



CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2012 APR 17 AM 10:44

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: David McPherson

SUBJECT: Contract with Montclair Village Association DATE: April 5, 2012

City Administrator

Date

Approval

4/13/12

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to continue to extend the existing contract on a month-to-month basis with the Montclair Village Association for the operation and management of Montclair Garage located on 6235 LaSalle and Scout Lot located on 2250 Mountain Boulevard until a new parking facility operator is selected through a competitive bid process. This resolution authorizes the City Administrator to extend the existing contract for a period of eight months from May 1, 2012 through December 31, 2012, at a compensation rate of up to \$15,900.00 a month (including a \$900.00 per month management fee and up to \$15,000.00 in garage operating expenses) for a total not-to-exceed contract amount of \$127,200.00 (\$15,900.00 times 8 months).

Staff further recommends that the Council waive formal advertising and the Request For Proposals/Request For Qualifications ("RFP/RFQ") competitive selection requirement as Oakland Municipal Code ("OMC") Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so, as explained below.

EXECUTIVE SUMMARY

The Montclair Village Association currently provides parking facility management services at the following locations:

1. Montclair Garage
2. Scout Lot

A formal Request for Proposals (RFP) for parking facility management services for all City-owned facilities is in the process and is expected to be completed within the next six months.

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Until the RFP is released and proposals are received and evaluated, and a contract is negotiated and executed for Citywide parking facility management services, staff would like to maintain the current parking facility management services being provided by the Montclair Village Association for the Montclair Garage and Scout Lot.

Oakland Municipal Code (“OMC”) Section 2.04.040.B.4 requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures of more than twenty-five thousand dollars (\$25,000.00) and OMC Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so. It would be most efficient and cost effective to forego formal advertising and RFP/RFQ in order to maintain continuity and the current and ongoing parking facility management services and pay the contractor for those services. Staff is recommending that a month-to-month contract amendment be executed until the parking facility management formal RFP process has been completed. Staff anticipates that a new parking facility operator (or multiples operators) would be selected by October 2012.

OUTCOME

The Resolution attached to this report would authorize the City Administrator to extend the contract with Montclair Village Association as follows:

1. Establish a month-to-month basis for managing the parking facilities located at the Montclair Garage located at 6235 La Salle and Scout Lot located at 2250 Mountain Boulevard until the City negotiates and executes a parking facility management agreement for all City-owned parking facilities under a proposed Request for Proposal.
2. Authorize the addition or deletion of locations to the parking facility management contract as needed by the City until a new term contract is executed in order to maintain parking facility management services and negotiate changes to the monthly management fee based on those additions or deletions.
3. Confirm and approve the current management fee paid to the Montclair Village Association for the management of the two City-owned parking facilities the company currently manages.

BACKGROUND/LEGISLATIVE HISTORY

The City initially executed a contract for parking facility management services with the Montclair Village Association on April 1, 1990. The contract expired on March 31, 1993. Item #38 of the original contract allowed for an extension of the garage management contractor, wherein the contract could be extended by one (1) year increments if a mutual consent was first obtained in writing between the city and the garage management contractor.

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In October 2004, the City Auditor issued a Performance Audit Report covering the period January 1, 1999 through December 31, 2003. Finding #3 in the report stated that the original term for the Management Agreement had expired and the Agreement continued to be in effect on a month-to-month basis.

ANALYSIS

Staff recommends that Council adopt the proposed Resolution authorizing the City Administrator to extend the contract with the Montclair Village Association to continue providing parking facility management services for two City-owned facilities until a new term contract is executed; add or delete locations to the contract as needed by the City in order to maintain parking facility management services; negotiate changes to the monthly management fee based on those additions or deletions; confirm and approve the current management fee of \$900.00 a month, plus up to \$15,000.00 per month in garage operating expenses, paid to the Montclair Village Association for the management of the two City-owned parking facilities the company currently manages.

Authorization to execute the contract amendments will allow the City to continue receiving parking facility management services until a parking facility management RFP process to select a contractor to manage all City-owned parking facilities is completed.

PUBLIC OUTREACH/INTEREST

If the garage closes, the local business and their customers will have no parking available to conduct business in the Montclair district.

COORDINATION

The report has been approved by the Budget Office and City Attorney's Office.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Monthly Management Fee \$900.00
Monthly Operating Expenses up to \$15,000.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Not Applicable

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3. SOURCE OF FUNDING:

Funds for the agreement are available in the adopted FY 2011-2012 and FY 2012-2013 budgets in the Parking Revenue Fund (1750), Parking Citation Assistance Center Org (08931), Miscellaneous Services Account (54919), and Program (IP60).

4. FISCAL IMPACT:

The Montclair Village Association currently receives the following monthly parking facility management fees plus garage operating expenses for the two City-owned facilities:

Monthly Management Fee \$900.00
Monthly Operating Expenses up to \$15,000.00

SUSTAINABLE OPPORTUNITIES

Economic: If the contract is not extended from month-to-month until the RFP process is completed, the garage operator will not continue their current cashiering, maintenance and overall management of the garage which will result in revenue loss for the City including the City's liability for operating the garage without security or oversight. The potential revenue loss to the City is approximately \$435,000 annually.

Environmental: Not Applicable

Social Equity: Not Applicable

CEQA

This report is not a project under CEQA.

For questions regarding this report, please contact DAVID MCPHERSON, REVENUE & TAX ADMINISTRATOR, at 238-6650.

Respectfully submitted,



DAVID MCPHERSON
BUDGET & REVENUE DIVISION
Revenue & Tax Administrator

Prepared by:
Noel Pinto, Parking Manager
Budget & Revenue Division

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M. Meadows

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION No. _____ C.M.S.

2012 APR 17 AM 10:45

RESOLUTION WAIVING THE INFORMAL ADVERTISING AND REQUEST FOR PROPOSALS/REQUEST FOR QUALIFICATIONS ("RFP/RFQ") REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO CONTINUE TO EXTEND THE EXISTING CONTRACT ON A MONTH-TO-MONTH BASIS FOR A PERIOD OF EIGHT MONTHS FROM MAY 1, 2012 THROUGH DECEMBER 31, 2012 AT A COMPENSATION RATE OF UP TO \$15,900.00 A MONTH (INCLUDING A \$900.00 PER MONTH MANAGEMENT FEE AND UP TO \$15,000.00 A MONTH IN GARAGE OPERATING EXPENSES) WITH A TOTAL NOT-TO-EXCEED CONTRACT AMOUNT OF \$127,200.00 WITH THE MONTCLAIR VILLAGE ASSOCIATION FOR THE OPERATION AND MANAGEMENT OF MONTCLAIR GARAGE LOCATED ON 6235 LA SALLE AND SCOUT LOT LOCATED ON 2250 MOUNTAIN BOULEVARD UNTIL A NEW PARKING FACILITY OPERATOR IS SELECTED THROUGH A COMPETITIVE PROCESS

WHEREAS, the Montclair Village Association currently provides parking facility management services to the City of Oakland for two City-owned parking facilities; and

WHEREAS, the City desires to maintain parking facility management services for the two City-owned parking facilities currently managed by the Montclair Village Association; and

WHEREAS, a competitive Request for Proposal is currently being developed to solicit proposals for the management of all City-owned parking facilities; and

WHEREAS, the Montclair Village Association is qualified and able to provide parking facility management services for the City of Oakland within the requirements set forth by the City for the two Montclair parking facilities; and

WHEREAS, the City Council finds that the service is professional in nature; and

WHEREAS, the City Council finds that the agreement shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

WHEREAS, Oakland Municipal Code ("OMC") Section 2.04.040.B.4 requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures of more than twenty-five thousand dollars (\$25,000.00).

WHEREAS, OMC Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so

WHEREAS, funds for the agreement are available in the adopted FY 2011-2012 and FY 2012-2013 budgets in the Parking Revenue Fund (1750), Parking Citation Assistance Center (08931); now, therefore, be it

RESOLVED, That the Council hereby finds that in is in the best interests of the City to waive the informal advertising and RFP/RFQ competitive selection requirement of the OMC because it would be most efficient and cost effective to forego informal advertising and conducting an RFP/RFQ and in order to maintain continuity and the current and ongoing parking facility management services until the parking facility management formal RFP process has been completed; and be it

RESOLVED: That the City Administrator is hereby authorized to continue to extend the contract with the Montclair Village Association to provide parking facility management services on a month-to-month basis for the Montclair Garage and Scout Lot for a term of eight months from May 1, 2012 through December 31, 2012 until the City negotiates and executes a new parking facility operation and management agreement for all City-owned parking facilities with a vendor to be selected through a Request for Proposal process; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute amendments to contract between the City of Oakland and the Montclair Village Association to add or delete parking facility locations as needed by the City to maintain parking facility management services and negotiate changes to the monthly management fee based on those additions or deletions; and be it

FURTHER RESOLVED: That the Montclair Village Association shall be paid a monthly management fee of \$900.00, plus up to \$15,000.00 a month for garage operating expenses, for a total monthly compensation rate of up to \$15,900.00, for a total not-to-exceed contract amount of \$127,200.00 (eight months times \$15,900.00 a month) from May 1, 2012, through December 31, 2012, for the management of the two City-owned parking facilities described above and currently being managed by the Montclair Village Association.

FURTHER RESOLVED: That the agreement authorized hereunder is subject to City Attorney approval for form and legality and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, and
PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

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