

CITY OF OAKLAND

AGENDA REPORT

2007 JUN 26 PM 3:05

TO: Office of the City Administrator
ATTN: Deborah A. Edgerly
FROM: Public Works Agency
DATE: June 26, 2007

RE: **Resolution Authorizing The City Administrator, Or Her Designee, To Waive The Competitive Request-for-Proposal Process for Professional Services And To Execute Amendment No. 3 To The Professional Services Agreement With ELS Architecture And Urban Design To Revise And Develop A Phased Master Plan And To Provide Full Design And Construction Support Services For Phase One of The East Oakland Sports Complex Project At Ira Jinkins Park In An Amount Not To Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00), Bringing The Total Not To Exceed Contract Amount To Two Million Four Hundred Twenty Two Thousand Nine Hundred And Ninety-Two Dollars (\$2,422,992.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to waive the competitive Request-for-Proposal process for professional services and to execute Amendment No. 3 to the professional services agreement with ELS Architecture and Urban Design ("ELS"), to revise and develop a phased Master Plan, and to provide full design and construction support services for Phase One of the East Oakland Sports Complex project at Ira Jinkins Park in an amount not to exceed \$1,600,000.00, bringing the total contract amount to \$2,422,992.00. The project is located in Council District 7.

In February 2001, ELS Architecture and Urban Design ("ELS") was chosen through the City's Request-for-Proposal process as the top-rated and most qualified firm to provide comprehensive professional services associated with the design and construction of the East Oakland Sports Complex. Initially, Council authorized ELS to perform only pre-design/programming and concept design work with the intent and direction to return to Council for subsequent approval of the schematic design, design development, and construction document portions of the project. Upon completion and approval of the concept design, Council amended ELS's contract in April 2002 to authorize the preparation of the schematic design of the East Oakland Sports Complex. In 2003, ELS completed the schematic design of the project. However, sufficient funding of approximately \$35 million for the construction of the entire East Oakland Sports Complex was not available at that time. Grants, corporate sponsorships, and public-private partnerships have been sought to supplement the construction budget. In 2004, the Measure DD bond committed an additional \$10 million to the project, and in addition, staff was successful in securing a \$3 million State Proposition 40 Grant. However, no further funding sources have materialized and the total project funding available at this time is only approximately \$16 million.

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Public Works Committee
June 26, 2007

Of concern is that the \$3 million State Proposition 40 Grant expires in 2010. Final reimbursement for a completed project must be submitted to the State by March 2010. With the possible loss of the State grant, staff worked with ELS to develop a revised project layout that could be built in phases as funds become available. Phase One of the revised project (see Attachment A) will include a natatorium with leisure pool, a fitness center, and lobby area, and will be completed by March 2010 with funds currently available. Due to budget limitations, the fitness center may be bid as an alternate item of construction. Also under Phase One, the existing Ira Jinkins Recreation Center will not be demolished and will remain in-use until future phases of work are funded.

Approval and execution of this resolution will allow ELS to proceed with the necessary design work so that the Phase One construction of the East Oakland Sports Complex project may be completed by March 2010. Staff will return independently to request Council approval of the Phase One construction contract.

FISCAL IMPACT

Currently, the total funding committed to the East Oakland Sports Complex project is \$16,163,328. Funding of \$1,600,000.00 for Amendment No. 3 with ELS is available within the following sources: Measure I, Fund 5010, Organization 92110, Project No. C83210; State Proposition 40 Grant from the 2002 Resources Bond Act, Fund 2134, Organization 30234, Project No. C268010; and Measure DD Series A and B, Fund 5320, Organization 92110, Project No. C244610.

A preliminary financial analysis (see Attachment B) of the new proposed facility was prepared to examine the potential operating costs and revenues. The market analysis identified the primary service area and examined the demographics. Fee schedules and operating hours were established with input from Parks and Recreation staff. Preliminary figures indicate an average cost recovery potential of approximately 70.8%. However, the analysis did not consider possible cost savings due to shared staffing from the existing Ira Jinkins Recreation Center, nor did it account for additional population growth from upcoming Redevelopment projects in East Oakland. The final facility size, space components, and project design will be developed to maximize the cost recovery potential. A comprehensive and revised financial analysis will be presented when staff returns to Council for approval of the Phase One construction contract.

BACKGROUND

The concept for the East Oakland Sports Complex originated prior to 1996 with visions to create a recreation complex with aquatics, fitness centers, gymnasiums, and other sports facilities that would serve the local community and be used as a venue for the possible 2012 San Francisco Bay Area Olympic Games. In 2001, ELS Architecture and Urban Design was chosen through the City's Request for Proposal process as the top-rated and most qualified firm to provide comprehensive professional services associated with design and construction of the East Oakland

Sports Complex. ELS provided a comprehensive fee proposal to provide complete plans, specifications, permit assistance, cost estimates, construction support, and fund raising assistance associated with the design and construction of the project.

Pursuant to Resolution No. 76278 C.M.S. dated February 13, 2001, the City entered into an agreement with ELS to provide pre-design/programming and concept design work with the intent and direction to return to Council for subsequent approval of the schematic design, design development, and construction document portions of the project.

After completion of the pre-design/programming and concept design, the City Council approved Resolution No. 77071 C.M.S. on April 23, 2002, authorizing Amendment No. 1 to the professional services agreement with ELS for the schematic design of the East Oakland Sports Complex project. The resolution once again made reference to the intent and direction to return to Council at a future date for subsequent approval of the remaining design components of work. In addition, Amendment No. 2 to the professional services agreement was executed in April 2004 to extend the duration of the contract.

Although the San Francisco Bay Area was not chosen for the 2012 Olympic Games, the need for a sports complex with an aquatics component is still necessary. The design work by ELS was scaled back to eliminate facilities such as the 50-meter competitive pool. The revised design concept included a natatorium with a leisure pool, fitness center, a 25-meter recreational pool, gymnasiums, and other related facilities. Still however, the construction cost for the revised facility at Ira Jinkins Park was estimated at \$35 million and sufficient funds were not available. Grants, corporate sponsorships, and public-private partnerships have been sought to supplement the construction budget. In 2004, the Measure DD bond committed an additional \$10 million to the project, and in addition, staff was successful in securing a \$3 million State Proposition 40 Grant. However, no further funding sources have materialized and the total project funding available at this time is only approximately \$16 million.

Of concern is that the \$3 million competitive State Proposition 40 Grant expires in 2010. Final reimbursement for a completed project must be submitted to the State by March 2010. With the possible loss of the State Grant if at least a portion of the facility is not completed by March 2010, staff and ELS have now developed a Phase One plan (see Attachment A) of the East Oakland Sports Complex project to design and construct the natatorium with leisure pool, a fitness center, and a lobby area by the grant deadline. Due to budget limitations, the fitness center may be bid as an alternate item of construction. Under Phase One of the project, the existing Ira Jinkins Recreation Center will not be demolished and the gymnasium will remain in-use until future phases of work are funded and the new gymnasiums and the 25-meter pool can be built.

KEY ISSUES AND IMPACTS

With the pending expiration of the competitive State Proposition 40 Grant in 2010, it is important to proceed with the development and revision of the East Oakland Sports Complex Master Plan and to design the Phase One portion of the project as soon as possible. Under the initial Request-for-Proposal process, ELS was deemed the most qualified firm to provide the professional design services for this project. Council has consistently stated the intent and direction to utilize ELS throughout the project and to incrementally approve segments of the design work. ELS is inherently familiar with the project, provides continuity, and can provide the necessary design services in an efficient and timely manner. Further, use of an additional Request-for-Proposal process to select another consultant would not allow the project to be completed by the State Grant deadline of March 2010.

ELS has met the Local/Small Local Business Enterprise requirements with an overall participation level of 29%. The design team includes the local firms of Murakami/Nelson Architects, Telemon Engineering, Sandis Civil Engineering, SOHA Structural Engineering, H&M Mechanical, F.W. Associates, and Keller Mitchell, Inc. The LBE/SLBE information has been verified by the Contract Compliance Division of the City Administrator's Office and is shown on Attachment C.

SUSTAINABLE OPPORTUNITIES

Economic: The East Oakland Sports Complex will attract more users and visitors to the community and provide added potential economic development in the area. 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 LEED silver rating in the design of the facility by maximizing recycled content materials in the products, waste reduction, energy conservation, and integrating other environmental opportunities.

Social Equity: The proposed facility will provide new social and recreational opportunities and services to the community.

DISABILITY AND SENIOR CITIZEN ACCESS

The consultants will be required to design the facility in full compliance with the physical access requirements and accessibility codes of the Americans with Disabilities Act (ADA).

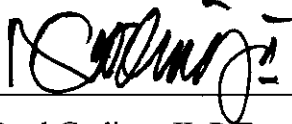
RECOMMENDATION AND RATIONALE

It is recommended that the City Administrator, or her designee, waive the competitive request-for-proposal process for professional services and execute Amendment No. 3 to the professional services agreement with ELS Architecture and Urban Design for the East Oakland Sports Complex project in amount not to exceed \$1,600,000.00, bringing the total contract amount to \$2,422,992.00. ELS was deemed the most qualified firm to provide the professional design services for this project under the initial Request-for-Proposal process and Council’s intent and direction has been to utilize ELS throughout the entire project. ELS is inherently familiar with the project, provides continuity, and can provide the necessary design services in an efficient and timely manner. Use of an additional Request-for-Proposal process to select another consultant would not allow the project to be completed prior to the State Grant deadline of March 2010.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council approve the resolution.

Respectfully submitted,

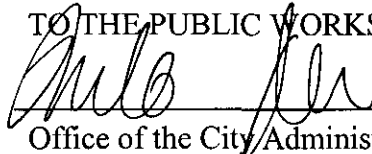


Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E., Assistant Director
Design & Construction Services Department

Prepared by:
Jadia Wu, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Attachments:

- A. Phase One Layout Plan and Revised Master Plan Layout
- B. Preliminary Financial Analysis
- C. Contract Compliance Memo and Evaluation

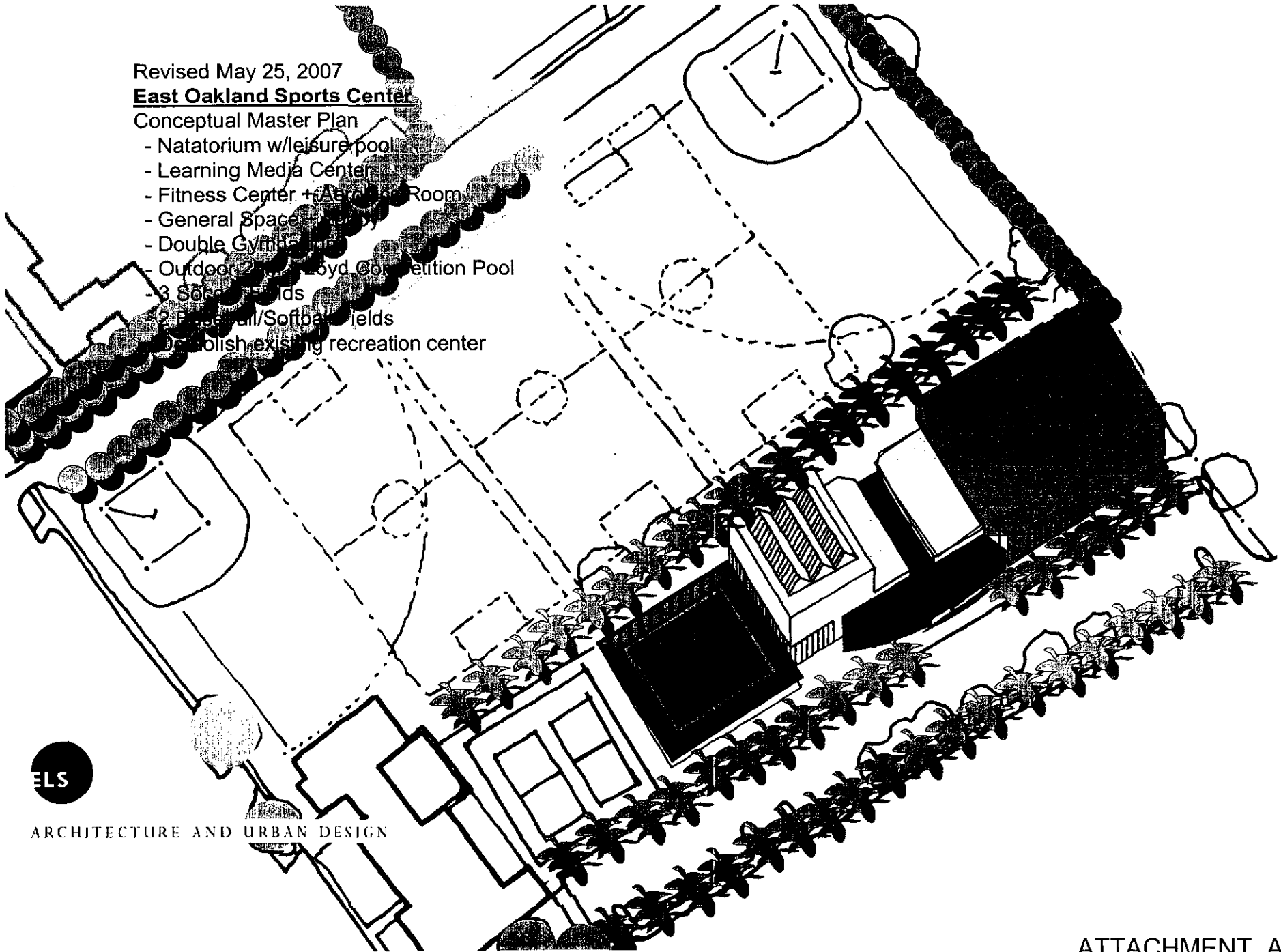
Item: _____
Public Works Committee
June 26, 2007

Revised May 25, 2007

East Oakland Sports Center

Conceptual Master Plan

- Natatorium w/leisure pool
- Learning Media Center
- Fitness Center + Aerobic Room
- General Space
- Double Gymnasium
- Outdoor 250' x 100' Competition Pool
- 3 Soccer Fields
- 2 Baseball/Softball Fields
- Demolish existing recreation center



ELS

ARCHITECTURE AND URBAN DESIGN

East Oakland Sports Center

Concept – Phase 1

Revised

May 25, 2007

Proposed Building:

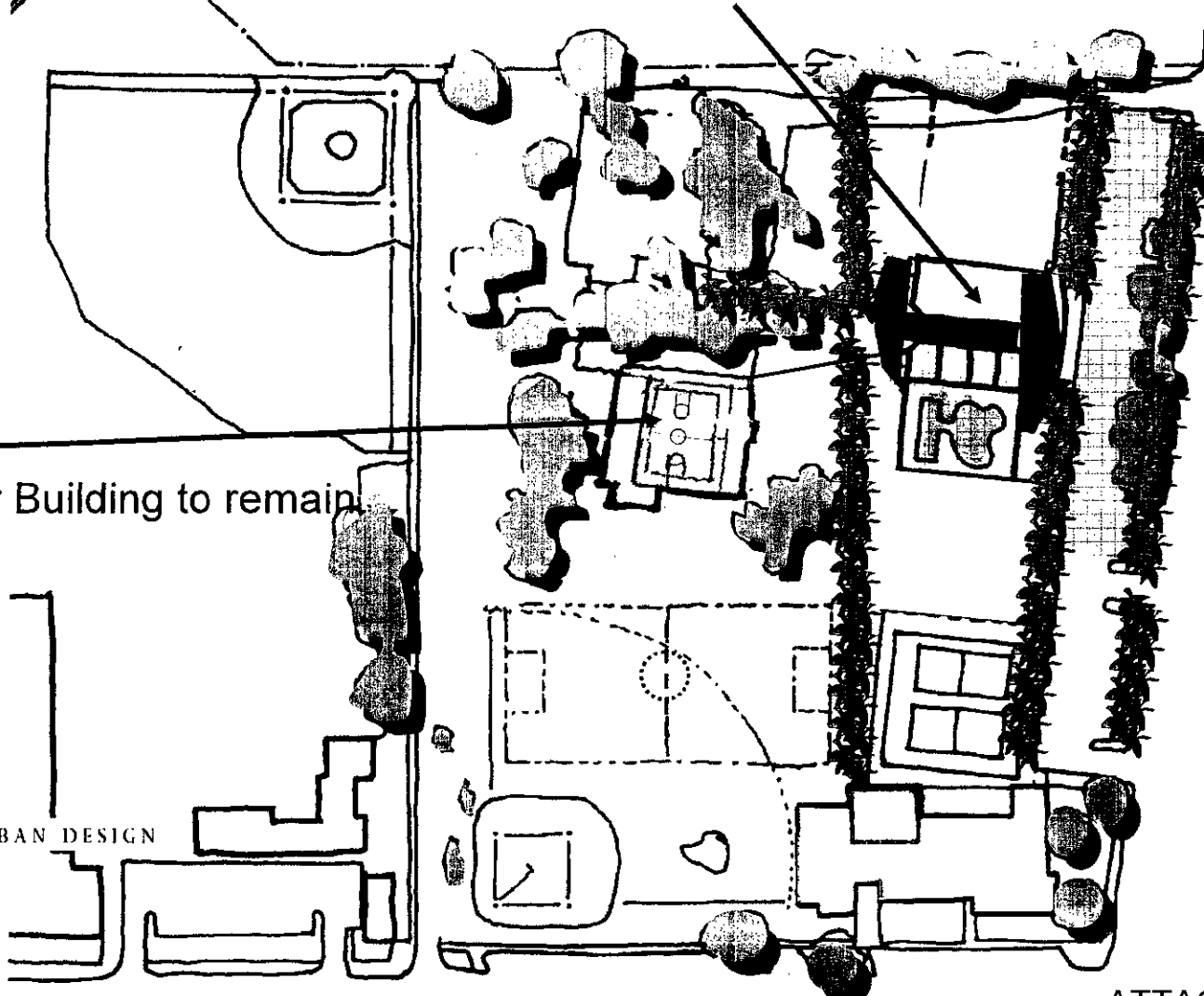
Natatorium with Leisure Pool

Lobby

Fitness Center + Aerobics Room (Bid Alternates)

Parking and minor landscaping

Existing
Rec Center Building to remain



ELS

ARCHITECTURE AND URBAN DESIGN

ATTACHMENT A

ATTACHMENT B

East Oakland Sports Center

PRELIMINARY FINANCIAL ANALYSIS

Prepared for
The City of Oakland

by
The Sports Management Group
918 Parker Street, Suite A13
Berkeley, CA 94710
www.sportsmgmt.com
(510) 849-3090

May 30, 2007





Introduction

The City of Oakland is considering the development of a community sports facility to be located at 9175 Edes Avenue. Existing facilities located at this site include the Ira Jinkins Recreation Center, East Oakland Multipurpose Senior Center, Brookfield Branch Library, and the Brookfield Head Start Center. The Sports Management Group was commissioned by the City of Oakland to conduct a preliminary assessment of the market for the proposed Sports Center and to develop preliminary estimates of the probable annual operating cost and the revenue potential from the likely programs, activities, and uses of the facility. The final determination of the space components and their square footage has not been made and is currently subject to available funding. The preliminary financial analysis prepared by The Sports Management Group is based on a series of assumptions regarding the phase 1 space components, square footage of each component, hours of operation, and fees. If the City makes a determination to proceed with this project, these assumptions will be tested and refined with the Office of Parks and Recreation. Fee policy and fee structure, programming and use priorities, hours of operation, financial objectives, and City policies will impact the financial performance of the Sports Center.

Space Program

The following assumptions were used to develop a preliminary projection of operating costs and revenue potential for the East Oakland Sports Center. This financial analysis is based on a 25,300 square foot facility that includes a 9,000 sf natatorium with a 4,500 sf recreation pool. The Center also includes a 4,000 sf fitness room and 1,800 sf wood floor studio. The preliminary space program that serves as the basis for this financial analysis follows.





Space Program

Table I – Space Program

	Net Assignable Square Footage
A. Building Support Space	
A.01 Entry Hall / Lobby	600
A.02 Reception / Access Control / Registration	300
A.03 Locker Rooms - Men's	1,200
A.04 Locker Rooms - Women's	1,400
A.05 Public Restrooms (2) - (Pre-control)	100
A.06 General Building Storage	200
A.07 Maintenance / Receiving / Workroom / Office	200
Subtotal Building Support Spaces	4,000
B. Center Offices	
B.01 Facility Manager Office	120
B.02 Program Coordinators' Offices (2 @ 100 sf)	200
B.03 Staff Group Office (up to 4 workstations)	200
B.04 Administrative Assistant	100
B.05 Workroom / Storage / Supply Room / Coffee Bar	240
Subtotal Center Administration	860
C. Activity Spaces	
C.01 Fitness Room	4,000
C.02 Fitness Room Storage	200
C.03 Wood Floor Studio	1,800
C.04 Wood Floor Studio Storage	350
Subtotal Activity Spaces	6,350
D. Aquatics Area	
D.01 Natatorium	9,000
D.02 Leisure Pool (water surface 4,500 sf)	included
D.03 Aquatic Office	110
D.04 Aquatics Staff Office	200
D.05 Pool Storage	300
D.06 Pool Mechanical & Heater Rooms	900
D.07 Pool Chemical Rooms	140
Subtotal Aquatics Area	10,650
Subtotal Net Assignable Square Feet (Rounded)	21,900
Building Circulation, Mech, Walls, Etc. (87% Efficiency)	3,391
Total Building Gross Square Feet (Rounded)	25,300





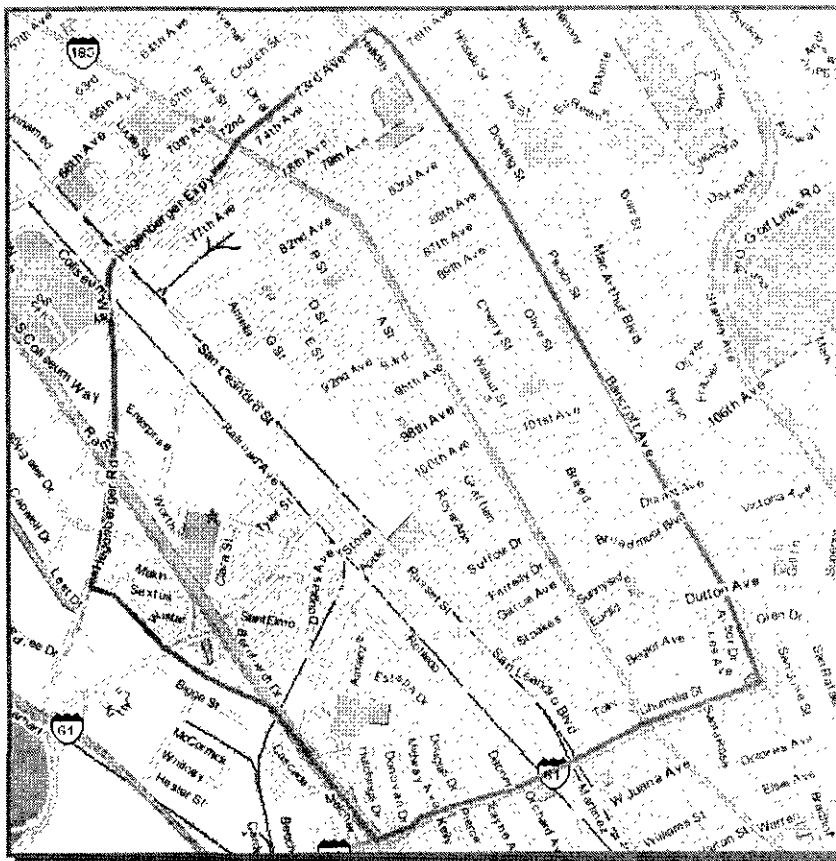
Market Analysis

PRIMARY SERVICE AREA

To assess the market conditions that may have an impact on the facility's potential attendance and total revenue, The Sports management Group performed a market analysis. The analysis identified the forces that will

affect drop-in and program participation at the proposed Sports Center. Conclusions drawn from this analysis were used to determine hypothetical programs, market penetration, and project operating costs and revenue potential for the proposed facility. The market analysis included a review of the previous study and an analysis of the demographics of the service area.

Table II – Polygon Map for Service Area



The primary service area is assumed to be larger than the Ira Jenkins facility because of the inclusion of an indoor recreation pool and a full-service fitness center. Generally, this includes residents who reside within approximately 2.5 miles of the proposed East Oakland Sports Center to the north, south, and east and within a mile to

the west. The Ira Jenkins Facility Manager reported regular use from residents within a mile of that facility. The unique features of the indoor recreation pool combined with a full-service fitness center are likely to draw from a larger catchment area. The map on this page identifies the primary service area.





Market Analysis

DEMOGRAPHICS DATA

An examination of those who reside in the primary service area aids in projecting attendance, pass sales, and the demand for programs and facilities. Demographics are an effective instrument for making conclusions about potential facility users and appropriate programs because recreation interest varies based on age, income, education, and ethnicity.

Claritas, a service that provides categorical reports and estimates of population based on Census data, estimates the population of the primary service area to be 58,053 in 2007. This number is projected to grow to 59,546 by 2012.*

The number of households with children under the age of 18 is estimated at 8,294. This suggests a large market for the proposed indoor recreation pool with waterslides and water play features.

A summary of the demographic data follows.

Table III – Demographics: Population

POPULATION	Primary Service Area
1990 Census	48,295
2000 Census	57,210
2007 Estimate	58,053
2012 Projection	59,546

**The Claritas projections, however, do not include the significant planned and projected growth in residential, mixed use, and commercial space that is reported by the City of Oakland Planning Department. The population to be served by the proposed Sports Center will likely exceed 65,000 by 2012.*





Market Analysis

Table IV – Demographics: Age Groups

AGE GROUPS	Primary Service Area (2007) 58,053		Primary Service Area (2012) 59,546	
Children	18,681	32.2%	18,711	31.4%
Pre-School (4 and under)	5,727	9.9%	5,724	9.6%
Youth (5-14)	10,253	17.7%	10,270	17.2%
Teens (15-17)	2,701	4.7%	2,717	4.6%
Family Forming Adults	22,088	38.0%	21,721	36.5%
18-24	5,507	9.5%	5,785	9.7%
25-34	7,973	13.7%	7,176	12.1%
35-44	8,608	14.8%	8,760	14.7%
Mature Adults	11,780	20.3%	13,206	22.2%
45-54	6,981	12.0%	7,490	12.6%
55-64	4,799	8.3%	5,716	9.6%
Retirement Age	5,504	9.5%	5,909	9.9%
65 and over	5,504	9.5%	5,909	9.9%
Median Age	31.1		32.4	

* Demographics reported are 2007 estimates provided by Claritas.

Table V – Demographics: Race/Ethnicity

RACE / ETHNICITY	Primary Service Area (2007)	Primary Service Area (2012)
White	26.5%	28.6%
African American	32.6%	24.4%
American Indian or Alaska Native	0.7%	0.8%
Asian	7.3%	8.2%
Native Hawaiian or Pacific Islander	1.2%	1.2%
Other Race	25.8%	30.2%
Two or More Races	5.9%	6.6%
Hispanic Ethnicity	48.2%	56.8%
Not Hispanic or Latino	51.8%	43.2%





Market Analysis

Table VI – Demographics: Income, Households, Education

INCOME	Primary Service Area (2007)	
Per Capita Income	\$16,453	
Median Household Income	\$43,032	
Average Household Income	\$55,136	
Families Below Poverty Level	19.4%	
HOUSEHOLDS	Primary Service Area (2007)	
Total Households	17,048	
Households with Children	8,294	48.7%
Average Household Size	3.37	
EDUCATION	Primary Service Area (2007)	
Total Persons 25 Years and Over	33,865	
Some High School or Less	13,327	39.4%
High School Graduate	8,132	24.0%
Some College or Assoc. Degree	8,747	25.8%
Bachelor Degree	2,536	7.5%
Graduate or Professional Degree	1,122	3.3%





Financial Analysis

OPERATING ASSUMPTIONS

The Sports Management Group developed a preliminary estimate of the annual cost to operate and maintain the East Oakland Sports Center. This analysis includes the identification of the revenue potential from anticipated activities and programs. All figures are provided in 2007 dollars.

The probable operating costs are based on a series of operating assumptions and are presented in a range from low to high. Typically, costs incurred in the first few years of operation are at the low end of the range because new facilities have yet to reach user capacity and are less expensive to maintain. The assumptions regarding hours of operation, fees, revenue potential, and operating costs are listed below:

- Hours of Operation

- Monday – Thursday: 7am – 10pm (Pool closes at 9pm)

- Slide Hours: 11am – 8pm (Summer)

- Slide Hours: 3pm – 8pm (F/W/S)

- Friday: 7am – 9pm (Pool closes at 8pm)

- Slide Hours: 11am – 7pm

- Slide Hours: 3pm – 7pm (F/W/S)

- Saturday: 8am – 9pm (Pool closes at 8pm)

- Slide Hours: 11am – 7pm (Summer and F/W/S)

- Sunday: 10am – 7pm (Pool closes at 6pm)

- Slide Hours: 12pm – 5pm (Summer and F/W/S)

- It is assumed that the facility will be actively marketed to area businesses / corporations.
- The participation data and revenue potential is based on those users who pay fees. It is anticipated that there will be additional participation through special fee or no fee programs.
- *The financial analysis does not include expenses related to:*
 - Landscaping maintenance
 - Parking lot maintenance
 - Facility depreciation (Building and Maintenance Reserves)





Financial Analysis

FINANCIAL ANALYSIS OPERATING ASSUMPTIONS CONTINUED

- Employee salaries and wages are based on positions listed in the City of Oakland Salary Ordinance Report dated January 31, 2007.
- Revenue potential does not include sponsorships, grant money, scholarship donations, or other non-fee based revenue.
- Expenses include staffing that is independent of the Ira Jenkins facility. There may be opportunity for personnel savings if there is some shared responsibilities between staff of the two buildings.

PROBABLE ANNUAL OPERATING COSTS

The Sports Management Group developed probable operating costs for the Sports Center. A summary of these costs appears in Table VII below. The probable operating costs are estimated to range from \$859,000 to \$1,020,000 annually.

Table VII – Probable Operating Costs

Probable Operating Costs		
All figures are in 2007 dollars and are rounded to the nearest thousand.		
SALARIES AND BENEFITS		
	<u>Low</u>	<u>High</u>
Full-Time Salaries and Benefits	\$186,000	\$228,000
Part-Time Salaries and Benefits	\$287,000	\$312,000
Total Salaries and Benefits	\$473,000	\$540,000
OPERATING EXPENSES		
Training	\$4,000	\$7,000
Contract Personnel Services	\$95,000	\$115,000
Travel	\$2,000	\$3,000
Communication Services	\$7,000	\$8,000
Supplies and Materials	\$31,000	\$41,000
Repair and Maintenance	\$39,000	\$48,000
Marketing and Promotions	\$10,000	\$15,000
Service Agreements / Contract Services	\$46,000	\$58,000
Computer Services	\$8,300	\$11,500
Utilities	\$93,000	\$111,000
Miscellaneous	\$34,500	\$39,000
Capital Outlay	\$16,000	\$23,000
Subtotal Operating Expenses	\$386,000	\$480,000
Total Probable Operating Costs	\$859,000	\$1,020,000





Financial Analysis

REVENUE POTENTIAL

After analyzing the target market and potential market penetration, the total revenue potential is estimated to range from \$603,000 to \$727,000 annually. This revenue is derived from the projected daily admissions and annual pass sales for the center, lessons, classes, and other programs. Table VIII below provides a summary of the revenue potential.

Table VIII – Revenue Potential

Revenue Potential		
All figures are in 2007 dollars and are rounded to the nearest thousand.		
	<u>Low</u>	<u>High</u>
Daily Admissions and Annual Pass Sales	\$332,000	\$390,000
Wood Floor Studio	\$142,000	\$173,000
Fitness Room	\$11,000	\$13,000
Leisure Pool	\$113,000	\$144,000
Vending	\$5,000	\$7,000
Total Revenue Potential	\$603,000	\$727,000

Table IX – Fee Assumptions

Fee Assumptions	
Daily Admissions	Fee
Youth / Teen	\$3.00
Adult	\$5.00
Senior	\$3.00
Fitness Pass	Monthly Fee
Adult	\$35
Corporate	\$40
Swim Pass	Fee
Youth / Teen	\$15 per month
Family (Summer Only)	\$180
Family	\$45 per month

FEE ASSUMPTIONS

Fee assumptions were established to assist in the development of the total revenue potential for the proposed center. Information gathered from similar facilities and from the demographic analysis was used to develop the fee assumptions. The main assumption in determining the fee schedule is that users will be required to pay a fee to use the facility. The daily admissions and annual pass rates for the facility that were used for the purpose of estimating revenue potential are summarized in Table IX to the left.





Financial Analysis

COST RECOVERY POTENTIAL

Table X below details three scenarios of cost recovery potential for the East Oakland Sports Center. High cost recovery is determined by dividing the highest total revenue potential by the lowest probable operating costs. Low cost recovery is determined by dividing the lowest total potential revenue by the highest probable operating costs. Average cost recovery is determined by dividing the average total potential revenue by the average probable operating costs. Typically, the average cost recovery is most indicative of what is likely to occur after two to three years of operation.

Based on the preliminary expense and revenue analysis, which reflects the consultant's conservative approach to the overall analysis, it is The Sports Management Group's opinion that the East Oakland Sports Center has the potential to realize the "average" annual cost recovery of 70.8 percent.

Table X – Cost Recovery Potential

Cost Recovery Potential			
	Low	Average	High
Cost Recovery Potential	59.1%	70.8%	84.6%
Annual Subsidy	(\$417,000)	(\$274,500)	(\$132,000)



ATTACHMENT C



Memo

Office of the City Administrator
Contract Compliance & Employment Services Division

To: Gwen McCormick, Supervisor, Contract Administration, PWA
From: Shelley Darensburg, Contract Compliance Officer
Through: Deborah Barnes, Manager, CC&ES Division
CC: Jadia Wu, Project Manager
Date: June 5, 2007
Re: Compliance Analysis: East Oakland Sports Center, Including Amendment No. 3

Contract Compliance & Employment Services reviewed the Project Consultant Team received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance.

The L/SLBE findings are as follows:

Table with 10 columns: Company Name, Bid Amount (If Applicable), Proposed Participation (Total L/SLBE, LBE, SLBE, Total Credited), Preferences (Preference Points, Banked Credits, EBO Compliant Y/N?). Row 1: ELS Architecture, \$2,422,992, 29%, 16%, 13%, 26%, N/A, N/A, N.

As noted above, ELS Architecture exceeded the minimum 20% L/SLBE participation requirement. However, they have not submitted the Schedule N-1 and will have to be EBO compliant before Amendment No. 3 is executed.

If you have questions or need additional information, please contact Shelley Darensburg, Contract Compliance Officer, at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C83211

Project Name: RFP--East Oakland Sports Center, Including Amendment No. 3

Contractor: ELS Architecture

Contractor's Bid Amount: \$2,422,992

Bid Discounts N/A

1. Did the 20% requirements apply? Yes

2. Did the contractor meet the 20% requirement? Yes

a) % of LBE 16%

b) % of SLBE 13%

4. Did the contractor receive preference points?
(If yes, list the points received) N/A
0%

5. Additional Comments.

This is an amendment therefore preference points do not apply.

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

6/4/2007

Reviewing
Officer:

Shelley Darenburg

Date: 6/4/2007

Approved By:

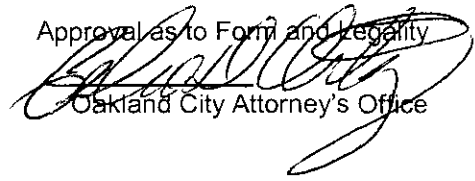
Dennis Bann

Date: June 5, 2007

LBE/SLBE Participation ELS Architecture

Project Name: RFP--East Oakland Sports Center, Including Amendment No. 3

Project No.: C83211		Engineers Est:				r/Over Engineers Estimate: \$2,422,992					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	Total Dollars	For Tracking Only (Self-Reported)			
								Ethn.	MBE	WBE	
PRIME	ELS Architecture	Berkeley	UB				1,445,385	C			
Architect	Murakami Nelson	Oakland	CB	190,047		190,047	190,047	AP	190,047		
Survey	Sandis	Oakland	CB	42,700		42,700	42,700	C			
Civil Eng.	Telamon Engineering	Oakland	CB		36,000	36,000	36,000	C			
Structural Eng.	SOHA	Oakland	CB	102,000		102,000	102,000	AP	102,000		
Mech., Plumbing & Fire Protection	H and M Mechanical Group	Oakland	CB		100,000	100,000	100,000	AP	100,000		
Electrical Eng.	FW Associates	Oakland	CB		63,000	63,000	63,000	AP	63,000		
Landscape Arch.	Keller Mitchell	Oakland	CB		33,500	33,500	33,500	C			
Aquatics	Aquatic Design Group	Carlsbad, Ca	UB				52,500	NL			
Code & Life Saf.	The Preview Group	SF	UB				13,800	NL			
Cost Estimator	Cumming Corporation	Oakland	UB				20,230	NL			
Specifications	Top Flight Specs	SF	UB				36,300				
Economic Analysis	The Sports Management Group	Berkeley	UB				38,500	NL			
Lead Consulting	KEMA	Oakland	UB				65,000	NL			
Structural Eng.	Degenkolb	Oakland	CB	60,009		60,009	60,009	C			
Mech., Plumbing & Fire Protection	SJ Engineers	Oakland	CB		46,500	46,500	46,500	AP	46,500		
Electrical Eng.	Zeiger Engineer	Oakland	CB		10,519	10,519	10,519	C			
Landscape Arch.	SWA	SF	UB				10,220	NL			
Aquatics	Councilman Hunsaker	SF	UB				20,983	NL			
Code & Life Saf.	Cini Little	SF	UB				5,000	NL			
Renderer	Sean E. Alquist	SF	UB				4,800	NL			
Cost Estimator	Adv. Res. Constrct Services	Oakland	CB		16,000	16,000	16,000	C			
Energy/Title 24 Consulting	Loises + Ubbelohde	Oakland	UB				10,000	NL			
Project Totals				\$394,756	\$305,519	\$700,275	\$2,422,992		\$501,547	\$0	
				16%	13%	29%	100%		21%	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 L/SLBE		Ethnicity AA = African American AP = Asian Pacific Islander C = Caucasian H = Hispanic NA = Native American 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			



DEPT OF PUBLIC WORKS

7 JUL 14 PM 3:06

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

Resolution Authorizing The City Administrator, Or Her Designee, To Waive The Competitive Request-for-Proposal Process for Professional Services And To Execute Amendment No. 3 To The Professional Services Agreement With ELS Architecture And Urban Design To Revise And Develop A Phased Master Plan And To Provide Full Design And Construction Support Services For Phase One of The East Oakland Sports Complex Project At Ira Jinkins Park In An Amount Not To Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00), Bringing The Total Not To Exceed Contract Amount To Two Million Four Hundred Twenty Two Thousand And Nine Hundred Ninety-Two Dollars (\$2,422,992.00)

WHEREAS, ELS Architecture and Urban Design (“ELS”) was chosen through the City’s Request-for-Proposal process as the top-rated and most qualified firm to provide comprehensive professional services associated with design and construction of the East Oakland Sports Complex at Ira Jinkins Park; and

WHEREAS, on February 13, 2001, the City Council approved Resolution No.76278 C.M.S. awarding a professional services contract to ELS to provide pre-programming/planning and concept design of the East Oakland Sports Complex at Ira Jinkins Park for an amount not to exceed \$236,997; and

WHEREAS, on April 23, 2002, the City Council approved Resolution No. 77071 C.M.S. to execute Amendment No. 1 of the professional services contract with ELS to provide schematic design of the East Oakland Sports Complex for an amount not to exceed \$585,992; and

WHEREAS, on April 1, 2004, Amendment No. 2 to the professional services contract with ELS was issued to extend the time of performance; and

WHEREAS, the City Council has expressed its intent and direction to utilize ELS for the full design services throughout the entire project; and

WHEREAS, ELS is inherently familiar with the project, provides continuity, and can provide the necessary design services in an efficient and timely manner; and

WHEREAS, funding of \$1,600,000.00 for Amendment No. 3 with ELS is available within the following sources: Measure I, Fund 5010, Organization 92110, Project No. C83210; State Proposition 40 Grant from the 2002 Resources Bond Act, Fund 2134, Organization 30234, Project No. C268010; and Measure DD Series A and B, Fund 5320, Organization 92110, Project No. C244610; and

WHEREAS, the State Proposition 40 Grant (2002 Resource Bond Act) in the amount of \$3 million, expires in 2010 and final reimbursement for a completed project must be submitted to the State by March 2010;

WHEREAS, additional services from ELS is required to proceed with the necessary design work so that the Phase One construction of the East Oakland Sports Complex project may be completed by March 2010; and

WHEREAS, use of an additional Request-for-proposal process to select another consultant would not allow the project to be completed by the State Grant deadline of March 2010; and

WHEREAS, the City Council finds that the professional design services are exempt from competitive bidding pursuant to Section 2.04.050 I of the Oakland Municipal code; 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 contract will be temporary; 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 her designee, is hereby authorized to waive the competitive Request-for-Proposal process for professional services and to execute Amendment No. 3 to the professional services agreement with ELS Architecture and Urban Design (“ELS”), to revise and develop a phased Master Plan, and to provide full design and construction support services for the Phase One of the East Oakland Sports Complex project at Ira Jinkins Park in an amount not to exceed \$1,600,000.00, bringing the total contract amount to \$2,422,992; 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, provided that such amendments or extensions shall be filed with the City Clerk's Office; 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, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT-

ABSTENTION-

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California