

**CITY OF OAKLAND
AGENDA REPORT**

DATE: 7/11/06 11:22

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 11, 2006

RE: Resolution Waiving the Competitive Request for Proposal/Qualification Process and Authorizing Amendment No. 1 To Increase The Professional Services Agreements With PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates For As-Needed Landscape Architectural Design Services Each For An Amount Not To Exceed Seventy-Five Thousand Dollars (\$75,000.00), Bringing The Total Amount For Each Contract To Three Hundred Twenty-Five Thousand Dollars (\$325,000.00)

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to amend the professional services agreements with PGA Design, Inc., Wolfe Mason Associates, Inc. (a.k.a. Design Community & Environment), Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates (DA) to provide additional landscape architecture services, technical assistance, and construction support services for various landscape architectural related projects. Each of the five contracts will be increased for an amount not to exceed \$75,000.00 bringing the total amounts for each contract to \$325,000.00.

The additional landscape architectural services are required in order to complete design services for the various projects in a timely manner. Additionally, the increase in the above contracts will provide contract capacity for unscheduled, urgent projects during the next six months while awaiting the award of new contracts. Staff began a Request for Proposal (RFP) process for new as-needed landscape architecture services in May 2006 and anticipates bringing the contracts to the City Council for award in September 2006.

The various capital improvement projects are consistent with the Mayoral and Council Citywide Objective to "Develop a Sustainable City" by "maximizing socially and environmentally sustainable economic growth, including conserving natural resources." It is also consistent with the Mayoral and Council Citywide Objective to "Build and Foster Livable Neighborhoods" by providing for "clean, well-maintained and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees."

FISCAL IMPACT

The amendments to the five professional services agreements listed above are for as-needed landscape architectural services and for an amount not to exceed \$75,000.00 each, totaling \$325,000.00. The amendments to these contracts will not result in additional appropriation of

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funds. Project funding has been or will be appropriated independently through separate resolutions.

Some of the projects that require additional landscape architectural services have been identified and funding for these additional services will be provided by the Measure DD Fund (5320); Capital Projects - Project Management Section (Org. 92270); Waterfront Projects at Cryer Site (Project C243010), at Derby to Lancaster St. (Project C243510), at US Audio/Capture Technologies (Project C244010), and at 66th Ave. Gateway (Project C244310). For any unscheduled urgent capital improvement projects, funding will be identified from sources as authorized by Council and prior to the performance of the landscape architectural design services.

The design of these projects will take into consideration maintenance costs in order to minimize the maintenance requirements. In accordance with City policy, Contract Compliance and Public Art assessment fees have been or will be assessed and allocated from the respective projects.

BACKGROUND

As-needed professional services agreements allow the City to promptly respond to and provide the necessary design services, technical studies, and construction support services in an efficient and timely manner. Fourteen firms responded to the RFP and the aforementioned firms were selected as the most qualified to provide landscape architecture services and technical assistance.

On March 16, 2004, City Council approved the three-year professional services agreements for as-needed landscape architecture services for an amount not to exceed \$250,000.00. The five firms that have projects in progress without sufficient funds remaining are PGA Design, Inc., Resolution No. 78414 C.M.S., Wolfe Mason Associates, Inc., Resolution No. 78415 C.M.S., Amphion Environmental, Inc., Resolution No. 78416 C.M.S., Wallace Roberts & Todd, Inc., Resolution No. 78417 C.M.S., and Dillingham Associates, Resolution No. 78418 C.M.S.

To date, these contracts have been used for the following projects:

- Waterfront Trail, Cryer site (Council District 5),
- Waterfront Trail, Derby to Lancaster (Council District 5),
- Waterfront Trail, Alameda Avenue (Council District 5),
- Waterfront Trail, US Audio/Capture Technologies (Council District 5),
- Waterfront Trail, 66th Avenue Gateway (Council District 7)
- Development Trail Standards (Council Districts 2,3,5,7)
- Park Prioritization (Council Districts 1-7)
- West Oakland Bay Trail (Council District 3)
- Hegenberger Road East & Airport Access Road (Council District 7)
- Lincoln Square (Council District 2)
- Washington Street Sidewalk (Council District 3)
- 29th Avenue Gateway (Council District 5)

- Greenman Field (Council District 6)
- Waterfront Trail, Brooklyn Basin (Council District 2)
- Bushrod Park (Council District 1)
- Willow Park (Council District 3)
- Lakeside Park Irrigation (Council District 3)
- 23rd Avenue (Council District 5)

Several projects are in various stages of progress and in order to complete the work, they will require additional design services. The projects are as follows:

Derby Avenue to Lancaster Street (Council District 5) Provide a trail connection from Derby Avenue to Lancaster Street behind the Oakland Museum Women's Board warehouse. The trail will connect with the existing trails. The trail will include landscaping and seating areas for viewing the Estuary.

US Audio/Capture Technologies (Council District 5) Provide a trail connection from Alameda Avenue to the Brinks property behind the warehouse at 3675 Alameda Avenue. The trail will connect with the existing trails that terminate at the High Street Storage Facility. The trail will include landscaping and opportunities for viewing the Estuary.

66th Avenue Gateway (Council District 7) Provide an overlook at the end of 66th Avenue/Zhone Way at the edge of the wetlands to increase public awareness of the waterfront and designate one of the main entrances to the trail. The project will include seating for viewing the wetlands, marshland vegetation and native plants. In addition, this site will feature public art.

Cryer Site/Union Point Park Phase II (Council District 5) Provide a park between 1899 Dennison and Union Point Park on the old Cryer Boatworks site. The site is to be designed as a series of terraces that connect to the water; the terrace footprints recall the former structures that were located on site. The site will include a drop of parking area (parking to be at the Union Point Park north lot), landscaping and seating that overlooks the Estuary.

Waterfront Trail Design Standards (Council District 2,3,5,7) Create a set of design standards that provide a coordinated vision and detailed plan for development of properties adjacent to the Oakland Estuary. The Estuary encompasses a variety of environments each with its own distinct quality and character; the design standards are to reflect and emphasize the various character zones within the Estuary.

Park Prioritization (Council Districts 1-7) Assess and develop concept plans for a limited number of parks and recreation facilities to establish a prioritization list using existing Council-adopted evaluation criteria. Projects are selected through coordination with each Council District office. The resulting prioritization list will serve as an action plan for the City to prepare budget, seek potential funds, and implement projects on a priority basis.

West Oakland Bay Trail (Council District 3) The project will close a bicycle and pedestrian facility gap on Mandela Parkway between 7th to 8th Streets and on 8th St. from Union St. to Mandela Parkway by providing new bike lanes; sidewalk, crosswalk and wheelchair ramp repairs; new pedestrian lights; street trees; traffic signal improvements; and roadway realignment on Mandela Parkway.

Stair and Path Restoration & Replacement (Council Districts 1-7) Ongoing repair, replacement and upgrades to stairs and paths within the City. The City currently has over 230 stairs that require ADA upgrades, need selective repairs or require complete replacement.

KEY ISSUES AND IMPACTS

Increasing the as-needed landscape architecture contracts will hasten the implementation of the projects listed above. The five landscape architects listed above will provide the most expedient, efficient and cost effective design services required to complete these projects.

Additionally, unscheduled urgent projects that arise over the next six months will be able to utilize these contracts for fast turnaround for any necessary design services, technical studies, and construction support. No further amendments to these five contracts are anticipated since the new Landscape Architecture RFPs have gone out and should be recommended for award to Council in September 2006.

Each of the firms has met the Local/Small Business Enterprise requirements. This has been verified by the Contract Compliance Division of the City Administrator's Office and is shown in Attachment A.

SUSTAINABLE OPPORTUNITIES

Economic: The projects will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the projects and will benefit directly.

Environmental: The projects will protect and improve the City's infrastructure including the Waterfront Trail, wetlands, and parks.

Social Equity: The proposed design services to the various projects will enhance the usage and quality of bicycle/pedestrian facilities, parks, and outdoor spaces in Oakland.

DISABILITY AND SENIOR CITIZEN ACCESS

The consultant will be required to design the City facilities in full compliance with the Americans with Disabilities Act (ADA).

RECOMMENDATION AND RATIONALE

It is recommended that the resolutions authorizing the City Administrator, or her designee, to amend the professional services agreements with PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates be approved.

Each contract will be increased in the amount not to exceed \$75,000.00 bringing the total contract amounts to \$325,000.00. The additional design services are required for the timely and efficient implementation of projects previously approved by City Council. The additional design services will also expedite the design of urgent, unscheduled capital improvement projects over the next six months while awaiting new contracts. The time and costs currently expended in selecting consultants on a project-by-project basis will be significantly reduced. Staff is in the process of conducting an RFP process for as-needed landscape architecture contracts. The new as-needed contracts will be brought to City Council for approval in September 2006.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve this resolution.

Respectfully submitted,

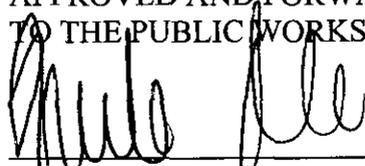


RAUL GODINEZ, N. P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, Assistant Director
Design and Construction Services Department

Prepared by:
Diane Tannenwald
Capital Improvement Project Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment A - Contract Compliance Analysis

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July 11, 2006



Memo

Office of the City Administrator

Contract Compliance & Employment Services Division

To: Gwen McCormick
 From: Vivian Inman, Contract Compliance Officer, CC&ES Division
 Through: Deborah Barnes, CC&ES Manager *Deborah Barnes*
 CC: Diane Tannewald
 Date: June 2, 2006
 Re: **Compliance Analysis: As Needed Landscape Architect (Amendment No. 1)**

Contract Compliance & Employment Services received a request from the Public Works Agency to perform an updated compliance evaluation on the above referenced contract amendment. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and review for compliance with the Equal Benefits Ordinance.

The L/SLBE findings are as follows:

	Company Name	Bid Amount (If Applicable)	Proposed Participation				Preferences			Banked Credits Eligibility?	EBO Compliant? (Y/N)
			Total L/SLBE	LBE	SLBE	Trucking	Bid Discounts	Adjusted Bid Amount	Points		
1	Amphion Environmental	NA	86%	22%	64%	NA	NA	N/A	5	2	Y
2	DA, Professional Services & Exps	NA	28%		28%	NA	NA	NA	2	0	Y
3	Design, Community & Environment	NA	25%	15%	10%	NA	NA	NA	2	0	Y
4	PGA Design	NA	95.2%	0	95.2%	NA	NA	NA	5	2	Y
5	Wallace Robert & Todd	NA	54%	0%	54%	NA	NA	NA	5	2	Y

Amphion Environmental reported 22% LBE participation and 64% SLBE participation and was credited with 86%; DA Professional Services & Exps. reported 28% SLBE participation and was credited with 28%; Design Community & Environment reported 15% LBE participation and 10% SLBE participation, and was credited with 20%; PGA Design reported 95.2% SLBE participation and was credited with 95.2%; Wallace Roberts & Todd reported 54% SLBE participation and was credited with 54%.

If you have questions or need additional information, please contact Vivian Inman, Contract Compliance Officer, at 238-6261.

LBE/SLBE Participation Amphion Environmental, Inc.

Project Name: As Needed Landscape Architect - Amendment No. 1

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
			Status	%	%	%	Percentage	Ethn.	MBE	WBE	
PRIME Civil Engineering Geology Biology Electrical Engineering Surveyor	Amphion Environmental, Inc.	Oakland	CB		58%	58%	58%	C			
	Concept Marine Associates	Oakland	CB	22%		22%	22%	C			
	Lowney Associates	Oakland	CB		6%	6%	6%	C			
	HT Harvey & Associates	San Jose	UB					NL			
	Harry Yee & Associates	Sacramento	UB				3%	A			
	Moran Engineers	Berkeley	UB				4%	NL			
Project Totals				22%	64%	86%	93%		0%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend	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							

LBE/SLBE Participation DA, Professional Services & Exps.

Project Name: As Needed Landscape Architect - Amendment No. 1

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
			Status	%	%	%	Percentage	Ethn.	MBE	WBE	
PRIME	DA, Professional Services & Exps	Berkeley	UB				61%	NL			
Land Surveyor	Sam Kushner	Oakland	CB		10%	10%	10%	C			
Electrical Engineer	Zeiger Engineers	Oakland	CB		13%	13%	13%	C			
Geotechnical Engineer	Fugro West	Oakland	CB		2%	2%	2%	C			
Underground Survey	EXARO Technologies	San Francisco	UB				2%	NL			
Drilling	Subtronic Corp.	Concord	UB				1%	NL			
Civil, Structural Eng.	Van Maren & Assoc.	Oakland	UB				5%	C			
Interpretation Design	Daniel Quan Design	Oakland	CB		3%	3%	3%	A	3%		
Structural Engineer	ESI	Oakland	UB				3%	C			
Project Totals					0%	28%	28%	100%		3%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.					LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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LBE/SLBE Participation Design, Community & Environment

Project Name: As Needed Landscape Architect - Amendment No. 1

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
			Status	%	%	%	Percentage	Ethn.	MBE	WBE	
PRIME	Design, Community & Environment	Berkeley	UB				45%	C			
Engineering	Kamman Hydrology & Engineering	San Rafael	UB				10%	C		10%	
Hydrology	Philip Williams & Associates	San Francisco	UB				15%	NL			
Geomophotogy	TRC/Lowney	Oakland	CB	5%		5%	5%	C			
Geotechnical Engineering	Garcia & Associates	San Francisco	UB				5%	NL			
Biology, Natural & Cultural Resources											
Civil Engineering	Transystems Corporation	Oakland	CB	10%			10%	NL			
Irrigation Design	David Widelock	Oakland	CB		10%	10%	10%	C			
Project Totals				15%	10%	15%	100%		0%	10%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
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LBE/SLBE Participation PGA Design

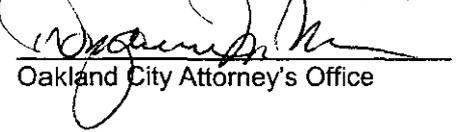
Project Name: As Needed Landscape Architect - Amendment No. 1

Project No.:		Engineers Estimate:									
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	LBE/SLBE	TOTAL	For Tracking Only			
				%	%	%	Percentage	Ethn.	MBE	WBE	
PRIME	PGA Design	Oakland	CB		72.50%	72.50%	72.50%	C		72.50%	
Traffic Engineer	CHS	Oakland	CB		10.50%	10.50%	10.50%	C			
Civil Engineer	HQE	Oakland	CB		8.60%	8.60%	8.60%	C			
Historical Research	Woody Minor	Alameda	UB				1.20%	NL			
Civil Engineer	Ackland	Oakland	UB				1.40%	AA			
Architect	Claudia Falconer	Oakland	CB		2.70%	2.70%	2.70%	C		2.70%	
Survey	PLS Survey	Oakland	CB		0.90%	0.90%	0.90%	C		0.90%	
Cost Estimate	Mack5	Berkeley	UB				2.20%	NL			
Project Totals					0%	95.20%	95.20%	100.00%		0.00%	76.10%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.					LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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LBE/SLBE Participation Wallace, Roberts & Todd

Project Name: As Needed Landscape Architect - Amendment No. 1

Project No.:		Engineers Estimate:						For Tracking Only		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	LBE/SLBE	TOTAL	Ethn.	MBE	WBE
			Status	%	%	%	Percentage			
PRIME Design Architecture	Wallace, Roberts & Todd	San Francisco	UB				40%	C		
	Hood Design	Oakland	CB		49%	49%	49%	AA	49%	
	Murakami Nelson	Oakland	CB		5%	5%	5%	A	5%	
Project Totals				0%	54%	54%	94%		54%	0%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements. LBE firms can only be counted up to 10% of the total contract amount.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE 20%		Ethnicity A = Asian AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
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Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL OR QUALIFICATION PROCESS AND AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENTS WITH PGA DESIGN, INC., WOLFE MASON ASSOCIATES, INC., AMPHION ENVIRONMENTAL, INC., WALLACE ROBERTS & TODD, INC., AND DILLINGHAM ASSOCIATES FOR AS-NEEDED LANDSCAPE ARCHITECTURAL DESIGN SERVICES EACH FOR AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), BRINGING THE TOTAL AMOUNT FOR EACH CONTRACT TO THREE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$325,000.00)

WHEREAS, on March 16, 2004, City Council approved Resolution Nos. 78414-78418 C.M.S. awarding professional services contracts to PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc. and Dillingham Associates each for an amount not to exceed \$250,000.00 for various City projects to provide as-needed landscape architectural design services such as site surveying, site analysis, programming, design services and construction support services; and

WHEREAS, additional landscape architectural services are now required for various projects and for any upcoming, unscheduled projects; and

WHEREAS, the additional as-needed landscape architectural design services and technical assistance will allow the City to promptly respond and provide the necessary services in an efficient and timely manner; and

WHEREAS, PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates are able to provide the additional as-needed landscape architectural services for various projects; and

WHEREAS, the landscape architectural services will be funded through the various individual projects and funds will be identified prior to the performance of the design services; and

WHEREAS, the amendments to these contracts will not result in additional appropriation of funds; and

WHEREAS, the City Council may waive the requirement for a competitive request for proposal/qualifications process when it is in the best interests of the City; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific or technical and temporary nature; and

WHEREAS, the City Council finds and determines that the performance of this contract 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 pursuant to Oakland Municipal Code Title 2, Chapter 2.04, Article 2.04.051.B, the City Council finds and determines that it is in the best interests of the City to waive the requirement for a competitive request for proposal/qualifications in order to complete design services for the various projects in a timely manner and provide contract capacity for unscheduled, urgent projects while awaiting the award of new contracts and authorizes the City Administrator, or her designee, to amend the existing professional services agreements with PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates to provide as-needed landscape architectural design services and technical assistance for various projects for an amount not to exceed \$75,000, bringing the total contract amounts to \$325,000.00 for PGA Design, Inc., Wolfe Mason Associates, Inc., Amphion Environmental, Inc., Wallace Roberts & Todd, Inc., and Dillingham Associates; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreements with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and, be it

FURTHER RESOLVED: that the contract shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

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