



# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Mark Sawicki  
Director, EWD

**SUBJECT:** Public Space Maintenance Services  
Contracts

**DATE:** December 20, 2016

City Administrator Approval

Date:

1/12/17

## RECOMMENDATION

Staff recommends that the City Council Adopt A Resolution Waiving Advertising And Competitive Bidding Requirements And Authorizing The City Administrator To Negotiate And Enter Into The Following Proposed Contracts For Maintenance Services:

(1) A Contract Or Contracts With The Lake Merritt-Uptown District Association For Maintenance Of (a) The BART 17<sup>th</sup> Street Gateway Entrance To The 19<sup>th</sup> Street BART Station Fronting Broadway And Telegraph Avenue Between 17<sup>th</sup> And 19<sup>th</sup> Streets And (b) The Property Located At 1911 Telegraph Avenue, In An Amount Not To exceed \$24,950 For Each Of The Uptown Sites, And

(2) A Contract With The Downtown Oakland Association For Maintenance Of The Civic Center T-5/6 Parcels Located On The Block Bounded By Broadway, 11<sup>th</sup> Street, 12<sup>th</sup> Street And Clay Street In An Amount Not To Exceed \$24,950.

## EXECUTIVE SUMMARY

The Council is being asked to waive advertising and competitive bidding requirements and authorize new contracts for maintenance services with the Lake Merritt-Uptown District Association ("LM-UDA") for BART 17<sup>th</sup> Street Gateway and 1911 Telegraph, and with the Downtown Oakland Association ("DOA") for the T-5/6 property. The contract amounts are not to exceed \$24,950.

## BACKGROUND / LEGISLATIVE HISTORY

The City has obligations to maintain its redevelopment properties. The BART 17<sup>th</sup> Street Gateway project includes public art and a decorative glass installation that requires long-term maintenance pursuant to a 2013 Agreement with BART. Pursuant to the terms of the agreement with BART, the City is solely responsible for maintaining the public art installation. The T-5/6 property at 12<sup>th</sup> Street and Clay, and the 1911 Telegraph property are owned by the City and will require maintenance for at least another one to three years while staff completes

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negotiations with developers to improve the properties. The City is the owner of the development site at 1911 Telegraph Avenue ("1911 Telegraph"), as well as the City Center T-5/6 Parcels located on the block bounded by Broadway, 11<sup>th</sup> Street, 12<sup>th</sup> Street and Clay Street ("T-5/6"). Both properties are designated for development but will likely not be sold and developed for another one to three years.

## **ANALYSIS AND POLICY ALTERNATIVES**

### ***Consultant Selection Process***

A Request for Proposals ("RFP") for maintenance services for the three sites was released on September 30, 2015. Responses were due by October 22, 2015 and extended to November 16, 2015 because of a lack of responsive proposals.

The requested scope of services consist of maintaining the fence, lawn and sprinkler system, tree trimming and removal of trash at T5/6, and periodic weed abatement, trash and debris removal and graffiti abatement at 1911 Telegraph. At the BART 17<sup>th</sup> Street Gateway, the City asked for proposals to maintain the public artwork and the decorative glass panels, and abate graffiti.

The Contracts and Compliance Division ("Contract Compliance") received two proposals for T-5/6, one from DOA and one from Rubicon Landscape. LM-UDA submitted a proposal for the 17<sup>th</sup> Street Gateway. Two proposals were received for 1911 Telegraph from LM-UDA and Beliveau Engineering Contractors, Inc.

Each proposal was evaluated based upon the organizations' qualifications and experience in the following areas:

- Landscape maintenance experience – lawn mowing, maintenance of irrigation systems, weed abatement, pruning, litter and graffiti removal, pest/rodent control, etc.
- Relevant experience working with public agencies on similar projects.
- Experience maintaining hardscapes such as paving, art work, glass panels, etc.
- Written and/or photographic evidence of previously cleaned properties for other clients.
- Ability to provide emergency maintenance services if necessary.
- Experience reporting public safety issues and potential hazardous situations to the appropriate City agencies.

Staff evaluated the proposals against the specified criteria and ranked each proposal to make the final selection. DOA and LM-UDA received the highest ranking for their proposals and that is the primary reason for their selection. In addition, Rubicon was not chosen because they were a non-local business and they indicated they did not have plans on becoming a certified local business. Beliveau was not chosen because they did not score as high as LM-UDA.

DOA and the LM-UDA were established in 2009 and are Community Benefit District (CBD) Management Corporations committed to revitalizing Oakland's downtown. DOA and LM-UDA are therefore exceptionally well suited to take on the property maintenance obligations desired by the City as they already provide similar services throughout downtown Oakland.

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In Contract Compliance's initial review, the DOA and LM-UDA failed to meet LBE/SLBE goals. DOA and LM-UDA eventually met or exceeded the City's minimum 50 percent Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) requirements and received preference points. Their compliance was certified on March 7<sup>th</sup>, 2016.

Contract Compliance's evaluation is included as **Attachment A**.

### **Waiver Request**

The action requested includes waiving advertising and competitive bidding requirements and authorizes the City Administrator to award a contract to suppliers and contractors through an advertised Request for Proposal (RFP) selection process.

The City Attorney's office has advised that maintenance services for properties owned or controlled by a public entity, such as garbage and debris removal, vegetation trimming, pruning, planting and maintenance/replacement of equipment, such as irrigation systems, are generally considered "public improvements". As such, public improvements must be advertised, bid and awarded under state public contracting laws when State or Federal funds are involved, and such requirements cannot be waived; or, must be advertised, bid and awarded under City of Oakland purchasing requirements, when City funds are involved, unless these requirements are waived by the City Council pursuant to the Purchasing Ordinance.

Oakland Municipal Code (OMC) Title 2, Chapter 2.04, Article 1, Section 2.04.040.B.1 requires that informal advertising and bidding procedures established by the City Administrator are required for purchase orders or contracts for supplies, construction services or combination involving expenditures between five hundred dollars (\$500.00) and fifty thousand dollars (\$50,000.00) in any single transaction or term agreement, and Section 2.04.050.A. requires the City to conduct an advertising and bidding process for procurement of services, supplies or a combination that exceeds fifty thousand dollars (\$50,000.00).

However, OMC Title 2, Chapter 2.04, Article 1, Section 2.04.050.I.5 provides an exception to advertising and competitive bidding requirements when specifically authorized by the City Council after a finding and determination that it is in the best interest of the City.

Staff recommends that the Council find and determine that it is in the best interest of the City to waive advertising and competitive bidding because the DOA and LM-UDA were selected through a rigorous selection process and have established an excellent track record of maintaining the physical appearance of the Downtown using their maintenance ambassadors.

The three agreements will be for a two-year term with a single one-year extension options. It is anticipated that staff will return in the future for either an extension of the contract with LM-UDA for the 17<sup>th</sup> Street Gateway or with a new contract with a different vendor depending on the performance of LM-UDA.

### **FISCAL IMPACT**

Each contract for services will be for an amount not to exceed \$24,950. The term of each contract will be two years with a one year extension. The contracts will be funded by former Redevelopment Agency funds that were transferred to the City for operations of facilities. No Oakland Redevelopment Successor Agency (ORSA) approval is required.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT: Three contracts, each in an amount of up to \$24,950, will be issued.
2. COST ELEMENTS OF AGREEMENT/CONTRACT: The maximum potential cost for all contracts together would be (\$74,850). Of that total amount, the amount expended per year would depend upon how quickly construction can commence on T-5/6 and 1911 Telegraph.
3. SOURCE OF FUNDING: Funding for the contracts' work will come from funding code block 1.5610.85245.C339410.SC13.
4. FISCAL IMPACT: These funds are limited to uses approved in the Bond Spending Plan. There is no anticipated impact to the General Purpose Fund.

### **PUBLIC OUTREACH / INTEREST**

The RFQ was distributed via the City's iSupplier service. The RFQ was also formally advertised in the Oakland Tribune, the Oakland Post and the Oakland El Mundo.

### **COORDINATION**

The City Attorney's Office and Controller's Bureau were consulted for this report and provided feedback and guidance. The original RFQ process was coordinated with the Contract Compliance office.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The two Associations will provide employment and job training to Oakland residents. The work that they will perform on the City-owned properties will abate blight until the sites are sold. Maintaining the 17<sup>th</sup> Street Gateway site plays a crucial role in welcoming people into a clean and vibrant Downtown.

**Environmental:** The services provided by the two Associations will not have a significant environmental impact but they will improve the on-going appearance of the three sites.

**Social Equity:** The two Associations will provide job training and employment to mostly young Oakland residents and also fully comply with the City's local business and employment programs.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve a resolution authorizing the City Administrator to waive advertising and competitive bidding requirements and enter into the following contracts for maintenance services: (1) a contract or contracts with the LM-UDA for maintenance of the 17<sup>th</sup> Street Gateway and 1911 Telegraph, in an amount not to exceed \$24,950 for each of these sites; and (2) a contract with the DOA for maintenance of T-5/6 in an amount not to exceed \$24,950.

For questions regarding this report, please contact Brian Kendall, Urban Economic Analyst, at 238-7403 or [bkendall@oaklandnet.com](mailto:bkendall@oaklandnet.com).

Respectfully submitted,



Mark Sawicki  
Economic and Workforce Development  
Director

Reviewed by:  
Patrick Lane, Manager  
Project Implementation Division

Prepared by:  
Brian Kendall, Urban Economic Analyst III  
Project Implementation Division

Attachment A:  
Contract Compliance's Evaluations

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CED Committee  
January 24, 2017

**ATTACHMENT A**



# INTER OFFICE MEMORANDUM

**TO:** George Durney,  
Urban Economic Analyst IV

**FROM:** Deborah Barnes, Director, *S. Qarensburg for*  
Contracts and Compliance

**SUBJECT:** Compliance Analysis  
**Request for Proposal (RFP) for Property Maintenance: Bart 17<sup>th</sup> Street Gateway**

**DATE:** November 25, 2015

The City Administrator's Office, Contracts and Compliance Unit conducted a compliance review of one (1) proposal in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement. Effective February, 2012, the City waived the 25% Small Local Business Enterprise (SLBE) requirement for certified local prime contractors competing for professional services contracts. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Non-Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts		Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name SLBE/VSLBE/LPG Certified Firms	Original Bid Amount	Total LBE/ SLBE	LBE	SLBE	*VSLBE	Total Credited Participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points		
Lake Merritt Uptown Association	NA	0.00%	0.00%	0.00%	0.00%	0.00%	0 pt.	0.0 pt.	0 pt.	N

**Comments:** As noted above, firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet L/SLBE participation requirement. Firm is not EBO compliant. They will have to come into compliance prior to contract award.

Should you have any questions you may contact Sophany Hang, Acting Contract Compliance Officer at (510) 238-3970.



**CONTRACTS AND COMPLIANCE**

**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**RE:** Request for Proposal (RFP) for Property Maintenance: Bart 17th Street Gateway

**CONSULTANT/CONTRACTOR: Lake Merritt Uptown Association**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Preference Points:</u>	
N/A	0	

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0%**

3. Did the contractor receive bid discount/preference points? **NO**  
 (If yes, list the points received) **0 points**

**5. Additional Comments.**

Firm failed to meet the minimum 50% l/slbe participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet L/SLBE participation requirement.

**6. Date evaluation completed and returned to Contract Admin./Initiating Dept.**

11/25/2015  
Date

**Reviewing Officer:**

*Sophy Hing*

**Date:** 11/25/2015

**Approved By:**

*Shelley Oarensburg*

**Date:** 11/25/2015



## LBE/SLBE Participation Lake Merritt Uptown Association

Project Name: Request for Proposal (RFP) for Property Maintenance: Bart 17th Street Gateway

Project No.:		NA	NA	Under/Over Engineers Estimate							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
									Ethn	MBE	WBE
PRIME	Lake Merritt Uptown Association	Oakland	UB					44%	C		
Clean and Safe	Block by Block	Louisville	UB					44%	C		
Art/Glass Maint.	Progress Glass Co.	SF	UB					12%	NL		
<b>Project Totals</b>				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	VSLBE	TOTAL LBE/SLBE 50%	TOTAL	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



# INTER OFFICE MEMORANDUM

**TO:** George Durney,  
Urban Economic Analyst IV

**FROM:** Deborah Barnes, Director, *DB*  
Contracts and Compliance

**SUBJECT:** Compliance Analysis  
**Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown**

**DATE:** December 2, 2015

The City Administrator's Office, Contracts and Compliance Unit conducted a compliance review of three (3) proposals in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts			Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name SLBE/VSLBE/LPG Certified Firms	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points			
Beliveau Engineering Contractors, Inc.	NA	100.00%	0.00%	100.00%	0.00%	100.00%	5.00 pt.	1.5 pt.	0.0 pt.	Y	

**Comments:** As noted above, firm met and/or exceeded the minimum 50% L/SLBE participation requirement. Firm is EBO compliant.

Non-Responsive to EBO and L/SLBE Policies		Proposed Participation					Earned Credits and Discounts			Oakland Workforce Preference Points	EBO Compliant? Y/N
Company Name SLBE/VSLBE/LPG Certified Firms	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points			
Lake Merritt Uptown Association	NA	0.00%	0.00%	0.00%	0.00%	0.00%	0.0 pt.	0.0 pt.	0.0 pt.	N	
Rubicon Enterprises Inc.	NA	0.00%	0.00%	0.00%	0.00%	0.00%	0.0 pt.	0.0 pt.	0.0 pt.	Y	

**Comments:** As noted above, both firms failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet L/SLBE participation requirement. Lake Merritt Uptown Association is not EBO compliant. They will have to come into compliance prior to contract award.

Should you have any questions you may contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.

**CONTRACTS AND COMPLIANCE**



**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

RE:

Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown

**CONSULTANT/CONTRACTOR: Beliveau Engineering Contractors, Inc.**

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
NA	NA	NA
<b><u>Bid discounted amount:</u></b>	<b><u>Preference Points:</u></b>	
N/A	5	

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**

a) % of LBE **0.00%**  
b) % of SLBE **100.00%**  
c) % of VSLBE **0.00%**

3. Did the contractor receive bid discount/preference points? **YES**

(If yes, list the points received) **5 points**

4. Additional Comments.

[Empty box for additional comments]

5. Date evaluation completed and returned to Contract Admin./Initiating Dept.

12/2/2015

Date

**Reviewing  
Officer:**

*Vivian Inuma*

**Date:** 12/2/2015

**Approved By:**

*Shelley Oarsalunay*

**Date:** 12/2/2015

# LBE/SLBE Participation

## Beliveau Engineering Contractors, Inc.

Project: **Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown**

Project No.: NA		NA					Under/Over Engineers Estim.					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
									Ethn	MBE	WBE	
PRIME	Beliveau Engineering Contractors, Inc.	Oakland	CB		90%		90%	90%	C			
Trucking	All City Trucking, Inc.	Oakland	CB		10%		10%	10%	AI	10%		
<b>Project Totals</b>				0%	100%	0%	100%	100%		10%	0%	
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	VSLBE	TOTAL LBE/SLBE 50%	TOTAL	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise										UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise		



**CONTRACTS AND COMPLIANCE**

**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**RE:** Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown

**CONSULTANT/CONTRACTOR:** Lake Merritt Uptown Association

**Engineer's Estimate:**

NA

**Contractors' Bid Amount:**

NA

**Over/Under Engineer's Estimate**

NA

**Bid discounted amount:**

N/A

**Preference Points:**

0

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor receive bid discount/preference points? **NO**  
(If yes, list the points received) **0 points**

**4. Additional Comments.**

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the requirement.

**5. Date evaluation completed and returned to Contract Admin./Initiating Dept.**

12/2/2015

Date

**Reviewing Officer:**

*Vitor J...*

**Date:** 12/2/2015

**Approved By:**

*Shelley Darenburg*

**Date:** 12/2/2015

# LBE/SLBE Participation Lake Merritt Uptown Association

Project Name: **Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown**

Project No.:	NA	NA					Under/Over Engineers E				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
									Ethn	MBE	WBE
PRIME Clean and Safe	Lake Merritt Uptown Association Block by Block	Oakland Louisville	UB UB					50%	C		
									C		
<b>Project Totals</b>				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	VSLBE	TOTAL LBE/SLBE 50%	TOTAL	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise							

**CONTRACTS AND COMPLIANCE**



**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**RE:** Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown

**CONSULTANT/CONTRACTOR:** Rubicon Enterprises Inc.

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
NA	NA	NA
<b><u>Bid discounted amount:</u></b>	<b><u>Preference Points:</u></b>	
N/A	0	

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
  - a) % of LBE **0.00%**
  - b) % of SLBE **0.00%**
  - c) % of VSLBE **0.00%**
- 3. Did the contractor receive bid discount/preference points? **NO**  
(If yes, list the points received) **0 points**

**4. Additional Comments.**

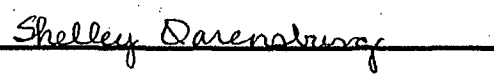
Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the requirement.

**5. Date evaluation completed and returned to Contract Admin./Initiating Dept.**

12/2/2015  
Date

**Reviewing Officer:** 

**Date:** 12/2/2015

**Approved By:** 

**Date:** 12/2/2015

## LBE/SLBE Participation Rubicon Enterprises Inc.

Project Name: Request for Proposal (RFP) for Property Maintenance Services for Parcel 4-Uptown

Project No.:		NA		NA			Under/Over Engineers Estimate						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only				
									Ethn.	MBE	WBE		
PRIME	Rubicon Enterprises Inc.	Oakland	UB					100%	NL				
<b>Project Totals</b>				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%		
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	VSLBE	TOTAL LBE/SLBE 50%	TOTAL	<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
<b>Legend</b> LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise									UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise				





**INTER OFFICE MEMORANDUM**

**TO:** Brian Kendall, Urban Economic Analyst III

**FROM:** Deborah Barnes, Director Contracts and Compliance

*Shelley Danesh for*

**SUBJECT: Compliance Analysis**

**DATE:** December 4, 2015

**For Landscape Maintenance Services for T5/T6 (Readvertisement)**

City Administrator's Office, Contracts and Compliance Unit conducted compliance reviews for two (2) proposals in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement. In addition, firms are reviewed for compliance with the Equal Benefits Ordinance (EBO).

Non-Compliant to L/SLBE & EBO Policies		Proposed Participation					Earned Credits and Discounts			
Company Name Certified Firms	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE	Total Credited participation	L/SLBE Participation Preference Points	Years in Oakland Preference Points	Oakland Workforce Preference Points	EBO Compliant? Y/N
Lake Merritt Uptown Association	NA	0%	0%	0%	0%	0%	0 points	0 points	0 pts.	N
Rubicon Enterprises Inc dba Rubicon Landscape	NA	0%	0%	0%	0%	0%	0 points	0 points	0 pts.	N

**Comments:** As noted above, none of the firms met the minimum 50% L/SLBE program requirement. As this is a negotiated agreement, the firm could revise its team and meet L/SLBE participation requirement. Neither firm is EBO compliant. The firm will have to come into compliance prior to contract execution.

Should you have questions or need additional information, please contact Vivian Inman, Contract Compliance Officer at ext. 6261.

**CONTRACTS AND COMPLIANCE**



**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**RE:** Request for Proposal (RFP) for Landscape Maintenance Services for T5/T6

**CONSULTANT/CONTRACTOR:** Rubicon Enterprises Inc.

Engineer's Estimate:  
NA

Contractors' Bid Amount  
NA

Over/Under  
Engineer's Estimate  
NA

Bid discounted amount:  
N/A

Preference Points:  
0

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
  - a) % of LBE **0.00%**
  - b) % of SLBE **0.00%**
  - c) % of VSLBE **0.00%**
- 3. Did the contractor receive bid discount/preference points? **NO**  
(If yes, list the points received) **0 points**

4. Additional Comments.

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the requirement.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept.

12/4/2015

Date

**Reviewing**  
**Officer:**

*Vivian Manda*

**Date:** 12/4/2015

**Approved By:**

*Shelley Darenburg*

**Date:** 12/4/2015

## LBE/SLBE Participation Rubicon Enterprises Inc.

Project Name: Request for Proposal (RFP) for Landscape Maintenance Services for T5/T6

Project No.:		NA	NA	Under/Over Engineers Estimate							
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
									Ethn	MBE	WBE
PRIME	Rubicon Enterprises Inc.	Oakland	UB					100%	NL		
<b>Project Totals</b>				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.								<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					



**CONTRACTS AND COMPLIANCE**

**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

**RE:** Request for Proposal (RFP) for Landscape Maintenance Services for T5/T6

**CONSULTANT/CONTRACTOR:** Lake Merritt Uptown Association

<b><u>Engineer's Estimate:</u></b>	<b><u>Contractors' Bid Amount</u></b>	<b><u>Over/Under Engineer's Estimate</u></b>
NA	NA	NA
<b><u>Bid discounted amount:</u></b>	<b><u>Preference Points:</u></b>	
N/A	0	

- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **NO**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor receive bid discount/preference points? **NO**  
(If yes, list the points received) **0 points**

**4. Additional Comments.**

Firm failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are non-compliant with L/SLBE requirement at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the requirement.

**5. Date evaluation completed and returned to Contract Admin./Initiating Dept.**

12/4/2015  
Date

**Reviewing Officer:**

*Wahid Jinnah*

**Date:** 12/4/2015

**Approved By:**

*Shelley Oarsensburg*

**Date:** 12/4/2015

## LBE/SLBE Participation Lake Merritt Uptown Association

Project Name: Request for Proposal (RFP) for Landscape Maintenance Services for T5/T6

Project No.:	NA	NA						Under/Over Engineers E			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	VSLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
									Ethn	MBE	WBE
PRIME Clean and Safe Landscaping	Lake Merritt Uptown Association Block by Block Trimacs	Oakland Louisville Oakland	UB UB UB					33%	C		
									C		
									NL		
<b>Project Totals</b>				0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%
<b>Requirements:</b> The 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. An VSLBE's participation is double counted toward meeting the requirement.									<b>Ethnicity</b> AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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2017 JAN 12 PM 7:02

OAKLAND CITY COUNCIL

  
City Attorney

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

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

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**A RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO THE FOLLOWING PROPOSED CONTRACTS FOR MAINTENANCE SERVICES: (1) A CONTRACT OR CONTRACTS WITH THE LAKE MERRITT-UPTOWN DISTRICT ASSOCIATION FOR MAINTENANCE OF (A) THE BART 17<sup>TH</sup> STREET GATEWAY ENTRANCE TO THE 19<sup>TH</sup> STREET BART STATION FRONTING BROADWAY AND TELEGRAPH AVENUE BETWEEN 17<sup>TH</sup> AND 19<sup>TH</sup> STREETS AND (B) THE PROPERTY LOCATED AT 1911 TELEGRAPH AVENUE (COLLECTIVELY, "UPTOWN SITES"), IN AN AMOUNT NOT TO EXCEED \$24,950 FOR EACH OF THE UPTOWN SITES AND (2) A CONTRACT WITH THE DOWNTOWN OAKLAND ASSOCIATION FOR MAINTENANCE OF THE CIVIC CENTER T-5/6 PARCELS LOCATED ON THE BLOCK BOUNDED BY BROADWAY, 11<sup>TH</sup> STREET, 12<sup>TH</sup> STREET AND CLAY STREET ("T-5/6 SITE") IN AN AMOUNT NOT TO EXCEED \$24,950.**

**WHEREAS**, the Economic and Workforce Development Department ("EWD") staff coordinates maintenance of properties that the City of Oakland ("City") and Oakland Redevelopment Successor Agency ("ORSA") own, and assists with the development and disposition of such properties; and

**WHEREAS**, Oakland Municipal Code (OMC) Title 2, Chapter 2, Article 1, Section 2.04.050.A. requires the City to conduct an advertising and bidding process for procurement of services, supplies or a combination that exceeds fifty thousand dollars (\$50,000.00); and

**WHEREAS**, a Request for Qualifications ("RFQ") for maintenance services for the Uptown Sites and T-5/6 Site (collectively, "Sites") was released by staff on September 30, 2015; and

**WHEREAS**, Staff evaluated the proposals against the specified criteria and ranked each proposal to make the final selection of the most responsive proposals; and

**WHEREAS**, OMC Section 2.04.050.I.5 authorizes the City Council to waive the competitive bidding requirements of Section 2.04.050.A. upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, EWD staff desires to have outside maintenance services available on a scheduled and regular basis to manage the Sites; and

**WHEREAS**, EWD staff anticipates that two of the three parcels that the city currently owns will be sold in the next 1-3 years; and

**WHEREAS**, EWD staff anticipates that the third parcel, the BART 17<sup>th</sup> Street Gateway entrance,

will require long term on-going maintenance of public artwork and decorative glass; and

**WHEREAS**, maintenance services will be funded on a yearly basis and funds will be identified prior to the performance; now therefore be it

**RESOLVED**: Pursuant to OMC Section 2.04.050.1.5.A., the City Council hereby finds and determines that it is in the best interest of the City to waive advertising and competitive bidding requirements for the maintenance of the Sites based on the information and analysis in the Agenda Report for this item and hereby waives such advertising and competitive bidding requirements; and be it

**FURTHER RESOLVED**: That the City Council hereby authorizes the City Administrator to negotiate and enter into the following proposed contracts for maintenance services: (1) a contract or contracts with the Lake Merritt-Uptown District Association in an amount not to exceed \$24,950 for each site for maintenance of the Uptown Sites and (2) a contract with the Downtown Oakland Association in an amount not to exceed \$24,950 for the maintenance of the T-5/6 Site; and be it

**FUTHER RESOLVED**: That the City hereby allocates a total of \$74,850 to fund three separate \$24,950 contracts, from Central District Projects, (5610), Central District Redevelopment (85245), Account (XXXXX), Project (C339410) Program Code (SC13)

**FURTHER RESOLVED**: That the term of each contract for services shall be for two (2) years with three one-year optional extensions, which shall be at the sole discretion of the City; and be it

**FURTHER RESOLVED**: That the contracts for services authorized herein shall be approved for form and legality by the City Attorney, and a copy shall be kept on file with the City Clerk; and be it

**FURTHER RESOLVED**: That based on information provided by the City Administrator, the Council finds that this contract is of a temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and  
PRESIDENT GIBSON McELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California