

CITY OF OAKLAND
AGENDA REPORT

2011 APR 27 PM 12: 55

TO: Office of the City Administrator
ATTN: P. Lamont Ewell
FROM: Public Works Agency
DATE: May 10, 2011

RE: **Resolution Authorizing the City Administrator or his Designee to Negotiate and Execute an Agreement for Support Services for the City's Rain Barrel Program with The Watershed Project for an Amount not to Exceed Seven Hundred Thousand Dollars (\$700,000.00).**

SUMMARY

A Resolution has been prepared authorizing the City Administrator or his designee to negotiate and execute a professional services agreement with The Watershed Project, a non-profit organization, to provide services needed to carry out the City's Rain Barrel Program for an amount not to exceed seven hundred thousand dollars (\$700,000.00).

The Rain Barrel Program is entirely funded by the American Recovery and Reinvestment Act of 2009 (ARRA) and is administered by the United States Environmental Protection Agency (USEPA), the State of California Water Resources Control Board (WQCB), and the Clean Water State Revolving Fund (CWSRF). The Rain Barrel program involves public education and other services that promote the use of rain barrels by residents. The Watershed Project will provide rain barrel and cistern purchasing, sales, and inventory management, sales event staffing and coordination, stormwater public outreach and education, demonstration project design, and youth employment and training under the City contract.

FISCAL IMPACT

This agreement is for a not-to-exceed amount of \$700,000.00 as allocated under Fund 2610, Organization 30245, Project G389810, Account 54919, and Program NB34. The Rain Barrel Program Services Agreement is funded entirely by Federal Stimulus ARRA funding, as administered by the United States Environmental Protection Agency, the State of California Water Resources Control Board, and the Clean Water State Revolving Fund. There are no maintenance needs generated by this contract.

BACKGROUND

On July 7, 2009 Council approved Resolution No. 82133 C.M.S. authorizing the City Administrator to enter into and amend an agreement with the State Water Resources Control Board and to accept and appropriate one million, three hundred thousand dollars (\$1,300,000.00)

Item: _____
Public Works Committee
May 10, 2011

for the City's Rain Barrel Program with funds received from the American Recovery and Reinvestment Act of 2009 (ARRA). From September 2009 to March 2011, all Rain Barrel Program activities have been conducted by City of Oakland Watershed and Stormwater Management staff. The proposed agreement will expand public outreach, increase rain barrel sales, and broaden the program scope to include stormwater educational workshops, public demonstration projects, and youth training and employment.

On March 11, 2011, the City issued a Request for Proposals (RFP) for Rain Barrel Program services. Three firms submitted proposals on April 6, 2011. They were evaluated by a selection panel consisting of two City staff from the Watershed and Stormwater Management Program and three additional non-staff panelists. The non-staff panelists included a member of the North Hills Community Association Drainage Committee, a Program Manager with StopWaste.Org, and a Senior Water Resource Engineer with the Regional Water Quality Control Board. The proposal and interview evaluation criteria included the following:

- Relevant experience
- Qualifications of project team and project manager
- Organization of firm, availability of resources, capability to meet project schedules
- Approach and understanding of how to fulfill the requirements for the Rain Barrel Program projects
- Local and Small Local Business Entity Certification in the City of Oakland

The proposal teams were scored as follows:

Proposal Team	Total Points	Rank
Aussie Rain Tanks	67	2
Green Culture	20	3
The Watershed Project	88	1

The Watershed Project, a non-profit organization, was ranked highest because they demonstrated their understanding and capacity to conduct stormwater education and outreach and to provide rain barrels to City of Oakland residents. Additionally, the Watershed Project's Environmental Careers Initiative provides students and youth with hands-on work experience and specialized training in environmental careers.

The Watershed Project's project team is the only team certified by the Social Equity Division of the Department of Contracting and Purchasing for having met the 35% Small Local Business Entity or Local Business Entity (S/LBE) threshold for firms working on ARRA funded projects (*Attachment A*).

KEY ISSUES AND IMPACTS

Rain that falls on Oakland's rooftops, streets, parking lots, and other paved and impervious surfaces quickly concentrates as stormwater runoff. Concentrated stormwater runoff increases erosion on hill slopes and in creeks. The concentrated runoff overwhelms our stormwater network, and it impairs the water quality in our natural waterways. These environmental effects are known as "hydromodification" because they modify the natural runoff patterns. This Agreement will secure services needed to carry out the City's program objectives to promote the purchase and installation of rain barrels on residential properties to intercept, temporarily store, and slowly release rooftop stormwater to reduce erosive peak flows. Through this Agreement, City of Oakland residents will also have the opportunity to attend stormwater education workshops that emphasize reducing stormwater impacts and improving water quality in the City's waterways.

PROGRAM DESCRIPTION

The City of Oakland Rain Barrel Program, also known as the Rainwater Harvesting Program, was implemented to empower and enable homeowners with the green practice of managing stormwater on their property. Residents may additionally capture rainwater to supplement landscape irrigation and other non-potable outdoor uses. The Watershed Project will provide the following support services under the agreement:

- Rain barrel and cistern purchasing, sales, and inventory management
- Sales event staffing and coordination
- Stormwater public outreach and education
- Demonstration project design
- Youth employment and training

The proposed contract is consistent with the City's goals to develop a sustainable city, to encourage economic growth in a socially and environmentally responsible way, and to conserve natural resources by reducing stormwater runoff from residential parcels and promoting wise stormwater management. The scope of services must be completed by December 31, 2012, to allow for grant reporting, invoicing, and final grant certification by March 31, 2013.

SUSTAINABLE OPPORTUNITIES


Economic: The Watershed Project agreement will generate business tax, sales tax, and other revenues for the City by residents who purchase rain barrel attachments and who employ local businesses for their installation and design. Additionally, Oakland youth will be trained and employed by the Watershed Project's Environmental Careers Initiative.

Environmental: The Project will reduce residential and stormwater runoff, reduce erosion, and protect Oakland's waterways and stormdrainage infrastructure. The educational elements of the

ACTION REQUESTED OF THE CITY COUNCIL

It is recommended that the City Council authorize the City Administrator or his Designee to negotiate and execute an agreement for support services for the city's rain barrel program with The Watershed Project for an amount not to exceed seven hundred thousand dollars (\$700,000.00).

Respectfully submitted,

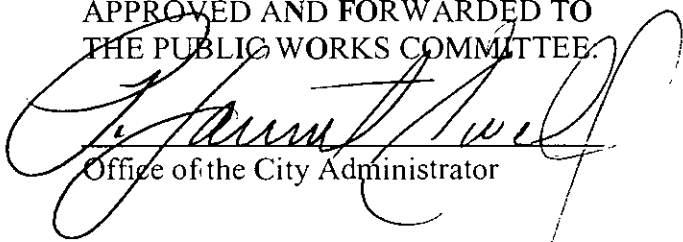


Vitaly B. Troyan, P.E., Director
Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
PWA, Department of Engineering and Construction

Prepared by:
Lesley Estes, Supervisor
PWA, Watershed and Stormwater Management

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE.



Office of the City Administrator

Item: _____
Public Works Committee
May 10, 2011

Memo

Department of Contracting and Purchasing Social Equity Division

To: Will Stockard, Watershed Program Specialist
 From: Vivian Inman, Contract Compliance Officer
 Through: Deborah Barnes, Director, DCP *Deborah Barnes*
 Shelley Darensburg, Sr. Contract Compliance Officer
 Cc: Gwen McCormick, Contract Administration Supervisor
 Date: April 14, 2011 (Original date) April 25, 2011 (Revised date)
 Re: Request for Proposal - Oakland Rain Barrel Program -- American Recovery and Reinvestment Act (ARRA)-Stimulus Project

The Department of Contracting and Purchasing (DCP), Division of Social Equity, was asked to revise the analysis to reflect the certification of a firm post submittal. Because this is a negotiated agreement and not a low bid the analysis was amended to reflect the certification of Dig Cooperative, sub-consultant to The Watershed Project bringing the firm into compliance with the minimum 35% Local and Small Local Business Enterprise (L/SLBE) participation requirement. Also, included is a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Below are the results of our findings:

Responsive		Proposed Participation					Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount			
The Watershed Project	NA	35%	0%	35%	NA	0%	3 points	NA	0 points	N	

Comments: As noted above, The Watershed Project met the minimum 35% L/SLBE participation requirement. The firm is not EBO compliant. They will have to come into compliance prior to award.

Non-Responsive		Proposed Participation					Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited Participation	Earned Bid Discounts	Adjusted Bid Amount			
Aussie Rain Tanks, LLC	NA	22.70%	0%	22.70%	NA	0%	0 points	NA	0 points	N	
Green Culture	NA	0%	0%	0%	NA	0%	0 points	NA	0 points	N	

Comments: As noted, the above firms failed to meet the minimum 35% L/SLBE participation requirement and our L/SLBE database shows that there are local firms that can participate in this contract. Aussie Rain Tanks, LLC has a 12.30% shortfall and Green Culture has a 35% shortfall. Therefore, these firms are deemed non-responsive at this point in the process. As this is a negotiated agreement, the firms could revise its teams and meet the L/SLBE participation requirements. None of the firms are EBO compliant. They will have to come into compliance prior to contract execution.

Should you have any questions you may contact Vivian Inman at (510) 238-3970.

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No.

RE: Request for Proposal - Oakland Rain Barrel Program -- American Recovery and Reinvestment Act (ARRA)-Stimulus Project

CONSULTANT/CONTRACTOR: The Watershed Project

<u>Engineer's Estimate:</u> NA	<u>Contractors' Bid Amount</u> NA	<u>Over/Under Engineer's Estimate</u> NA
<u>Bid discounted amount:</u> N/A	<u>Discount/Preference Points:</u> 3 points	

- 1. Did the 35% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 35% requirement **YES**
 - a) % of LBE participation 0%
 - b) % of SLBE participation 35%
- 3. Did the contractor receive bid discount/preference points? **YES**
(If yes, list the points received) 3 points

5. Additional Comments.

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

4/25/2011

Date

Reviewing Officer: *Nevia Jam*

Date: 4/25/11

Approved By: *Shelley Oarensburg*

Date: 4/25/11

LBE/SLBE Participation The Watershed Project

Project Name: Request for Proposal - Oakland Rain Barrel Program - American Recovery and Reinvestment Act (ARRA) Stimulus Project

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn.	MBE	WBE	
PRIME Supplier Project Management Outreach Media	The Watershed Project	Richmond	UB				31%	C			
	Urban Farmer Store	Richmond	UB				31%	C			
	Dig Cooperative	Oakland	CB		35%	35%	35%	C		35%	
	Full Court Press	Oakland	UB				3%	C			
Project Totals				0%	35%	35%	100%		0%	35%	
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 10%	SLBE 25%	TOTAL LBE/SLBE		Ethnicity AA = African American A = Asian 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						



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No.

RE: Request for Proposal - Oakland Rain Barrel Program -- American Recovery and Reinvestment Act (ARRA)-Stimulus Project

CONSULTANT/CONTRACTOR: Aussie Rain Tanks, LLC

<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>Discount/Preference Points:</u>	
N/A	0 points	

1. Did the 35% local/small local requirement apply: YES

2. Did the contractor meet the 35% requirement NO

a) % of LBE participation 0.00%

b) % of SLBE participation 22.70%

3. Did the contractor receive bid discount/preference points? NO

(If yes, list the points received) 0 points

5. Additional Comments.

The firm failed to meet the minimum 35% L/SLBE participation requirement. The firm has a 12.30% shortfall. Therefore, the firm is deemed nonresponsive at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the L/SLBE participation requirements.

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

4/15/2011

Date

Reviewing Officer: *Maria J...*

Date: 4/15/11

Approved By: *Shelley Danenberg*

Date: 4/15/11

LBE/SLBE Participation Aussie Rain Tanks, LLC

Project Name: Request for Proposal - Oakland Rain Barrel Program - American Recovery and Reinvestment Act (ARRA) Stimulus Project

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn.	MBE	WBE
PRIME Comms/Creative/Design/Print/Production/Web/Workshop Materials Outreach/Workshops/Training	Aussie Rain Tanks, LLC	San Jose UB					77%	C		
	Jung Design	Oakland	CB		13.70%	13.70%	13.70%	AP		13.70%
	A Squared Ventures, Inc.	Oakland	CB		9.00%	9.00%	9.00%	AA		9.00%
Project Totals				0%	22.70%	22.70%	100.00%		0.00%	22.70%
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 10%	SLBE 10%	TOTAL LBE/SLBE		Ethnicity AA = African American A = Asian 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				



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No.

RE: Request for Proposal - Oakland Rain Barrel Program -- American Recovery and Reinvestment Act (ARRA)-Stimulus Project

CONSULTANT/CONTRACTOR: Green Culture

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

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 35% requirement NO
 - a) % of LBE participation 0%
 - b) % of SLBE participation 0%

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

5. Additional Comments.

The firm failed to meet the minimum 35% L/SLBE participation requirement. The firm has a 35% shortfall. Therefore, the firm is deemed nonresponsive at this point in the process. As this is a negotiated agreement, the firm could revise its team and meet the L/SLBE participation requirements.

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

4/15/2011

Date

Reviewing Officer:

Vivian Jam

Date: 4/15/11

Approved By:

Shelley Sorensburg

Date: 4/15/11

LBE/SLBE Participation Green Culture

Project Name: Request for Proposal - Oakland Rain Barrel Program - American Recovery and Reinvestment Act (ARRA) Stimulus Project

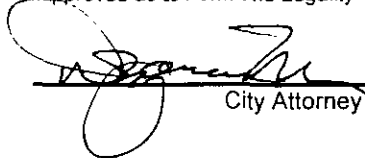
Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Green Culture	Lake Forest	UB				100%	C		
Project Totals				0%		0%	100%		0%	0%
Requirements: 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 10%	SLBE 10%	TOTAL LBE/SLBE		Ethnicity AA = African American A = Asian 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						

OFFICE OF THE CITY CLERK
OAKLAND

2011 APR 27 PM 12:55

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS
DESIGNEE TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR
SERVICES FOR THE CITY'S RAIN BARREL PROGRAM WITH THE
WATERSHED PROJECT FOR AN AMOUNT NOT TO EXCEED SEVEN
HUNDRED THOUSAND DOLLARS (\$700,000.00)**

WHEREAS, the City of Oakland Watershed and Stormwater Rain Barrel Program was awarded Federal stimulus funding under American Reinvestment and Recovery Act of 2009 (ARRA) through the Environmental Protection Agency (EPA) and the Clean Water State Revolving Fund (CWSRF); and

WHEREAS, on July 7, 2009, Council approved Resolution No. 82133 C.M.S. authorizing the City Administrator to enter into an agreement with the State Water Resources Control Board and to accept and appropriate one million, three hundred thousand dollars (\$1,300,000.00) for the City of Oakland Rainwater Harvesting Program with funds received from the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, the City needs to hire a consultant to provide services to provide rain barrel and cistern purchasing, sales, and inventory management, sales event staffing and coordination, stormwater public outreach and education, demonstration project design, youth employment and training, and other related services for the Rain Barrel Program; and

WHEREAS, the proposed agreement will enable the City to carry out ARRA funding goals for the City of Oakland Rainwater Harvesting Program ("Rain Barrel Program") by providing City of Oakland residents with subsidized rain barrels, stormwater workshops, and school/municipal demonstration projects to promote and implement wise stormwater management; and

WHEREAS, the funding period for this contract ends December 2012; and

WHEREAS, three firms responded to the City's Request for Proposals and The Watershed Project was chosen to provide the services; and

WHEREAS, the City wishes to enter into a contract with The Watershed Project and 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 services; now, therefore be it

RESOLVED: That the City Administrator, or his designee, is hereby authorized to negotiate and execute an Agreement with The Watershed Project to provide services needed to carry out the City's Rain Barrel Program; and be it

FURTHER RESOLVED: That the total amount of the Agreement is for an amount not to exceed Seven Hundred Thousand Dollars (\$700,000.00); and be it

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

FURTHER RESOLVED: That the agreement will be approved for form and legality by the City Attorney's Office and a copy will be placed on file in the City Clerk's Office.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

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