, MTC requires the allocation of \$20,000.00 in matching funds; and the City of Oakland requests to add \$891,120.00 in matching funds for additional professional services from an existing project; and that the sponsor understands that the Surface Transportation Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program funds; and the sponsor must complete the project by April 1, 2022; and

**WHEREAS**, the local funds of \$20,000.00 and \$891,120.000 available from Measure KK (Fund 5332); Projects 1005417, 1005419, and 1005420, and

**WHEREAS**, Oakland Municipal Code ("OMC") section 2.04.051 A requires that the City conduct a competitive Request For Qualifications/Proposals ("RFQ/P") selection process for the award of professional contracts that exceed \$50,000 and are exempt from bidding under OMC section 2.04.050.1.1; and

**WHEREAS**, pursuant to OMC section 2.04.051 B, the City Council may waive the City's RFQ/P requirement upon recommendation by the City Administrator and a finding and determination by the City Council that it is in the City's best interests to do so; and

**WHEREAS**, the City Administrator recommends that City Council waive the City's RFQ/P competitive selection requirement and award a professional services agreement to MTC for services to be rendered to the City by Nichols Consulting Engineers ("Nichols"), MTC's contractor, that was selected based on MTC's established competitive selection process; and

**WHEREAS**, the MTC requires as a condition of the grant award that the letter agreement for additional P-TAP 22 Services be attested by the City; now, therefore, be it

**RESOLVED:** That the City Council of the City of Oakland authorizes the City Administrator, or designee, to apply for \$80,000.00 in Pavement Management Technical Assistance Program (P-TAP) Grant Funds from the Metropolitan Transportation Commission, allocate \$20,000.00 and an additional \$891,120.00 in matching funds for additional consultant services; and enter into an agreement with the Metropolitan Transportation Commission for its contractor Nichols to provide professional services to the City in an amount not-to-exceed \$911,120.00; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City of Oakland to allocate \$20,000.00 and an additional \$891,120.00 in matching funds from existing Measure KK (Fund 5332); Projects 1005417, 1005419, and 1005420; and be it

**FURTHER RESOLVED:** That for the reasons articulated by the City Administrator herein, and in the staff report that accompanies this Resolution, the City Council finds and determines that it is in the City's best interest to waive and hereby waives the RFQ/P competitive selection requirement for the award of a contract to ~~Nichols Consulting Engineers under the direction of~~ the Metropolitan Transportation Commission in the amount of \$911,120; and be it

**FURTHER RESOLVED:** That the City Council authorizes the City Administrator, or designee to negotiate and enter into an agreement with Metropolitan Transportation Commission so that MTC can arrange for their consultant Nichols Consulting Engineering to provide professional services to the City for an amount not-to-exceed \$911,120.00; and be it

**FURTHER RESOLVED:** That the Surface Transportation Program P-TAP funding for the project is fixed (\$100,000.00), that any cost increases must be funded by the City of Oakland from matching funds, and that the City of Oakland does not expect any cost increases to be funded with Surface Transportation Program funds; and be it

**FURTHER RESOLVED:** That a copy of this resolution will be transmitted to the MTC and that the MTC is hereby requested to fund and execute, and administer the project described in the resolution, if approved by MTC; and be it

**FURTHER RESOLVED:** That this resolution has been approved by the Office of the City Attorney as to form and legality, and a copy is on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2021

**PASSED BY THE FOLLOWING VOTE:**

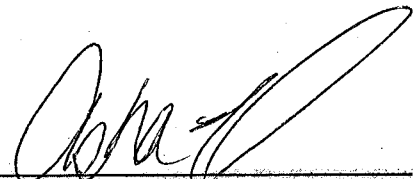
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS → 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

City Clerk and Clerk of the Council  
Of the City of Oakland, California