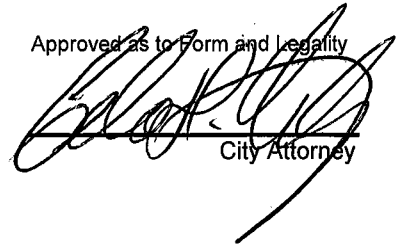


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

2015 OCT 29 PM 3:25

RESOLUTION No. 85887 C.M.S.

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

**RESOLUTION AWARDDING A PROFESSIONAL SERVICES AGREEMENT WITH THE TRANSPORTATION SUSTAINABILITY RESEARCH CENTER (TSRC) IN AN AMOUNT NOT-TO-EXCEED \$80,000.00, AND WAIVING THE COMPETITIVE BID REQUIREMENT FOR THE PROPOSAL/QUALIFICATION (RFP/Q) PROCESS, THE ADVERTISING AND BIDDING REQUIREMENTS, AND LOCAL AND SMALL BUSINESS ENTERPRISE PROGRAM (S/LBE) PROVISIONS ASSOCIATED WITH TYPICAL VENDOR RECRUITMENT IN ORDER TO CONTRACT WITH TSRC TO IMPLEMENT THE CITY OF OAKLAND CAR SHARE PROGRAM**

**WHEREAS**, the City adopted the Car Sharing Policy in Resolution No. 85459 C.M.S., approved March 17, 2015, to further the City's goals to reduce single-occupant vehicle trips and greenhouse gas emissions from private transportation through car sharing as well as other alternative modes; and

**WHEREAS**, the City adopted Resolution No. 85460 C.M.S., approved March 17, 2015, to authorize the City to apply for funding assigned to the Metropolitan Transportation Commission (MTC) for programming discretion; and

**WHEREAS**, the City responded to MTC's Call for Car Sharing Projects with a grant application to fund the Oakland Car Share and Outreach Program on Oct. 17, 2014; and

**WHEREAS**, the MTC granted the City of Oakland \$320,526.00 of federal Congestion Mitigation and Air Quality Improvement (CMAQ) funding, with a local match requirement of \$64,105.00, to support the Oakland Car Share and Outreach Program in December 10, 2014 (MTC Resolution No. 4035, MTC Fund Management System ID: 6151); and

**WHEREAS**, the City accepted and appropriated the \$320,526.00 in CMAQ funding and committed \$64,105.00 in local funds to support the Oakland Car Share and Outreach Program (Resolution No. 85459 C.M.S); and

**WHEREAS**, the City resolved that the Oakland Car Share and Outreach Program will be implemented as described in the complete application, subject to environmental clearance, (Resolution No. 85460 C.M.S); and

**WHEREAS**, the City's grant application included a partnership with the Transportation Sustainability Research Center (TSRC) at the University of California, Berkeley, to implement the Oakland Car Share and Outreach Program; and

**WHEREAS**, according to the grant application approved by the MTC, the amount of the CMAQ funds the City will pass through to TSRC will be greater than \$50,000.00 but not exceed \$80,000.00; and

**WHEREAS**, Oakland Municipal Code (CMC) section 2.04.050 requires formal advertising and competitive bidding when the City purchases services, supplies or combination thereof required by the City which exceeds \$50,000.00; and

**WHEREAS**, CMC section 2.04.050 1.5 permits the Council to waive these requirements upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, CMC section 2.04.051.A requires staff to conduct a competitive RFP/Q selection process for the procurement of professional services; and

**WHEREAS**, CMC section 2.04.051.B authorizes the City Council to waive the RFP/Q requirement upon a finding that it is in the best interests of the City to do so; and

**WHEREAS**, the TSRC, as a research center within the University of California Berkeley, is a state agency that does not qualify as a local business for purposes of complying with the City of Oakland's fifty-percent (50%) L/SLBE minimum participation requirement for professional service contracts of \$50,000.00 or more; and

**WHEREAS**, the TSRC is highly respected in the Bay Area for their work to study shared mobility technologies, and is uniquely qualified to implement the Oakland Car Share and Outreach Program; now, therefore be it

**RESOLVED**, that the City Council authorizes the City Administrator, or a designee, to execute professional services any other necessary agreements and with the TSRC to fulfill the terms of the Oakland Car Share and Outreach Program as approved by the Metropolitan Transportation Commission and City Council (Resolution No. 85460 C.M.S., MTC Resolution No. 4035, MTC Fund Management System Project ID: 6151); and be it

**FURTHER RESOLVED**, that the City Council finds that pursuant to Oakland Municipal Code sections 2.04.050.1.5 and 2.04.05 1.B, for the reasons stated above and in the report accompanying this resolution, that it is in the best interests of the City to waive the advertising, competitive bidding, and competitive RFP/Q process for the services to be purchased under the proposed agreements and that the City Council thereby authorizes the waiver of said requirements for the TSRC; and be it

**FURTHER RESOLVED**, that the City Council hereby waives the L/SLBE provisions that apply to professional services contracts for the TSRC as listed in the Oakland Car Share Grant Application; and be it

**FURTHER RESOLVED**, that the agreement with TSRC will be funded eighty-three percent (83%) by the grant funding appropriated to Metropolitan Transportation Commission Fund (2163), Transportation Planning Organization (30275), Car Share Project (G493310), and Car Sharing Administration Program (V129); seventeen percent (17%) of the cost of the agreement with TSRC will be funded by the local match to the car sharing grant, appropriated from Measure B Local Match Fund (2211), Transportation Planning Organization (30275), Car Share Project Number (G493320), and Car Share Administrative Program (V129); and be it

**FURTHER RESOLVED**, that the City Administrator, or a designee, is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the fulfillment of the Oakland Car Share and Outreach Program as described in the grant application approved by the Metropolitan Transportation Commission in December 2014, except for any increase above the maximum allotted amount for TSRC (\$80,000.00) as indicated earlier in this resolution, without returning to Council.

NOV 17 2015

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

**PASSED BY THE FOLLOWING VOTE:**

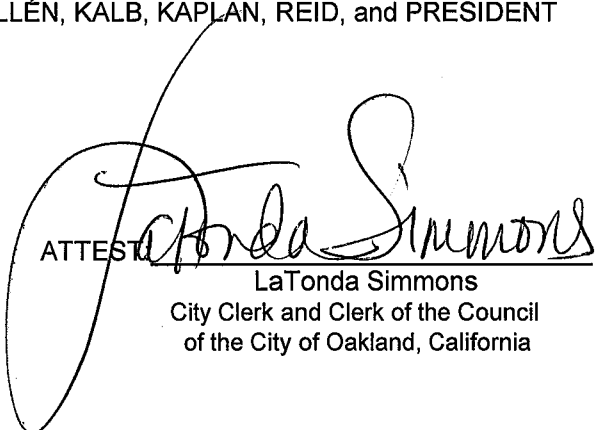
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY, 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



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