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APRIL 26, 2005

IGNACIO DE LA FUENTE, PRESIDENT
CITY COUNCIL
OAKLAND, CALIFORNIA

PRESIDENT DE LA FUENTE AND MEMBERS OF THE CITY COUNCIL

SUBJECT: RESOLUTIONS AUTHORIZING TWO (2) PROFESSIONAL SERVICES AGREEMENTS FOR AS-NEEDED HYDROLOGY & CREEK RESTORATION DESIGN SERVICES WITH JONES & STOKES AND AMPHION ENVIRONMENTAL, INC., FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) EACH**PURPOSE AND SCOPE**

In accordance with the Measure H Charter Amendment, which was passed by the voters at the General election of November 5, 1996, we have made an impartial financial analysis of the accompanying Proposed Resolution and Agenda Report. In making our analysis, we also asked for additional information and clarification from City staff.

The City Auditor is elected by the citizens of Oakland to serve as an officer in charge of an independent department auditing City government activities. The independence of the City Auditor is established by the City Charter.

Since the Measure H Charter Amendment specifies that our impartial financial analysis is for informational purposes only, we did not apply Generally Accepted Government Auditing Standards as issued by the Comptroller General of the United States. Moreover, the scope of our analysis was impaired by Administrative Instruction Number 137, effective May 21, 1997, which provides only two (2) weeks for us to plan, perform and report on our analysis. Due to this time constraint, we did not verify data contained in the Proposed Resolutions and Agenda Report.

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CITY COUNCIL
MAY 03 2005Item # 4
Public Works Committee
April 26, 2005

SUMMARY

The Proposed Resolutions involve authorizing staff to enter to contract agreements with two environmental consulting firms. The firms are 1) Jones & Stokes and 2) Amphion Environmental, Inc.

The firms will provide professional services such as technical studies and construction support for creek, storm drain and other water runoff projects. The firms are also anticipated to work on wetland and waterfront issues.

CONTRACTOR SELECTION PROCESS

Staff issued a Request for Proposal (RFP) in September 2003 for creek restoration and hydrology services. The RFP was not issued for a specific project. Rather, the firms with the highest-ranked proposals would be awarded contracts for future creek and hydrology projects as they arose.

Fourteen firms responded with proposals. The proposals were based on criteria such as the qualifications, experience and project approach of each firm. There was no bidding on contract price. The top seven firms as determined by the selection panel are listed below with the highest-ranked firm listed first:

- 1. Wolfe Mason
- 2. Kleinfelder
- 3. Wreco
- 4. Moffatt & Nichol
- 5. Questa
- 6. Amphion
- 7. Jones & Stokes

The first four firms listed above entered into contracts amounting to \$200,000 each with the City. The contracts do not cover a specific project. As creek restoration and hydrology projects arise, staff will assign the contractors to these projects. A task order is attached to the contract as an addendum. The task order will address the contractor's specific scope of services and cost for that particular project. This process repeats until the contract limit of \$200,000 is reached. As such, there can be multiple projects covered by one contract. The contracts for Jones & Stokes and Amphion will be conceptually similar to this as-needed approach.

The duration of all the contracts is three years from their respective Notice to Proceed dates. The contracts for Jones & Stokes and Amphion will also be for three-year terms.

We asked staff if other departments utilize this as-needed contract approach. Staff responded that other departments do use this approach as well as other cities throughout the state.

FISCAL IMPACT

The following table summarizes the as-needed projects performed by the selected firms awarded contracts:

Resolution No.	Firm	Contract amount	Projects Served to Date	Project Cost	Contract Balance
78408 C.M.S.	Kleinfelder	\$200,000	Lion Creek Restoration	\$11,500	\$188,500
78409 C.M.S.	Wreco	200,000	Arroyo Viejo Creek Restoration	79,600	120,400
78410 C.M.S.	Wolfe Mason	200,000	None assigned to date	-	200,000
78411 C.M.S.	Questa	-	n/a	n/a	n/a
78412 C.M.S.	Moffatt & Nichol	200,000	Chimes Creek bank stabilization	24,503	175,497
Total Contract Amount		\$800,000	Total Contract Balance		\$684,397
Proposed	Jones & Stokes	250,000	-	-	250,000
Proposed	Amphion	250,000	-	-	250,000
Total Contract Amount Plus Proposed Total		\$1,300,000	Total Contract Balance Plus Proposed Total		\$1,184,397

The resolutions were all passed on March 16, 2004; however, Questa did not enter into a contract with the City. Staff attributed the increase of \$50,000 in each of the proposed contract amounts due to the large quantity of as-needed projects.

No specific projects are yet identified for Jones & Stokes and Amphion to perform. According to staff, the as-needed nature of the contracts allows projects to get underway quicker than issuing separate RFPs for individual projects since a consulting firm will already be selected to provide their services.

CONCLUSION

Before approving the Proposed Resolutions, the Council should consider that the value of the contracts awarded to the two firms are higher than the values awarded to the firms ranked ahead of them in the RFP process.

Prepared by:

Issued by:

Philip Lim
Philip Lim
Deputy City Auditor

Roland E. Smith
Roland E. Smith, CPA, CFS
City Auditor

Report completion date:
April 20, 2005

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