

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- (1) WAIVE THE CITY OF OAKLAND'S LOCAL/SMALL/LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS (L/SLBE) AND REQUEST FOR PROPOSAL/QUALIFICATIONS (RFP/Q) COMPETITIVE PROCESS; AND**

- (2) ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LIND MARINE FROM JANUARY 1, 2026 TO DECEMBER 31, 2027, TO PROVIDE FOR THE REMOVAL OF ABANDONED, DERELICT, AND SUNKEN VESSELS IN THE OAKLAND ESTUARY, FOR A TOTAL AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED AND FIFTY-SIX THOUSAND, TWO HUNDRED AND FIFTY-EIGHT DOLLARS (\$1,456,258)**

WHEREAS, the Oakland Estuary is a critical ecological and recreational resource that is significantly impacted by marine debris, and abandoned and sunken vessels that threaten navigational safety and environmental health; and

WHEREAS, Lind Marine is a local business specializing in marine and marine debris services in San Francisco Bay Area, including vessel towing, salvage, demolition and disposal; and

WHEREAS, the City of Oakland seeks to enter into a professional services agreement with Lind Marine from January 1, 2026 to December 31, 2027, to remove abandoned, derelict and sunken vessels in the Oakland Estuary; and

WHEREAS, the professional services agreement with Lind Marine is critical to ensure the City's timely compliance with the permitting and regulatory requirements of the Bay Conservation and Development Commission; and

WHEREAS, Lind Marine, the contractor, has a long standing and satisfactory history of working with the Oakland Police Department to perform Estuary clean ups; and

WHEREAS, funding for the services to be performed under the agreement will be made through the Surrendered and Abandoned Vessel Exchange (SAVE) grant in the amount of one hundred fifty thousand dollars (\$150,000) through the State of California Fund (2159), Support Operations Division Org (107510), Program, Project, and Accounts to be determined; and

WHEREAS, additional funding for the services to be performed under this agreement will be made through the National Oceanic and Atmospheric Administration (NOAA) grant in the amount of one million, three hundred and six thousand, two hundred fifty-eight dollars (\$1,306,258) through the State of California Fund (2104), Support Operations Division Org (107510), Program, Project, and Accounts to be determined; and

WHEREAS, upon a finding that it is in the best interest of the City to do so, section 2.04.051(B) of the Oakland Municipal Code (OMC) authorizes the City Council to waive the competitive RFP/Q selection requirements of OMC section 2.04.051(A) for professional services agreements of any amount; and

WHEREAS, pursuant to Part I of Oakland's L/SLBE Program guidelines (Ordinance NO. 13647 C.M.S.), the City Council may waive the City's Local/Small Local Business Enterprise Program (L/SLBE) requirements before authorizing execution of a professional services agreement; and

WHEREAS, staff recommends that the City Council make a finding that it is in the best interest of the City to waive the L/SLBE requirements and RFP/Q process and authorize execution of the proposed professional services agreement because the highly specialized equipment, systems, and expertise of Lind Marine provide capabilities not easily replicated by other vendors or able to be provided by City staff; and

WHEREAS, staff further recommends that the City Council make a finding that the proposed professional services agreement is for services that are professional, scientific or technical and temporary in nature, and that this contract will not result in the loss of employment or salary by any person having permanent status in the competitive service; and now, therefore, be it

RESOLVED: That the City Council finds and determines that pursuant to OMC Section 2.04.051(B) and based upon the reasons stated above and in the City Administrator's Agenda Report accompanying this resolution, it is in the best interest of the City to waive the L/SLBE requirements and RFP/Q process; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to enter into a professional services agreement with Lind Marine to provide marine debris removal services, for a total amount not to exceed one million, four hundred fifty-six thousand, three hundred twenty-eight dollars (\$1,456,328) through December 2027; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to complete all required negotiations, certifications, assurances, agreements and documentation required to execute the agreement; and be it

FURTHER RESOLVED: That prior to execution, the professional services agreement shall be reviewed and approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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