

**CITY OF OAKLAND**  
**AGENDA REPORT**

2012 JAN 11 AM 10:19

TO: Office of the City Administrator  
ATTN: Deanna J. Santana  
FROM: Public Works Agency  
DATE: January 24, 2012

RE: **Resolution Waiving the Competitive Request for Proposal/Qualification Process and Authorizing An Amendment To Increase The Agreement With Design Community and Environment For As-Needed Landscape Architectural Services For An Amount Not-to-Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), Bringing The Total Contract Amount To Eight Hundred Fifty Thousand Dollars (\$850,000.00)**

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### SUMMARY

A resolution has been prepared waiving the competitive request for proposal/qualification process and authorizing Amendment No. 1 to the existing as-needed landscape architectural design services agreement with Design, Community and Environment (DC&E) for an amount not-to-exceed \$350,000.00, bringing the total contract amount to \$850,000.00. The additional services will be utilized to provide the additional design and construction support services for the Measure DD Snow Park/Harrison/20<sup>th</sup> St. project and for contingencies of any unforeseen conditions that may occur during the construction phase.

DC&E's original as-needed design services contract of \$500,000.00 was approved by the City Council on March 2, 2010, through Resolution No. 82558 C.M.S.

### FISCAL IMPACT

Approval of this resolution will authorize the increase of the design services agreement with DC&E for an amount not-to-exceed \$350,000.00, bringing the total contract amount to \$850,000.00. Sufficient funding is available in the Measure DD project fund (Fund 5321), Capital Project Management Organization (No. 92270), Consultant Services Account (54411), Snow Park/Harrison/20<sup>th</sup> St. Project (No. C393910).

### BACKGROUND

DC&E was chosen through a qualification based selection process to provide landscape architectural services for various City of Oakland projects on an as-needed basis. On March 2, 2010, City Council approved Resolution No. 82558 C.M.S. awarding an as-needed landscape architectural services contract to DC&E for an amount not to exceed \$500,000.00.

Item: \_\_\_\_\_  
Public Works Committee  
January 24, 2012

Snow Park at Harrison and 20<sup>th</sup> Street represents the Downtown Park Edge identified in the 2002 Lake Merritt Master Plan. The Master Plan was the outcome of a year-long process involving citizens in design charettes and community meetings. These sessions focused on key elements to restore and enhance the Lake and its park area, and they identified goals to:

- Provide safe transit, bicycle and pedestrian access to Lake Merritt
- Reduce the visual impact of parking at Lake Merritt
- Provide structures, paving, and planting that supports a unified design theme for Lake Merritt
- Incorporate educational themes such as ecology (habitat, wildlife, plant life), history (landform, city, neighborhood), and culture
- Provide public amenities that are safe, convenient, and appropriate to Lake Merritt
- Preserve key views and vistas around the park
- Enhance the lake's water quality through changes to land use, park management, and education
- Provide flexible facilities for measured special events within the Lake Merritt area
- Preserve the amount of open space in the park (acreage)

The as-needed landscape architect services contract with DC&E was selected for the design of the Measure DD Snow Park/Harrison/20<sup>th</sup> St. project. The initial construction and design fee budget for this project was \$3,500,000 and \$431,860 respectively based on the scope of work identified at the time. Once design began, a number of traffic safety issues were identified, as well as opportunities to further the Lake Merritt Master Plan goals, including better pedestrian and bicycle access, stormwater treatment, and expanded park space along Lake Merritt.

During a series of community meetings held in spring 2011, the public generated additional programmatic elements such as play structures, a putting green, and formalized pathways with lighting to be incorporated into the design.

Thanks to the very competitive construction bidding environment in recent years, substantial savings in construction costs were realized on key Measure DD projects including the 12<sup>th</sup> Street reconstruction project. This funding was not available when design on the Snow Park project began. These additional funds will allow the project to incorporate opportunities to further the goals of the Lake Merritt Master Plan and the additional program elements generated by the community.

The estimated construction budget with the expanded scope of work is \$7,200,000. Thus, Amendment No. 1 is required for additional design and construction support services to complete the project.

**KEY ISSUES AND IMPACTS**

Under Amendment No.1, DC&E will provide full design documents and construction support necessary to complete the project. The contract amendment is necessary to complete additional traffic analysis and engineering, incorporate design ideas provided by the public during community meetings held in spring 2011, and to further the goals of the Lake Merritt Master Plan through additional pedestrian and bicycle access improvements, storm-water treatment, and expanded park space along Lake Merritt. DC&E will also provide bid and construction support services for the project such as review and approval of submittals and shop drawings, clarify and respond to contractor’s inquiries, coordinate Bay Friendly Landscaping certification, review construction progress and, conduct and prepare final punch-lists for the project. Amendment No.1 for \$350,000 will be used as follows:

Design service for the expanded scope of work	\$115,000
Construction support services	\$90,000
Design and construction support services contingency	\$145,000
<b>TOTAL</b>	<b>\$350,000</b>

Approximately \$145,000.00 in contingencies is recommended given the size and complexity of this project, which involves significant street improvements, potential underground infrastructure conflicts and utility coordination, and site condition analysis. With the amendment of an additional \$350,000.00 to the design services agreement with DC&E, the project can be completed in the most expeditious manner without interruption.

This project is unique in that it involves a significant amount of traffic reconfiguration at the intersection of Harrison Street, 20<sup>th</sup> Street and Lakeside Drive. Additionally, the project provides an opportunity to further the Lake Merritt Master Plan goals including improved pedestrian and bicycle access, stormwater treatment, and expanded park space along Lake Merritt effectively making this a model green street project for the City of Oakland. For these reasons, along with the additional program elements requested by the community, the project scope has expanded and requires additional design services.

Significant contract amendments are not the norm, however due to the size, complexity and uniqueness of this project, and the additional funds that allowed for the scope increase, it is in the best interest of the City to continue design services with the same consultant. City Municipal Code, Title 2, Chapter 2.04.050 I (5) allows an exception to the competitive Request for Proposals/Request for Qualifications (“RFQ/RFP”) selection process upon a finding and determination by the Council that it is in the best interest of the City to waive the competitive RFQ/RFP selection requirement. Use of another consultant to complete the remaining design and construction support services will impact the continuity of the project, increase costs, and delay the completion of the project.

DC&E has been involved since the initial community outreach in spring 2011 and is most knowledgeable at integrating the design ideas generated at those meetings. DC&E has the necessary expertise and experience to complete the design of Snow Park/Harrison/ 20<sup>th</sup> St. project. Therefore, staff recommends that the Council find and determine that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement.

DC&E is a Berkeley firm; in their original contract, there was L/SLBE participation of \$100,000.00 (20%). With the implementation of Amendment No. 1, the total proposed Local/Small Local Business Enterprise participation will be \$520,000.00 (61.20%). The L/SLBE information has been verified by the Department of Contracting and Purchasing of the City Administrator's Office and is shown on *Attachment A*.

## PROJECT DESCRIPTION

The Snow Park/Harrison/20<sup>th</sup> St. project will expand park space at Snow Park and at Lake Merritt along Lakeside Drive and Harrison Street. The project will provide improved pedestrian and bicycle access to Snow Park and Lake Merritt through reconfiguration of the 20<sup>th</sup> St. intersection. Additional pedestrian improvements include new and improved pathways along the lake and in Snow Park, new recreational facilities and landscaping, and storm water retention/filtration system. The project will also add a bicycle lane on the northbound side of Harrison Street. (*See Attachment B* for the Project Concept Plan).

## EVALUATION OF PAST PERFORMANCE

DC&E ranked "Satisfactory" overall for the Oakland Waterfront Trail/ 66<sup>th</sup> Avenue Improvements which was completed in 2008.

## SUSTAINABLE OPPORTUNITIES

**Economic:** The project will generate business tax, sales tax, and other revenues for the City by those firms who work on the project.

**Environmental:** Environmental factors and opportunities will be considered and incorporated to the extent feasible. The consultants will be required to achieve a certified Bay Friendly Landscaping certificate in the design to maximize the use of drought tolerant and native plants; water efficient irrigation system; and bio-retention swales to capture, filter and slow down run-off

**Social Equity:** The Snow Park/Harrison/20<sup>th</sup> St. Project will provide recreational enhancements, aesthetic improvements, and pedestrian accessibility for all who use the area to enjoy.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

All design and construction will be in compliance with the physical access requirements of the American With Disabilities Act (“ADA”), providing equal opportunity and access.


## **RECOMMENDATION AND RATIONALE**

It is recommended the City Council waive the competitive request for proposal/qualifications process and authorize Amendment No. 1 to increase the existing agreement with DC&E for as-needed landscape architectural services in an amount not-to-exceed \$350,000.00, bringing the total contract amount to \$850,000.00. The additional services will be utilized to complete the remaining, and newly added design elements and for construction support services for the Snow Park/Harrison/20<sup>th</sup> St. project. Utilizing DC&E to provide the remaining and newly added design scope and for construction support services will allow continuity and complete the project in the most efficient and cost effective manner to the City.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the proposed resolution.

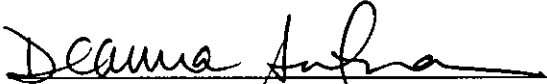
Respectfully submitted,

  
\_\_\_\_\_  
Vitaly B. Troyan, Director  
Public Works Agency

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

Prepared by:  
Ali Schwarz  
C. I. P. Coordinator  
Project Delivery Division

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Attachment A: Department of Contracting and Purchasing Analysis memorandum dated  
11/02/2011

Attachment B: Project Concept Plan



*Memo*

**City Administrator's Office**

Contracts and Compliance Unit

To: Alison Schwarz, Project Manager  
 From: Sophany Hang, Assistant Contract Compliance Officer  
 Through: Deborah Barnes, Contracts and Compliance Director  
 Shelley Darensburg, Senior Contract Compliance Officer *S. Darensburg*  
 CC: Calvin Hao, Contract Services  
 Date: November 2, 2011  
 Re: Request For Proposals (RFP) for As Needed Landscape Architectural Services Tier II (Amendment No. 1)

City Administrator's Office, Contracts and Compliance conducted a compliance analysis revising the original analysis dated November 20, 2009 (Request for Proposal for As Needed Landscape Architectural Services Tier II) specific to the level of participation provided by the most responsive and responsible proposer Design Community & Environment.

The original contract award was \$500,000. At that time, Design Community and Environment proposed 20% participation at a rate of 10% local and 10% small local. Under Amendment 1, \$350,000 was added to the contract, bringing the total contract to \$850,000.

Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO). Participation as reported below is based on the following adjustments: (1) TranSystems became certified as a LBE in March of 2010; (2) TranSystems participation increased from 5% to 37.70%; and (3) KHA's (an LBE) participation increased from 7% to 10%.

Responsive to L/SLBE and/or EBO Policies		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Proposed Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Design, Community & Environment	\$850,000.00	61.20%	51.20%	10%	NA	61.20%	NA	NA	NA	Y

Comments: As noted above, Design, Community & Environment met and/or exceeded the minimum 20% L/SLBE participation requirement. The firm is EBO compliant.

Should you have any questions you may contact Sophany Hang at (510) 238-3970.



**CONTRACTS AND COMPLIANCE**

**Compliance Division**

**PROJECT COMPLIANCE EVALUATION FOR :**

RE:

RFQ As Needed Landscape Architectural Services (Amendment No. 1)

**CONSULTANT/CONTRACTOR: Design, Community & Environment**

<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	NA	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
  - a) % of LBE participation **51.20%**
  - b) % of SLBE participation **10.00%**
- 3. Did the contractor receive bid discount/preference points? NA  
(If yes, list the points received) **0 points**

**5. Additional Comments.**

[Empty box for additional comments]

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

11/2/2011

Date

**Reviewing Officer:**

[Signature]

Date: 11/2/2011

**Approved By:**

Shelley Dorenburg

Date: 11/2/2011

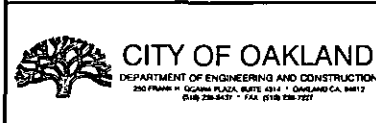
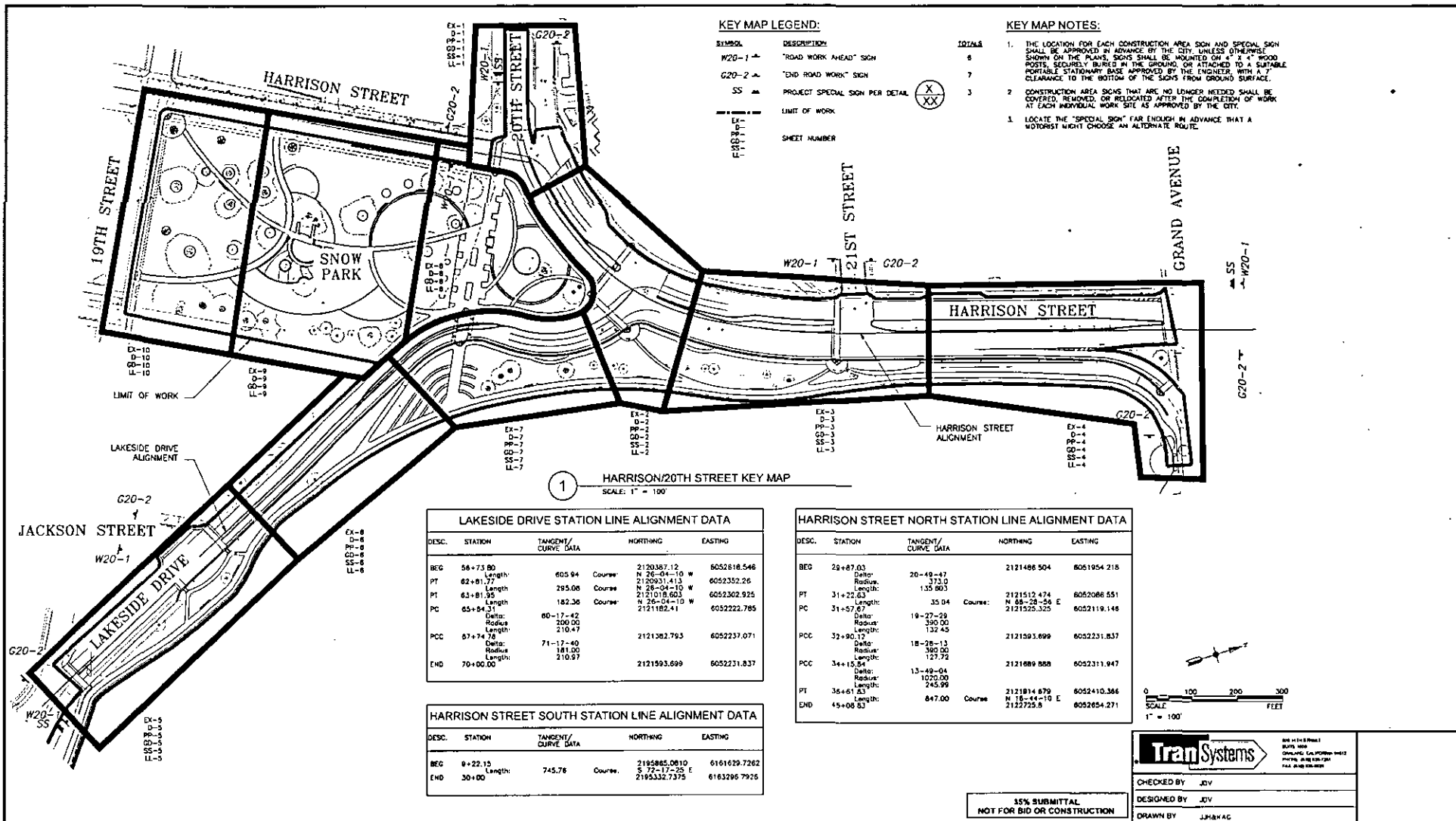


## LBE/SLBE Participation

Project Name: RFQ As Needed Landscape Architectural Services (Amendment No. 1)

Project No.:		Engineer's Estimate				Under/Over Engineers Estimate:				For Tracking Only		
Discipline	Prime & Subs	Location	Cert Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	LBE/SLBE Dollars	Total Dollars	Ethn	MBE	WBE
PRIME	Design, Community & Environment	Berkeley	UB				38.80%		330,000.00	C		
Civil Engineering	TranSystems	Oakland	CB	37.70%		37.70%	37.70%	320,000.00	320,000.00	C		
Traffic analysis	Dowling Associates	Oakland	CB	6.50%		6.50%	6.50%	55,000.00	55,000.00	H	6.50%	
Traffic Signal & Lighting	KHA	Oakland	CB	7.00%		7.00%	7.00%	60,000.00	60,000.00	C		
Surveying	PLS Surveys	Oakland	CB		5.40%	5.40%	5.40%	46,000.00	46,000.00	C		5.40%
Geotech	Rockridge Geotechnical	Oakland	CB		2.40%	2.40%	2.40%	20,000.00	20,000.00	C		
Irrigation	Widelock Landscape	Oakland	CB		1.40%	1.40%	1.40%	12,000.00	12,000.00	C		
BFL Rater	Golden Associates	Oakland	CB		0.80%	0.80%	0.80%	7,000.00	7,000.00	C		0.80%
<b>Project Totals</b>				51.20%	10.00%	61.20%	100.00%	\$520,000.00	\$850,000.00			6.20%
<b>Requirements:</b> 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 20%	TOTAL	TOTAL	TOTAL	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				

# ATTACHMENT B – PROJECT CONCEPT PLAN



## SNOW PARK/HARRISON/20th STREET INTERSECTION DESIGN

No	DATE	BY	REFERENCE

**TranSystems**  
4841 H Street  
Burlingame, CA 94010  
PH: (415) 332-1000  
FAX: (415) 332-1001

CHECKED BY: JGV  
DESIGNED BY: JGV  
DRAWN BY: JLVH/AC

**55% SUBMITTAL**  
NOT FOR BID OR CONSTRUCTION

**PROJECT NO.**  
P317110

**KEY MAPS AND ALIGNMENT DATA**

**SHEET NO.**  
G-1

SCALE:  
HOR. AS NOTED  
VERT. AS NOTED  
DATE: 8-31-11

DRAWING NO. 11-2011  
 PROJECT NO. P317110  
 SHEET NO. G-1  
 DATE: 8-31-11

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 JAN 11 AM 10:13

## OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**Resolution Waiving The Competitive Request For Proposal/Qualification Process And Authorizing An Amendment To Increase The Agreement With Design Community And Environment For As-Needed Landscape Architectural Services For An Amount Not-To-Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), Bringing The Total Contract Amount To Eight Hundred Fifty Thousand Dollars (\$850,000.00)**

**WHEREAS**, Design, Community and Environment was chosen through the City's Request-for-Proposal process to provide landscaping architectural services for City of Oakland projects on an as-needed basis; and

**WHEREAS**, on March 2, 2010, the City Council approved Resolution No. 82558 C.M.S. awarding an as-needed landscape architectural services contract to Design, Community and Environment in an amount not to exceed \$500,000.00; and

**WHEREAS**, Snow Park/Harrison Street/20<sup>th</sup> Street project is identified in the Lake Merritt Master Plan for improvements and funds are available for the project through Bond Measure DD, The Oakland Trust for Clean Water and Safe Parks; and

**WHEREAS**, staff utilized the contract with Design, Community and Environment for the Measure DD Snow Park/Harrison/20<sup>th</sup> Street project to commence the programming/planning, survey, schematic design, design development, and preparation of construction documents; and

**WHEREAS**, additional design services are required to address safe pedestrian access to the Lake, increase park area, incorporating additional programming elements and to preserve key views and vistas of the lake per Lake Merritt Master Plan; and

**WHEREAS**, it is in the best interest of the City to continue utilizing Design, Community and Environment in order to complete the remaining portions of the design work for the Snow Park/Harrison/20<sup>th</sup> Street project that include traffic analysis, construction support services, and Bay Friendly Landscaping certification; and

**WHEREAS**, funding for the remaining construction support design services of the Snow Park, Harrison, 20<sup>th</sup> Street project within Amendment No. 1 is available from the Measure DD Fund (5321), Capital Project Management Organization (92270), Consultant Services Account (54411) in Snow Park/Harrison/20<sup>th</sup> Street Project ( C393910); and

**WHEREAS**, Section 2.04.051 B of the Oakland Municipal Code, authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications ("RFP/RFQ")

selection requirement of Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

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

**WHEREAS**, the City Council finds that services under the contract will be temporary in nature 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 pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/RFQ selection requirement of Section 2.04.051 A of the Oakland Municipal Code in order to expedite the completion of the construction support services for the Snow Park/Harrison/20<sup>th</sup> Street project and based on the reasons and circumstances set forth in the Report that accompanies this Resolution; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designee, is hereby authorized to execute Amendment No. 1 to increase the agreement with Design, Community and Environment for as-needed landscape architectural services in an amount not-to-exceed \$350,000.00, bringing the total contract amount to \$850,000.00; 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 agreement with the exception of those related to an increase in the total dollar amount of the agreement; and, be it

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

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