

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 APR 28 PM 3: 33

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: May 10, 2005

RE: **RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR TWO YEARS FOR AN AMOUNT NOT TO EXCEED \$300,000 WITH THE LAKE MERRITT INSTITUTE FOR CLEANUP AND MONITORING SERVICES FOR LAKE MERRITT FROM JUNE 1, 2005 TO MAY 31, 2007**

SUMMARY

A resolution has been prepared authorizing the City Administrator to enter into a professional services agreement (Agreement) with The Lake Merritt Institute (LMI) for cleanup and monitoring of Lake Merritt for FY2005-07. The cleanup and monitoring services are needed to comply with State and Federal regulations with regard to addressing water quality impairments in Lake Merritt.

The Agreement is for a not-to-exceed amount of \$300,000 for the period June 1, 2005 to May 31, 2007. Staff in the Environmental Services Division (ESD) of the Department of Facilities and Environment of the Public Works Agency, will manage the agreement. Staff will do an annual evaluation on the performance of the contractor to assure that it meets the performance standards outlined in Exhibit A. Contract performance standards include:

- Volunteer coordination and recording data
- Recording litter collection data
- Participation in Earth Day and Creek to Bay Day cleanups
- Provide water quality monitoring
- Provide technical assistance to ESD
- Participate in the Lake Merritt Water Quality Technical Committee

The cleanup and monitoring services are consistent with the FY 2005-07 Goals and Objectives of the City Council and the Mayor: #1, Develop a Sustainable City by conserving natural resources, and #2, Build Community and Foster Livable Neighborhoods by reducing blight and nuisance, providing clean, well-maintained amenities, parks, and recreational facilities, and by encouraging and supporting civic engagement.

Item: _____
Public Works Committee
May 10, 2005

FISCAL IMPACT

Approval of the proposed resolution will authorize total expenditures for the LMI Contract in an amount not to exceed \$300,000 for the period June 1, 2005 to May 31, 2007. Funds for this professional services agreement are budgeted in two locations: 1) \$12,500 is available in FY 2004-05 (current year budget) from Clean Water Program monies in the Sewer Service Fund (3100), Environmental Services Watershed Division (30685); and 2) \$287,500 is available in the FY 2005-07 proposed budget in the Comprehensive Cleanup Fund (1720), Environmental Services Watershed Division (30685), Miscellaneous Contracts Account (54919).

BACKGROUND

Since 1999, Lake Merritt has been listed by the Environmental Protection Agency on the State of California 303d list of Impaired Water Bodies for trash and low dissolved oxygen. Because Lake Merritt is listed as an Impaired Water Body, the City is required to reduce litter and increase dissolved oxygen in Lake Merritt.

On July 20, 2004, the City Council approved Resolution 78696 directing staff to identify the most qualified firm to provide volunteer coordination, monitoring, clean lake and community education services for Lake Merritt. These services will assist the City with mitigating problems with litter and low dissolved oxygen and help the City to meet clean water requirements.

In March 2005, staff issued a Request for Qualifications (RFQ) to over two hundred (200) local and area environmental consultants and organizations requesting Statements of Qualifications (SOQs) to provide the above services. Staff held a pre-submittal meeting for this RFQ on March 8, 2005, and seven firms/organizations attended. Two firms/organizations submitted SOQs by the submittal date of March 23, 2005. Representatives from the Oakland Public Works Agency/ESD, Project Delivery Division, and Alameda County Public Works Agency reviewed the SOQs. The firms/organizations were evaluated using the following criteria:

1. Demonstrated ability and experience to work with volunteers, City staff, community groups, and other stakeholders.
2. Knowledge of Lake Merritt watershed community volunteers and business organizations.
3. Demonstrated ability and experience to provide water quality monitoring and data analysis.
4. Knowledge of Lake Merritt and Lake Merritt Channel environments.

Item: _____
Public Works Committee
May 10, 2005

5. Prior experience providing technical assistance on mitigating low dissolved oxygen and litter.
6. Prior experience providing litter/debris removal services in lake waters.
7. Demonstrated ability to manage and maintain quality control/quality assurance, and control costs on projects.

LMI received the highest rating based on the above criteria. Staff recommend that the City Administrator enter into an Agreement with LMI to provide cleanup and monitoring services in Lake Merritt from June 1, 2005 to May 31, 2007. LMI clearly demonstrated by its technical experience, cleanup and volunteer skills, and experience with Lake Merritt, that it is the most qualified firm to implement the services in this professional services agreement. Additionally, LMI is a certified Local or Small Local Non-profit/Not for Profit Corporation, and has met the City's Local and Small Local Business Enterprise Program (LBE and SLBE) requirements of 20% participation. The Contract Compliance section in the Office of the City Administrator has verified the LBE and SLBE participation as shown in Exhibit B.

KEY ISSUES AND IMPACTS

Since 1999, Lake Merritt has been listed on the State of California 303d list of Impaired Water Bodies for trash and low dissolved oxygen. The work required to remove litter and address the low dissolved oxygen problems are unique. The tasks included to address the issues are as follows:

- A. Cleanup and dispose of trash in the waters of Lake Merritt, near shore and away from shore, using volunteers and paid staff. LMI will leverage resources by conducting outreach and by using volunteers to complete the litter cleanup tasks of the Agreement.
- B. Monitor water quality of Lake Merritt and analyze the data. LMI will monitor the water of Lake Merritt for dissolved oxygen and other parameters to support ESD's evaluation of technologies to increase dissolved oxygen in the water.
- C. Provide technical assistance to the City with regard to mitigating low dissolved oxygen and trash in the waters of Lake Merritt. ESD will utilize the water quality expertise of LMI to evaluate technologies or other methods to increase dissolved oxygen and decrease litter in Lake Merritt.
- D. Participate with the Lake Merritt Water Quality Technical Committee. LMI will continue its participation in the monthly meetings of this committee, and in projects conducted by City staff under the

Item: _____
Public Works Committee
May 10, 2005

recommendation of this committee. LMI has participated with this committee since its inception in 2001.

This Agreement will assist the City to meet water quality requirements for Lake Merritt.

SUSTAINABLE OPPORTUNITIES

Economic: This Agreement will support local business.

Environmental: This Agreement will provide for litter removal and improved protection of Lake Merritt. Water quality will be improved, and wildlife habitat enhanced.

Social Equity: This Agreement will involve the use of volunteers which will improve the social connections between the community and Lake Merritt.

DISABILITY AND SENIOR CITIZEN ACCESS

Implementation of this resolution will have no direct impact on disability and senior citizen access.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve the resolution authorizing the City Administrator to enter into a professional services agreement with LMI for an amount not to exceed \$300,000 for the period June 1, 2005 to May 31, 2007. Doing so will allow the City to fulfill state requirements for addressing water quality impairments in Lake Merritt.

Item: _____
Public Works Committee
May 10, 2005

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council approve this resolution.

Respectfully submitted,



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

Reviewed by:
Brooke A. Levin
Assistant Director
Department of Facilities and Environment

Prepared by:
Lesley Estes
Watershed Program Supervisor
Environmental Services Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

Item: _____
Public Works Committee
May 10, 2005

RESOLUTION No. _____ C.M.S.

B. Richards

INTRODUCED BY COUNCILMEMBER _____

OFFICE OF THE CITY CLERK
OAKLAND

2005 APR 28 PM 3:33

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR
TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT
FOR TWO YEARS FOR AN AMOUNT NOT TO EXCEED
\$300,000 WITH THE LAKE MERRITT INSTITUTE FOR
CLEANUP AND MONITORING SERVICES FOR LAKE
MERRITT FROM JUNE 1, 2005 TO MAY 31, 2007**

WHEREAS, on July 20, 2004, the City Council approved Resolution 78696 thereby approving staff's recommendation to initiate a Request for Qualifications process to identify the highest qualified firm to clean Lake Merritt for FY2005/07; and

WHEREAS, since 1996, the City has conducted cleaning of Lake Merritt under a professional services agreement with an organization that utilized volunteers to clean the lake; and

WHEREAS, the highly visible litter in Lake Merritt is the cause of many citizen complaints, and one of the causes for Lake Merritt to be listed on the State's Impaired Waterbody list, and the debris, if not collected and disposed of will have an adverse effect not only to the lake's water quality, but to the image of the City of Oakland; and

WHEREAS, two (2) firms/organizations responded to the City's Request for Qualifications and The Lake Merritt Institute was recommended by staff to provide the services; and

WHEREAS, the City wishes to enter into a professional services agreement with The Lake Merritt Institute, and the City Council finds that this agreement is for services of a professional nature; and

WHEREAS, the City Council finds that services under agreement will be temporary; and

WHEREAS, the City Council finds and determines that the performance of the services under this agreement is in the public interest; and

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

WHEREAS, the funds for this professional services agreement will come in FY 2004/05 (June 2005) from Clean Water Program non-project monies in Fund 3100 (Sewer Service Fund), Organization 30685 (not to exceed \$12,500), and in the proposed budget for FY 2005/07 from Fund 1720 (Comprehensive Cleanup), Organization 30685, Account 54919 (Miscellaneous Contracts), and Program NB34 (not to exceed \$287,500); and

WHEREAS, this professional services agreement will further advance the following FY 2005/07 Goals and Objectives of the City Council and the Mayor: #1 (Develop a Sustainable City), and #2 (Build Community and Foster Livable Neighborhoods); now, therefore be it

RESOLVED: That the City Administrator is hereby authorized to enter into an Agreement with The Lake Merritt Institute to provide cleanup and monitoring services in Lake Merritt from June 1, 2005 to May 31, 2007 for a total contract amount not to exceed three hundred thousand dollars (\$300,000); and, be it

FURTHER RESOLVED: That the City Administrator 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 shall be approved as to form and legality by the Office of the City Attorney; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LA TONDA SIMMONS
Interim City Clerk and Interim Clerk
of the Council of the City of Oakland

**THE LAKE MERRITT INSTITUTE
CLEAN LAKE PROFESSIONAL SERVICES AGREEMENT
PERFORMANCE STANDARDS
June 1, 2005 – May 31, 2007**

Introduction: The following are performance standards for the Clean Lake professional services agreement (Agreement) with The Lake Merritt Institute (LMI) for June 1, 2005 to May 31, 2007.

LMI will coordinate volunteers for the removal of litter from Lake Merritt at least five days per week. LMI will continue to support individual, unscheduled clean-ups by those using the "U-Clean-It" stations.

LMI will record volumes of litter removed from the Lake on a daily basis. This information must be submitted with payment invoices at the end of each month.

LMI will obtain necessary equipment to provide for the efficient collection of litter by volunteers for use in picking up litter from the Lake and the perimeter of the Lake.

LMI will participate in two cleanup events (Earth Day, held in April and Creek to Bay, held in September) as lead coordinator at the Lake, including outreach, setup, planning of activities for day of event and other related tasks.

LMI will also provide annual totals for number of trash bags removed, and number of volunteers and hours worked.

LMI will make efforts to remove algae in areas that are inaccessible with the Harvester, especially during the Harvesting season, April through August. The City will advise Alameda County Flood Control of the water levels to be maintained during the Harvesting season (April-August).

LMI will annually inspect the 60 painted out-fall signs reading: "SPILL? CALL 911 ", for wear and report the findings to Environmental Services Division (ESD).

LMI will provide water quality monitoring activities in Lake Merritt at the request of ESD.

LMI will provide technical assistance on water quality and natural resource issues to ESD in their communication with the San Francisco Bay Regional Water Quality Control Board.

LMI will maintain the educational component of the proposed storm drain filter (CDS system). Maintain the signs, provide and stock brochures, monitor and document to ensure the system is operating properly and to prepare a report evaluating the unit's effectiveness.

LMI will continue to participate with the City of Oakland's Lake Merritt Water Quality Technical Committee.

LMI will continue to assist with enforcement by delivering The Lake Merritt Institute's educational handouts to those seen dumping paint, cement, grease, or any other substance in the watershed. The ESD inspector will be notified of such violations.

EXHIBIT B

EXHIBIT B

**Office of the City Administrator
Contract Compliance & Employment Services Division**

Memo

To: Gwen McCormick
Through: Deborah Barnes, CC & ES Manager *Deborah Barnes*
From: Mary M. Mayberry
CC: William Madison, PWA
Date: March 28, 2005
Re: Compliance Analysis for: Lake Merritt Clean Lake Services

Contract Compliance & Employment Service is in receipt of two (2) bids/proposals for the above referenced project. A pre-bid/pre-proposal meeting was held for this project. Below, please find a compliance evaluation for the 20% minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

Compliance findings for the 20% Local/Small Local Participation Requirement (in Alphabetical Order)

Company Name	Bid Amount (if applicable)	Participation			Preferences			Banked Credits Eligibility	EBO Compliant?
		Total	LBE	SLBE	Bid Discount \$	Adjusted Bid Amount	Points		
Clean Lakes, Inc.		50%	0%	50%	na	na	5		n
Lake Merritt Institute		100%	7%	93%	na	na	5	2	n

EBO Non-compliant firms noted above must meet EBO requirements prior to contract execution.

Should you have questions regarding the above, please contact Mary Mayberry at (5100 238-7324).

LBE/SLBE Participation Consultant 1

Total Project Cost for: Lake Merritt Clean Lake Services Project No.:										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL LBE/SLBE	TOTAL %	For Tracking Only		
								Ethn.	MBE	WBE
PRIME	Clean Lakes, Inc. Peralta Services Corp	Martinez Oakland	UB CB		50%	50%	50%	H		50%
							50%			
Project Totals				0%	50%	50%	100%		0%	50%
PROFESSIONAL SERVICE GOALS				LBE 10%	SLBE 10%	LBE/SLBE 20%	100%			

Requirement:

The 20% requirement is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving the 20% requirement.

Legend

- | | |
|--|-------------------------|
| All LBE All certified Local and Small Local Businesses | CB Certified Business |
| LBE Local Business Enterprise | UB Uncertified Business |
| SLBE Small Local Business Enterprise | AA African American |
| LTRU Local Trucking Business | H Hispanic |
| MBE Minority Business Enterprise (tracking only) | A Asian |
| WBE Women Business Enterprise (tracking only) | C Caucasian |
| | NA Native American |

LBE/SLBE Participation Consultant 2

Total Project Cost for: Lake Merritt Clean Lake Services Project No.:										
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	TOTAL	TOTAL	For Tracking Only		
						LBE/SLBE	%	Ethn.	MBE	WBE
PRIME	Lake Merritt Institute	Oakland	CB		83%	83%	83%	C		
	Peralta Service Corp	Oakland	CB		10%	10%	10%	H		10%
	Geomatrix Consultants	Oakland	CB	7%		7%	7%	AA	7%	
Project Totals				7%	93%	100%	100%		7%	10%
PROFESSIONAL SERVICE GOALS				LBE 10%	SLBE 10%	LBE/SLBE 20%	Requirement: The 20% requirement is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving the 20% requirement.			

Legend

All LBE All certified Local and Small Local Businesses
 LBE Local Business Enterprise
 SLBE Small Local Business Enterprise
 LTRU Local Trucking Business
 MBE Minority Business Enterprise (tracking only)
 WBE Women Business Enterprise (tracking only)

CB Certified Business
 UB Uncertified Business
 AA African American
 H Hispanic
 A Asian
 C Caucasian
 NA Native American