



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** On-Call Hydrology and Stormwater  
Engineering Services

**DATE:** February 12, 2024

City Administrator Approval

  
Jestin Johnson (Feb 29, 2024 19:54 PST)

Date: Feb 29, 2024

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Execute Professional Services Agreements For On-Call Hydrology And Stormwater Engineering Services That Follow All City Advertising And Competitive Solicitation Requirements And Are Awarded In Direct Service Of Delivering On-Call Hydrology And Stormwater Engineering And Regulatory Compliance Services To The Following Tiers:**

- 1. Tier 1 Firms Each For An Amount Not to Exceed Five Hundred Thousand Dollars (\$500,000) Annually To Qualified Consultants: Aliquot Associates, Inc., Black & Veatch, Diablo Engineering Group, EOA, Inc., Geronimo Engineering, Northgate Environmental Management, Inc., And Montrose Environmental; And**
- 2. Tier 2 Firms Each For An Amount Not To Exceed Two Million Dollars (\$2,000,000) Annually To Qualified Consultants: Arup US, Inc., ENGEO, Inc., FlowWest Inc., Geosyntec, Haley Aldrich, Restoration Design Group, Inc., Schaaf & Wheeler, Terraphase Engineering, And Wood Rodgers.**

## **EXECUTIVE SUMMARY**

The City of Oakland (City) uses on-call professional services contracts to provide various hydrology, stormwater, and waterway engineering and regulatory compliance services to support the work of the City's Watershed and Stormwater Management Division in Oakland Public Works (OPW). This includes the implementation of storm drainage and waterway Capital Improvement Program (CIP) projects, small storm drainage and waterway restoration projects, and stormwater and waterway regulatory compliance projects and programs.

Approval of this resolution will enable the City to deliver projects and programs promptly, efficiently, and in a cost-effective manner by authorizing the City Administrator to execute

professional services contracts for on-call hydrology and stormwater engineering services that follow all City advertising and competitive solicitation requirements with qualified consultants each for a period of four (4) years.

The on-call contracts are divided into two (2) tiers. Tier 1 is for work not to exceed Five Hundred Thousand Dollars (\$500,000) annually to the following qualified consultants: Aliquot Associates, Inc., Black & Veatch, Diablo Engineering Group, EOA, Inc., Geronimo Engineering, Northgate Environmental Management, Inc., and Montrose Environmental. Tier 2 is for work not to exceed Two Million Dollars (\$2,000,000) annually to the following qualified firms: Arup US, Inc., ENGE0, Inc., FlowWest Inc., Geosyntec, Haley Aldrich, Restoration Design Group, Inc., Schaaf & Wheeler, Terraphase Engineering, and Wood Rodgers.

Additional small (SLBE) and very small (VSLBE) local business enterprises (SLBE/VSLBEs) will have the opportunity to join the pool of qualified on-call hydrology and stormwater engineering services firms through an annual prequalification process that will be implemented throughout the four-year term. This will increase contracting opportunities for SLBE/VSLBEs.

As projects arise, task order(s) will be competitively procured from the pre-qualified list through an On-Call Request For Proposals (RFP) process, and task order(s) will be awarded to consultant(s) based on the proposal quality. Funds will be identified prior to the execution of a task order. Criteria for award of task order(s) include, but are not limited to, task order specific qualifications, and availability of consultant staff. The final task order scope of services, overall task order cost, and task order schedule may be further negotiated between the City and the consultant(s) prior to award of task order(s).

Tier 1 and Tier 2 Consultant teams will be required to meet the City's compliance programs and will be reviewed for compliance prior to task order execution. For task orders under Tier 1, the City will apply the following process when at least three prequalified SLBE/VSLBEs with sufficient contract capacity submit proposals in response to an On-Call RFP:

- The City will award task orders under Tier 1 to the most qualified and responsive SLBE/VSLBE proposal based on the evaluation criteria set forth in the On-Call RFP.
- Task order(s) will be awarded to the most qualified and responsive consultant proposal based on the evaluation criteria set forth in the task order RFP advertisement.

If there are not at least three SLBE/VSLBEs with sufficient contract capacity and pre-qualified to perform the work advertised in the On-Call RFP, the City will solicit proposals from pre-qualified businesses in Tier 1 and Tier 2 and will award task order(s) to the most responsible and responsive proposal. The requirements of the Local and Small Local Business Enterprise (L/SLBE) Program will apply.

## **BACKGROUND / LEGISLATIVE HISTORY**

OPW's Watershed and Stormwater Management Division (WSMD) performs planning and design for capital improvement projects and manages technical programs to ensure compliance with environmental and regulatory goals related to Oakland's stormwater discharge and waterways. The proposed professional services agreements are needed to provide on-call

hydrology and stormwater engineering services to assist OPW-WSMD and other City departments/divisions with technical and engineering services, feasibility analyses, regulatory compliance tasks and design and construction-related services to support the delivery of projects related to stormwater management and Oakland's waterways, including creeks, lakes, storm drains, wetlands, riparian areas, and the waterfront.

The City's past round of on-call hydrology and stormwater engineering services agreements were approved in 2019 (CMS 87575) and all agreements expire on April 30, 2024, with the exception of contracts with project task orders already in progress with the following firms: Aliquot Associates, Inc., Arup North America, ENGEO, Inc., Environmental Science Associates, Geosyntec Consultants, Inc., Restoration Design Group, Inc., and Wood Rodgers. The expiration has reduced options to promptly deliver new projects and programs.

The City administers the Local/Small Local Business Enterprise (L/SLBE) Program to increase the number of Oakland-certified businesses participating in City contracting. There is a 50% minimum participation requirement for all professional services contracts over \$50,000, and the minimum participation of 25% for Local Business Enterprises (LBE) and 25% for Small Local Business Enterprises (SLBE), subject to an availability analysis which may be requested prior to advertisement if there is reason to believe that the availability of certified firms would not satisfy the 50% requirement.

For the Hydrology and Stormwater Engineering and Regulatory Compliance On-Call Services contract, an availability analysis of the City's database of local certified firms was conducted by the Department of Workplace and Employment Standards (DWES) based on evidence that the availability of Oakland-based certified L/SLBE firms qualified to deliver hydrology and stormwater/waterway and engineering professional services was insufficient. To determine the availability of the City's certified firms, DWES researched the certification database utilizing the North American Industry Classification System (NAICS) Code 541330-Engineering Services and identified thirty (30) certified firms with this NAICS code. Because the code is so broad, DWES emailed and made follow-up phone calls to all firms. Only one (1) firm responded and indicated it could perform the scope of services. Per the City's L/SLBE Program "Rule of Three," there must be at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work. If at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 0% to 50%, but not less than 20% if at least one L/SLBE is certified and available." Based on the results of this research and outreach, DWES set the L/SLBE requirement at 20% (10% LBE and 10% SLBE) for all task orders under this pool of on-call hydrology and stormwater engineering services contracts. The availability analysis documentation is provided in **Attachment A**.

In September 2023, OPW issued a Request for Qualifications (RFQ) to provide On-Call Hydrology and Stormwater Engineering Services in accordance with Oakland Municipal Code (OMC), Chapter 2.04.051.

## **ANALYSIS AND POLICY ALTERNATIVES**

The City requires technical and engineering services to provide technical assistance and support the design and delivery of projects. The On-Call Hydrology and Stormwater Engineering

Services contracts will provide the means for delivering technical support and projects in a timely and cost-effective manner. Approval of these contracts will reduce the staff time needed to select consultants for projects, thereby providing cost-savings to the City. In addition, the on-call contracts will improve department efficiency by enabling staff to quickly respond to urgent and unforeseen demands such as stormwater or infrastructure emergencies during storm events or developing design documents for grant proposals that require a rapid response which cannot be accommodated in a timely manner by issuing an individual RFP. The on-call contracts also help staff respond to numerous regulatory requirements that necessitate quick analysis to implement newly developed approaches and strategies. The recommended action for the City Council to adopt a resolution authorizing the City Administrator to execute professional services agreements for on-call hydrology and stormwater engineering services will advance and is consistent with the City's goal of being a **responsive, trustworthy government**.

On-call consultant contracts will expedite the design and delivery of projects by reducing the timeframe to select and hire consultants from 42 weeks to 12 weeks. As a result of the streamlined procurement process, increased consultant interest and competition is anticipated, thereby providing cost and time savings to each project.

The on-call contracts establish two tiers of consultants and will provide contracting opportunities to Oakland certified businesses through each of the 4-year contracts:

1. Tier 1 Firms Each For An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Annually To Qualified Consultants; and
2. Tier 2 Firms Each For An Amount Not-To-Exceed Two Million Dollars (\$2,000,000.00) Annually To Qualified Consultants.

The contract capacity was calculated based on an analysis of the demands for and usage of previous on-call contracts and existing projects in early development.

Tier 1 includes SLBE/VSLBE consultants to meet compliance requirements of OMC Sections 2.04.051 competitive process and qualification-based awards for professional services contracts and the L/SLBE Program. Tier 1 consultants can be sub-consultants in Tier 2.

Additional SLBE/VSLBEs will have the opportunity to join the pool of qualified on-call hydrology and stormwater engineering services firms through an annual prequalification process that will be implemented throughout the four-year term. This will increase contracting opportunities for SLBE/VSLBEs.

As projects arise, task orders(s) will be competitively procured from the pre-qualified list through an On-Call Request For Proposals (RFP) process, and task order(s) will be awarded to consultant(s) based on the proposal quality. Funds will be identified prior to the execution of a task order. Criteria for award of task order(s) include, but are not limited to, task order specific qualifications, and availability of consultant staff. The final task order scope of services, overall task order cost, and task order schedule may be further negotiated between the City and the consultant(s) prior to award of task order(s). Each task order includes but is not limited to the scope of work, schedule, project criteria, and anticipated consultant budget. Tier 1 and Tier 2

Consultant teams will be required to meet the City's compliance programs and will be reviewed for compliance prior to task order execution.

The approximate dollar amount for each task order will be as follows:

- Tier 1 – Up to \$500,000.00
- Tier 2 – \$500,001.00 up to \$2,000,000.00

For task orders under Tier 1, the City will apply the following process when at least three prequalified SLBE/VSLBEs with sufficient contract capacity submit proposals in response to an On-Call RFP:

- The City will award task orders under Tier 1 to the most qualified and responsive SLBE/VSLBE proposal based on the evaluation criteria set forth in the On-Call RFP.
- Task order(s) will be awarded to the most qualified and responsive consultant proposal based on the evaluation criteria set forth in the task order RFP advertisement.

If there are not at least three SLBE/VSLBEs with sufficient contract capacity and pre-qualified to perform the work advertised in the On-Call RFP, the City will solicit proposals from pre-qualified businesses in Tier 1 and Tier 2 and will award task order(s) to the most responsible and responsive proposal. The requirements of the L/SLBE Program will apply.

No minimum amount of work is implied or guaranteed, and no appropriation is made as a result of this action. Individual task orders will vary but cumulatively will not exceed the approved contract amounts. Contract amounts for Tier 1 and Tier 2 not exercised cannot be rolled over into the next year to allow open market bidding opportunities. Consultants are required to meet the City's compliance programs and will be reviewed for compliance to execute each task order.

The proposed work is of a temporary, professional, and technical nature. The City lacks the equipment and qualified personnel to perform the work and, entering into this contract will not result in the loss of employment or salary by any person having permanent status in competitive service. As noted below, the Labor Unions have been informed of the on-call contracts, and no comments were received.

On December 7, 2023, City Capital Contracts received Statements of Qualification (SOQ) from seven (7) Tier 1 firms and nine (9) Tier 2 firms.

The following seven (7) Tier 1 firms were considered for evaluation (alphabetical order):

1. Aliquot
2. Black & Veatch
3. Diablo Engineering Group
4. EOA, Inc.
5. Geronimo Engineering. LLC
6. Northgate Environmental Management, Inc.
7. Montrose Environmental

The following nine (9) Tier 2 firms were considered for evaluation (alphabetical order):

1. Arup
2. ENGEO
3. FlowWest Inc.
4. Geosyntec,
5. Haley Aldrich
6. Restoration Design Group, Inc.
7. Schaaf & Wheeler
8. Terraphase Engineering
9. Wood Rodgers

The submittals were evaluated by a panel of four (4) professionals with experience in the scope of services and project types identified in the RFQ. The following evaluation criteria were used:

- SOQ Quality
- Approach
- Qualifications
- Organization and Responsiveness
- Experience

Based on the panel's evaluation results, contract requirements, and an assessment of needs, all of the sixteen (16) firms clearly demonstrated an understanding of the scope and requirements in their submittals and met the criteria requirements. Therefore, the 7 firms listed above for Tier 1 are recommended for two-million-dollar (\$2,000,000) contracts, and the 9 firms listed above for Tier 2 are recommended for eight-million-dollar (\$8,000,000) contracts.

### **FISCAL IMPACT**

The proposed resolution establishes a slate of on-call contracts for hydrology and stormwater engineering services. Funding for specific projects utilizing these contracts will be identified at the time of the project. There is no impact on the General Purpose Fund, and no additional funding is requested.

The on-call design and technical services for hydrology and stormwater engineering will be used for projects funded by:

- Measure Q, The 2020 Oakland Parks and Recreation Preservation, Litter Reduction, and Homelessness Support Act
- Measure DD, Oakland Trust for Clean Water and Safe Parks
- Sewer Service Fund
- Various state propositions or bond measures that provide competitive grant funding for water-related projects

## **PUBLIC OUTREACH / INTEREST**

On July 26, 2023, DWES, OPW, and Oakland Department of Transportation (OakDOT) staff hosted an event entitled “Doing Business with the City of Oakland: 2023-2025 Capital Improvement Program Overview and Matchmaking”. Sponsored by DWES, the event provided information on the L/SLBE Program, capacity building and technical assistance resources for small businesses, and also serviced as an opportunity for the City to expand and diversify its pool of professional services consultants (see **Attachment B**).

The RFQ was formally advertised in a total of five (5) newspapers in various languages including the East Bay Times, Oakland Post, El Mundo, World Journal, and The Korea Times. The City’s web-based procurement system iSupplier and CIPlist.com were utilized for distribution of the RFQ with documents available free of charge online.

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with International Federation of Professional and Technical Engineers (IFPTE) Local 21, Service Employees International Union (SEIU) Local 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the RFQ. A legal advertisement for the RFQ was posted in September 2023. Additionally, on October 3, 2023, OPW, Contract Services, and DWES staff held a pre-submittal meeting for interested vendors, to further promote participation and answer questions related to the RFQ.

## **COORDINATION**

This report and the resolution have been reviewed by the Department of Workforce Employment Standards, Budget Bureau of the Finance Department, and for form and legality by the Office of the City Attorney.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contracts will generate business tax, sales tax, and other revenues for the City by those firms who work on the projects. Local, Oakland-based businesses will be utilized in the construction of many of the projects developed through use of these contracts.

**Environmental:** The services provided by these contracts will protect and improve stormwater quality, creeks, lakes, wetlands, shorelines, and will provide other benefits including wildlife habitat enhancement, flood protection, air quality improvement, and mitigation of other climate change impacts. As applicable, all projects will be designed in accordance with requirements set by environmental regulatory agencies.

**Race & Equity:** The proposed on-call contracts will support storm drainage repair and improvement, water quality protection, and waterway enhancement projects and programs in Oakland and this work will be conducted in alignment with the City’s [Department of Race and Equity](#) ordinance, Mission, and Goals. For [Capital Improvement Program](#) projects, funding allocations follow the prioritization process adopted by Oakland City Council in 2018 that centers equity as a key factor in seven of the nine prioritization factors. In addition, as

applicable, the on-call firms will be responsible for ensuring that projects comply with applicable accessibility codes and the Americans with Disabilities Act.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

There are no California Environmental Quality Act (CEQA) impacts associated with the recommendation to award on-call professional services contracts.

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Execute Professional Services Agreements For On-Call Hydrology And Stormwater Engineering Services That Follow All City Advertising And Competitive Solicitation Requirements And Are Awarded In Direct Service Of Delivering On-Call Hydrology And Stormwater Engineering And Regulatory Compliance Services To The Following Tiers:

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For questions regarding this report, please contact Jennifer Stern, Project Manager, Watershed Program Specialist, at 510-381-7515.

Respectfully submitted,

  
G. Harold Duffey (Feb 29, 2024 15:48 PST)

G. HAROLD DUFFEY  
Director, Oakland Public Works

Reviewed by:  
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Prepared by:  
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Watershed & Stormwater Management Division

Attachments (2):

- A: Availability Analysis for Hydrology and Stormwater Engineering
- B: "Doing Business with the City of Oakland" Outreach Flyer