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July 11, 2006

Oakland City Council  
Oakland, California

Vice Mayor Jean Quan and Members of the Finance and Management Committee:

**RE: Resolution Authorizing the Agency/City Administrator to Take Action on Procurement of Certain Supplies and Services Exceeding \$500,000 and Certain Professional Services Contracts Exceeding \$300,000 During the Agency/City Council Summer 2006 Recess**

This report describes the process for handling legislative matters during the Agency/ Council Summer 2006 Recess and requests authorization by Agency/City Council to take action on procurement of certain supplies and services exceeding \$500,000 and certain services contracts exceeding \$300,000 during the Agency/Council Summer 2006 Recess.

### **Background**

Resolution No. 79006 C.M.S., adopted in March 2005, establishes the City Council's Rules of Procedures, including procedures for the annual summer recess. The annual recess runs from August 1 through August 31 each year, or until the first meeting in September, as set by the Rules Committee. During the summer recess, the Mayor is authorized to take such actions as would normally be taken by the City Council. In order to implement the provisions of Rules of Procedures resolution, and in compliance with the Sunshine Ordinance, the City Administrator as the Mayor's designee, through the City Clerk, will continue to notice, publish, and post in appropriate locations on Fridays a "two-week agenda" throughout the recess. Ordinances and reports to committees will not be processed during the recess. Neither will a supplemental agenda be published.

Further, Chapter 2 [2.04.020-1] of the Oakland Municipal Code authorizes the City Administrator to approve during recess contracts, in any one transaction, pertaining to: (1) supplies and services procurement not exceeding Five Hundred Thousand Dollars (\$500,000), and (2) professional services not exceeding Three Hundred Thousand Dollars (\$300,000). Actions taken thereon by the Mayor and City Administrator during the recess will be reported to the City Council upon its return, and any action exceeding the contract limits will be subject to ratification by the City Council.

Item: \_\_\_\_\_  
F&M Comte.  
July 11, 2006

### **Proposed Authorizations**

Staff anticipates that six (6) City and two (2) Agency contracts exceeding the City Administrator's authority must be approved during the summer recess, and seek the Agency's / Council's approval to proceed. Staff reports and resolutions regarding the following contracts will appear on the Mayor's Summer Recess agendas.

#### **Public Works Agency:**

- 1. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of Slope Stabilization Piers and Drainage Improvements Behind Castle Drive (Project No C282850) for an Amount Not to Exceed \$800,000.00**

The scope of work for this project has two components: 1) Slope erosion repair to protect a sewer pipe in Joaquin Miller Park; and 2) Gully stabilization work to prevent water quality violations inside the Park in Palo Seco Creek.

*This project will be competitively bid in August 2006 and staff requests an expedited award process so that the work may commence and be completed before the onset of the autumn rainy season.*

- 2. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of a Relief Sanitary Sewer Along Lakeshore Avenue Between Mandana Boulevard and Walavista Avenue (Project No. C261010) for an Amount Not to Exceed \$1,500,000.00**

*This sewer construction project will be bid in July 2006. The bidders are required by the contract documents to hold their prices for only 60 days after the bid opening date. This 60-day period will expire before Council's return; therefore, this project needs to be awarded during Council's recess.*

- 3. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for Miscellaneous General Construction Work, Including All Construction Trades Normally Performed by a Licensed General Contractor for a One Year Term and for a Not to Exceed Amount of \$1,319,952.00, Based on the Contract Unit Prices and Authorized the City Administrator to Extend the Contract for One Additional Year with the Same Terms and Conditions**

*This contract needs to be awarded during the summer recess because the Public Works Agency must start processing the Work Orders under this contract before the month of September in order to meet the deadline for the one million dollar+/- grant funded by the State for the Emergency Housing and Assistance Program (EHAP) projects for the Department of Housing &*

*Community Development. The additional amount is anticipated for contingency as well as other funded emergency projects that may occur during the term of this contract.*

#### **Office of the City Administrator – ADA Programs**

- 4. Resolution authorizing the City Administrator, or Her Designee, to Increase the Scope and Amount of the Citywide Sidewalk Condition / ADA Survey Contract with TranSystems Corporation, Formally known as Concept Marine Associates Incorporated, by \$238,250, Making the Not-to-Exceed Contract Amount \$1,208,250, for Additional Public Right of Way Data Collection Services and Development of the Federally-Mandated City of Oakland ADA Public Right of Way Transition Plan**

*Staff recommends that the scope and not-to-exceed total of the sidewalk survey professional services contract be increased above the authorized amount of \$970,000 (Resolution No. 78981 C.M.S.), but only after staff verifies satisfactory performance by the contractor on the basic scope of work. The Public Works Agency, Office of Information Technology and ADA Programs Division are reviewing contractor's submittals to date, which cover approximately 500 sidewalk miles. The data set is large and quality control and assurance is time consuming, requiring in-house and field review of up 20 percent of the data (100 survey miles). Staff anticipates that its review will be completed on July 31, 2006 and therefore requests that this item be placed on the Mayor's Summer Recess Agenda.*

#### **Department of Human Services**

- 5. Resolutions Authorizing the City Administrator, on Behalf of the City of Oakland, to execute a Grant Agreement with Dolores Collins in an Amount Not to Exceed \$74,820; Vanessa Bulnes in an Amount Not to Exceed \$62,350; Valerie Hamilton and Rosalyn Penelton in Amounts Not to Exceed \$58,050 Each; Melony Wyatt-Moore in an Amount Not to Exceed \$53,750; Regina Benoit and Jontanika Stroud in Amounts Not to Exceed \$34,830 Each; and Iinsdra Jordan in an Amount Not to Exceed \$32,250 to Provide Child Care Services to the Head Start Program; and Authorize the City Administrator to Extend Grant Funding of Each Grant Agreement for One Additional Year in an Additional Amount Not to Exceed \$408,930**
- 6. Resolution Authorizing the City Administrator, on Behalf of the City of Oakland, to Apply for, Accept and Appropriate the Child Care Food Program (CCFP) Grant from the California Department of Education in an Estimated Amount of \$375,000 to Provide Funding for Nutritious Meals for the City of Oakland's Head Start Program for Program Year 2006-2007**

*Head Start staff were unable to complete their requests in time to place these items on an agenda prior to recess; however, the contracts need to be executed before September 2006 in order to not adversely impact the children participating in the Head Start Programs.*

### **Community & Economic Development Agency**

In addition, CEDA staff is requesting permission to adopt two Redevelopment Agency Resolutions concerning the Oak Knoll and Central City East Redevelopment Areas merger:

- 1. Agency Resolution authorizing the amendment of professional service contracts of Burns & Watry and Keyser Marston Associates from \$53,500 each to an amount not to exceed \$153,500 each for preparation of various legally required redevelopment documents necessary to support the merger and plan amendments of the Oak Knoll and Central City East Project Areas**

*These consultants' contracts are necessary to complete various required documents to support the merger of the Oak Knoll Redevelopment Area and the Central City East Redevelopment Areas. Due to the possibility of adoption of SB 1206, Redevelopment Law Reforms, it has become necessary to expedite the merger of the two redevelopment areas, prior to January 1, 2007, and to add additional scope to increase the tax allocation cap, revise the implementation plan, and hold community meetings on same. Funds are available: Central City East Funding, org 88699, acct 54929, project S233310, Fund 9540.*

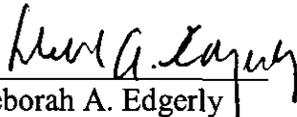
- 2. Agency Resolution amending Resolution No. 2005-0051, which authorized the preparation of fiscal merger amendments to the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan, to authorize the preparation of further redevelopment plan amendments increasing the Oak Knoll tax increment limit and merging the affordable housing production requirements for the Oak Knoll and Central City East Project Areas**

*Due to SB 1206, it is necessary to expedite all actions related to the merger of Oak Knoll and Central City East Redevelopment Areas in order to avoid the more costly requirements of plan amendments and mergers which are expected to be implemented in 2007. The consultant contracts and dedicated staff will be responsible for all tasks associated with this process. Several Council actions, including a public hearing will be required to meet the new targeted completion date of December 2006.*

Staff reports and resolutions for the above projects will be prepared during the recess and appear on the Mayor's Summer Recess Agendas.

In accordance with the Council's Rules of Procedures, Rule 21, the City Administrator will make a full and complete report to the Agency / City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the Agency / City Council may make such findings and confirm the actions taken during the Summer 2006 Recess.

Respectfully submitted,

  
Deborah A. Edgerly  
City Administrator

Prepared by: Bill Uber  
Assistant to the City Administrator

Item: \_\_\_\_\_  
F&M Comte.  
July 11, 2006

OFFICE OF THE CITY ATTORNEY  
2006 JUN 29 PM 7:14  
City Attorney

# REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

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

**RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO TAKE ACTION ON PROCUREMENT OF THE FOLLOWING PROFESSIONAL SERVICES CONTRACTS EXCEEDING \$300,000 DURING THE AGENCY'S 2006 SUMMER RECESS:**

- a) Agency Resolution authorizing the amendment of professional service contracts of Burns & Watry and Keyser Marston Associates from \$53,500 each to an amount not to exceed \$153,500 each for preparation of various legally required redevelopment documents necessary to support the merger and plan amendments of the Oak Knoll and Central City East Project Areas
  
- b) Agency Resolution amending Resolution No. 2005-0051, which authorized the preparation of fiscal merger amendments to the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan, to authorize the preparation of further redevelopment plan amendments increasing the Oak Knoll tax increment limit and merging the affordable housing production requirements for the Oak Knoll and Central City East Project Areas

**WHEREAS**, contract approval limits for the Agency / City Administrator during the annual summer recess of the Agency / City Council have set expenditure limits of \$500,000.00 for procurement of certain supplies and services and \$300,000.00 for professional services contracts; and

**WHEREAS**, there is one contract that exceeds this expenditure limit that would be ready for approval during the Agency recess and may have implications if not approved timely; and

**WHEREAS**, this item is:

1. Agency Resolution authorizing the amendment of professional service contracts of Burns & Watry and Keyser Marston Associates from \$53,500 each to an amount not to exceed \$153,500 each for preparation of various legally required redevelopment documents necessary to support the merger and plan amendments of the Oak Knoll and Central City East Project Areas; and

**WHEREAS**, these consultants' contracts are necessary to complete various required documents to support the merger of the Oak Knoll Redevelopment Area and the Central City East Redevelopment Areas; and

**WHEREAS**, due to the possibility of adoption of SB 1206, Redevelopment Law Reforms, it has become necessary to expedite the merger of the two redevelopment areas, prior to January 1, 2007; and

**WHEREAS**, expediting the merger includes adding additional requirements to the scope of services, increasing the tax allocation cap, revising the implementation plan, and holding community meetings on the same, of the contracts for the firms of Burns & Watry and Keyser Marston Associates, authorized by Agency Resolutions No.2004-50 C.M.S. and 2004-51 C.M.S., respectively, adopted on September 21, 2004; and

**WHEREAS**, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

**WHEREAS**, the City Council finds and determines that the performance of any of the professional services identified herein shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, funds are available in Central City East Fund 9540, Organization Code 88699, Account Number 54929, Project S233310; and

**WHEREAS**, there will be a companion piece of legislation on the proposed merger of the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan to increase the Oak Knoll tax increment limit; and

**WHEREAS**, this item is:

1. Agency Resolution amending Resolution No. 2005-0051, which authorized the preparation of fiscal merger amendments to the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan, to authorize the preparation of further redevelopment plan amendments increasing the Oak Knoll tax increment limit and merging the affordable housing production requirements for the Oak Knoll and Central City East Project Areas; now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the Agency Administrator amend the contracts with Burns & Watry and Keyser Marston Associates to increase the amounts from \$53,500 each to an amount not to exceed \$153,500 each for preparation of various legally required documents to support the merger and plan amendments to the Oak Knoll and Central City East Redevelopment Areas; and be it

**FURTHER RESOLVED:** That the Agency Administrator is authorized to amend Agency Resolution No. 2005-0051 which authorized the preparation of merger amendments to the Central City East Redevelopment Plan and the Oak Knoll Plan to merge the two Redevelopment Areas and authorized to prepare further redevelopment plan amendments to increase the Oak Knoll tax increment limit and merge the affordable housing production requirements for the Oak Knoll and Central City East Project Areas; and be it

**FURTHER RESOLVED:** That the Agency Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency recess agenda process for any contracts authorized hereunder prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the Agency Administrator shall, in accordance with the Council’s Rules of Procedures, Rule 21, make a full and complete report to the Agency / City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the Agency / City Council may make such findings and confirm said actions as may be required; and be it

**FURTHER RESOLVED:** That the Agency Counsel shall approve all contracts as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and CHAIRPERSON DE LA FUENTE

NOES -

ABSENT -

ABSTENTION –

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

LaTonda Simmons  
Secretary of the Redevelopment Agency  
of the City of Oakland, California

# OAKLAND CITY COUNCIL



City Attorney

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

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO TAKE ACTION ON PROCUREMENT OF THE FOLLOWING SUPPLIES AND SERVICES EXCEEDING \$500,000 AND PROFESSIONAL SERVICES CONTRACTS EXCEEDING \$300,000 DURING THE AGENCY/COUNCIL 2006 SUMMER RECESS:**

- a) **Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of Slope Stabilization Piers and Drainage Improvements Behind Castle Drive (Project No C282850) for an Amount Not to Exceed \$800,000.00.**
  
- b) **Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of a Relief Sanitary Sewer Along Lakeshore Avenue Between Mandana Boulevard and Walavista Avenue (Project No. C261010) for an Amount Not to Exceed \$1,500,000.00.**
  
- c) **Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for Miscellaneous General Construction Work, Including All Construction Trades Normally Performed by a Licensed General Contractor for a One Year Term and for a Not to Exceed Amount of \$1,319,952.00, Based on the Contract Unit Prices and Authorized the City Administrator to Extend the Contract for One Additional Year with the Same Terms and Conditions.**
  
- d) **Resolution authorizing the City Administrator, or Her Designee, to Increase the Scope and Amount of the Citywide Sidewalk Condition / ADA Survey Contract with TranSystems Corporation, Formally known as Concept Marine Associates Incorporated, by \$238,250, Making the Not-to-Exceed Contract Amount \$1,208,250, for Additional Public Right of Way Data Collection Services and Development of the Federally-Mandated City of Oakland ADA Public Right of Way Transition Plan**
  
- e) **Resolutions Authorizing the City Administrator, on Behalf of the City of Oakland, to execute a Grant Agreement with Dolores Collins in an Amount not to Exceed \$74,820; Vanessa Bulnes in an Amount not to Exceed \$62,350; Valerie Hamilton and Rosalyn Penelton in Amounts not to Exceed \$58,050 Each; Melony Wyatt-Moore in an Amount not to Exceed \$53,750; Regina Benoit and Jontanika Stroud in Amounts not to Exceed \$34,830 Each; and Ilnsdra Jordan**

**in an Amount not to Exceed \$32,250 to Provide Child Care Services to the Head Start Program; and Authorize the City Administrator to Extend Grant Funding of Each Grant Agreement for One Additional Year in an Additional Amount not to Exceed \$408,930**

**f) Resolution Authorizing The City Administrator, on Behalf of the City of Oakland, to Apply for, Accept and Appropriate the Child Care Food Program (CCFP) Grant from the California Department of Education in an Estimated Amount of \$375,000 to Provide Funding for Nutritious Meals for the City of Oakland's Head Start Program for Program Year 2006-2007**

**WHEREAS**, contract approval limits for the City Administrator during the annual summer recess of the City Council have set expenditure limits of \$500,000.00 for procurement of certain supplies and services and \$300,000.00 for professional services contracts; and

**WHEREAS**, there are six contracts that exceed these expenditure limits that would be ready for approval during the Council recess and may have implications if not approved timely; and

**WHEREAS**, these items are:

1. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of Slope Stabilization Piers and Drainage Improvements Behind Castle Drive (Project No C282850) for an Amount Not to Exceed \$800,000.00.
2. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for the Construction of a Relief Sanitary Sewer Along Lakeshore Avenue Between Mandana Boulevard and Walavista Avenue (Project No. C261010) for an Amount Not to Exceed \$1,500,000.00.
3. Resolution Authorizing Award of a Construction Contract to the Lowest Responsible Bidder for Miscellaneous General Construction Work, Including All Construction Trades Normally Performed by a Licensed General Contractor for a One Year Term and for a Not to Exceed Amount of \$1,319,952.00, Based on the Contract Unit Prices and Authorized the City Administrator to Extend the Contract for One Additional Year with the Same Terms and Conditions.

4. Resolution authorizing the City Administrator, or Her Designee, to Increase the Scope and Amount of the Citywide Sidewalk Condition / ADA Survey Contract with TranSystems Corporation, Formally known as Concept Marine Associates Incorporated, by \$238,250, Making the Not-to-Exceed Contract Amount \$1,208,250, for Additional Public Right of Way Data Collection Services and Development of the Federally-Mandated City of Oakland ADA Public Right of Way Transition Plan
5. Resolutions Authorizing the City Administrator, on Behalf of the City of Oakland, to execute a Grant Agreement with Dolores Collins in an Amount not to Exceed \$74,820; Vanessa Bulnes in an Amount not to Exceed \$62,350; Valerie Hamilton and Rosalyn Penelton in Amounts not to Exceed \$58,050 Each; Melony Wyatt-Moore in an Amount not to Exceed \$53,750; Regina Benoit and Jontanika Stroud in Amounts not to Exceed \$34,830 Each; and Ilnsdra Jordan in an Amount not to Exceed \$32,250 to Provide Child Care Services to the Head Start Program; And Authorize the City Administrator to Extend Grant Funding of Each Grant Agreement for One Additional Year in an Additional Amount not to Exceed \$408,930
6. Resolution Authorizing The City Administrator, on Behalf of the City of Oakland, to Apply for, Accept and Appropriate the Child Care Food Program (CCFP) Grant from the California Department of Education in an Estimated Amount of \$375,000 to Provide Funding for Nutritious Meals for the City of Oakland's Head Start Program for Program Year 2006-2007; and

**WHEREAS**, the services agreements identified hereunder are temporary and of a professional, technical or scientific nature; and

**WHEREAS**, for the construction agreements identified herein the City lacks the equipment and qualified personnel to perform the necessary work, and the City Council finds that performance of the construction agreements identified herein is in the public interest because of economy, and services under these agreements will be temporary; and

**WHEREAS**, the City Council finds and determines that the performance of any of the professional services or construction agreements identified herein shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to enter into the agreements set forth above in the amounts noted; and be it

**FURTHER RESOLVED:** That the City Administrator shall publish and approve separate resolutions through the City Council/Redevelopment Agency recess agenda process for any contracts authorized hereunder prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the City Administrator shall, in accordance with the Council's Rules of Procedures, Rule 21, make a full and complete report to the City Council at its first regularly scheduled meeting in October, of the actions taken pursuant to this resolution, at which time the City Council may make such findings and confirm said actions as may be required; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve all contracts as to form and legality prior to execution and a copy shall be placed on file with the Office of the City Clerk.

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

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

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

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