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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 SEP 17 PM 4:18
Office of the City Administrator

ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 29, 2009

RE: **Resolution Waiving the Competitive Request for Proposal/Qualification Process and Authorizing Amendment No. 2 To Increase The Agreement With Shah Kawasaki Architects For As-Needed Architectural Services For An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00), Bringing The Total Contract Amount To One Million Dollars (\$1,000,000.00)**

SUMMARY

A resolution has been prepared waiving the competitive request for proposal/qualification process and authorizing Amendment No. 2 to the existing as-needed architectural design services agreement with Shah Kawasaki Architects for an amount not to exceed \$100,000.00, bringing the total contract amount to \$1,000,000.00. The additional services will be utilized to provide the remaining construction support services and building commissioning for the Fire Station No. 18 project and for contingencies for any unforeseen conditions that may occur during the construction phase.

Shah Kawasaki Architect's original as-needed design services contract of \$350,000.00 was approved by the City Council on April 3, 2007, through Resolution No. 80491 C.M.S., and Amendment No. 1 in the amount of \$550,000.00, was approved by the City Council on December 18, 2007, through Resolution No. 80990 C.M.S. The original contract and Amendment No. 1 were to be used to cover the completion of the construction documents, the bid/award and construction support work, the building commissioning for the Fire Station No. 18, and for project design services for the Fire Station No. 18, Studio One and the Police Administration Building Locker Room Improvement projects.

FISCAL IMPACT

Approval of this resolution will authorize the increase of the design services agreement with Shah Kawasaki Architects for an amount not to exceed \$100,000.00, bringing the total contract amount to \$1,000,000.00. Sufficient funding is available in the Oakland Redevelopment Agency project fund (Fund 7780, Fire Station No. 18 Project No. C328310, Capital Project Management Organization 92270).

BACKGROUND

Shah Kawasaki Architects was chosen through the City's Request-for-Proposal process to provide architectural services on various City of Oakland projects on an as-needed basis. On April 3, 2007, City Council approved Resolution No. 80491 C.M.S. awarding an as-needed

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architectural services contract to Shah Kawasaki Architects for an amount not to exceed \$350,000.00. The original contract was used for design services for the Studio One and the Police Administration Building Locker Room Improvement projects, and for the initial design phase of the Fire Station No. 18 project. Amendment No. 1 in the amount of \$550,000.00, approved by City Council on December 18, 2007 through Resolution No. 80990 C.M.S., covered the completion of the construction documents, and a portion of the bid/award and construction support work, and the building commissioning for the Fire Station No. 18 project, which will be used only if necessary.

Amendment No. 2 is needed due to unanticipated, additional services that were required during the final design phase of the Fire Station No. 18 project. Adjacent to the Fire Station No. 18 site, an existing apartment building foundation was found to be in poor condition and additional exploratory work and design work was required to insure that it did not adversely impact the new Fire Station construction. A new retaining/shoring system wall between the properties was developed and the layout of Fire Station No. 18 was re-designed to accommodate the new retaining/shoring system. All design services have been completed and the construction work commenced in April 2009. Approval of Amendment No.2 is now necessary in order to allow for the remaining Fire Station No. 18 construction support services and building commissioning to be completed.

KEY ISSUES AND IMPACTS

Under Amendment No.2, Shah Kawasaki Architects will provide the remaining Fire Station No. 18 construction support and building commissioning necessary to complete the project. The work includes reviewing and approving submittals and shop drawings, evaluating site and design changes, providing clarifications, coordinating the Leadership in Energy and Environmental Design (LEED) certification , and preparing final punch-lists for the project. Amendment No.2 includes approximately \$40,000.00 in contingencies for any further unforeseen, additional services required to complete the Fire Station No.18 project.

With an amendment of \$100,000.00 to the design services agreement with Shah Kawasaki Architects, the Fire Station No. 18 project can be completed in the most expeditious manner. Use of another consultant to complete the remaining construction support services will impact the continuity of the project and will delay the completion of the project. Shah Kawasaki Architects has the necessary expertise and experience with the design of Fire Stations and can provide the additional design services in the most efficient and cost effective manner.

The City's Municipal Code, Title 2, Chapter 2.04.050 I (5) allows an exception to the advertised competitive bidding process when it has been determined that it is in the best interests of the City to waive the competitive Request for Proposals/Request for Qualifications 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 Fire Station No. 18 project.

Shah Kawasaki Architects is an Oakland firm and in their original contract and Amendment No. 1 there was L/SLBE participation of \$796,687.00 (88.5%). With the implementation of Amendment No. 2, the total proposed Local/Small Local Business Enterprise participation will be \$896,687.00 (89.2%). The LBE/SLBE information has been verified by the Department of Contracting and Purchasing of the City Administrator's Office and is shown on *Attachment A*.

EVALUATION OF PAST PERFORMANCE

Shah Kawasaki Architects ranked "Satisfactory" overall for the Police Administration Building Locker Room Improvements which was completed in July 2009. See *Attachment B* for a copy of the evaluation.

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 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 new Fire Station No. 18 facility will enhance the fire safety and protection of the area. The proposed community room will also provide new social opportunities and services to the community.

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. 2 to increase the existing agreement with Shah Kawasaki Architects for as-needed architectural services for an amount not to exceed \$100,000.00, bringing the total contract amount to \$1,000,000.00. The additional services will be utilized to complete the remaining construction support services and building commissioning for the Fire Station No.

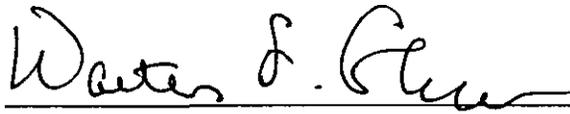
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18 project and to maintain continuity of the design services. Shah Kawasaki Architects will provide the remaining construction support services and building commissioning for the Fire Station No. 18 project in the most efficient and cost effective manner to the City.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

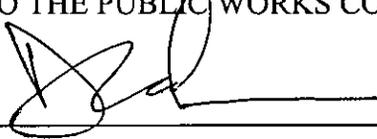


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael J. Neary, P.E.
Deputy Director, Community and Economic
Development Agency

Prepared by:
Sandra Ousley, CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

Attachment A: Dept. of Contracting and Purchasing Memo dated July 30, 2009

Attachment B: Consultant Performance Evaluation Form

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Public Works Committee
September 29, 2009



Memo

Department of Contracting and Purchasing Social Equity Division

To: Sandra Ousley, Project Manager
 From: Sophany Hang, Acting Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P
 Shelley Darensburg, Sr. Contract Compliance Officer *S. Darensburg*
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: August 27, 2009
 Re: As Needed Architectural Services for Various Capital Improvement Projects-
 Amendment No. 2

The Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed one (1) proposal in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE)

Responsive		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		
Shah Kawasaki Architects	\$1,000,000	89.20%	21.65%	67.55%	NA	89.20%	NA	NA	NA	Y

Comments: As noted above, Shah Kawasaki Architects met and/or exceeded the minimum 20% L/SLBE requirement. The firm is EBO compliant.

Non-Responsive		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

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

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. NA

RE:

As Needed Architectural Services for Various Capital Improvement Projects

CONSULTANT/CONTRACTOR: Shah Kawasaki Architects

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	0	

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **21.65%**
 - b) % of SLBE participation **67.55%**

3. Did the contractor receive bid discount/preference points? **NA**
(If yes, list the points received) **0 points**

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.
8/27/2009
Date

Reviewing Officer: *Sybil Huff* **Date:** 8/27/09
Approved By: *Shelley Darenburg* **Date:** 8/27/09

LBE/SLBE Participation Shah Kawasaki Architects

Project Name: As Needed Architectural Services for Various Capital Improvement Projects

Project No.:		Engineer's Estimate				Pr/Over Engineers Estimate:				Contractors Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	LBE/SLBE	Total	For Tracking Only				
						LBE/SLBE %	Percentages	Dollars	Dollars	Ethnicity	MBE	WBE		
PRIME	Shah Kawasaki Architects	Oakland	CB		59.10%	59.10%	59.10%	608,637	608,637	AP	59.10%			
Structural Engineering	Degenkolb Engineers	Oakland	UC				8.18%		78,250	C				
Mech and Plum Eng	SJ Engineers	Oakland	CB	8.67%		8.67%	8.67%	83,000	83,000	AP	8.67%			
Electrical Eng	F.W. Associates	Oakland	CB		5.20%	5.20%	5.20%	49,750	49,750	AP	5.20%			
Civil Engineering	Sandis	Oakland	CB	6.19%		6.19%	6.19%	59,200	59,200	O				
Landscape Architecture	Keller Mitchell & Co	Oakland	CB		0.54%	0.54%	0.54%	5,200	5,200	C				
Sustainability Consultan	KEMA Services Inc.	Oakland	CB	5.22%		5.22%	5.22%	50,000	50,000	O				
Cost Estimator	Const.Cost Mgmt. Svcs	Oakland	CB		2.71%	2.71%	2.71%	25,900	25,900	C				
Traffic Engineering	CHS Consulting	Oakland	CB	1.57%		1.57%	1.57%	15,000	15,000	AP	1.57%			
Engineering	Berti-Lindquist Cons. Eng	Moraga	UB				0.19%		1,777	NL				
Specifications	Top Flight Specs	San Francisco	UB				2.43%		23,286	NL				
Project Totals				21.65%	67.55%	89.20%	100%	\$896,687	\$1,000,000		74.54%	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 LBE/SLBE 20%	TOTAL	TOTAL	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other 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						

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SCHEDULE LI
CITY OF OAKLAND
COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY
CONSULTANT PERFORMANCE EVALUATION FORM

Date of Evaluation: 7/2/2009

Consultant Name: Shah Kawasaki Architects

Consultant Address: 312 Clay Street, ste. 150, Oakland, CA 94607

Consultant Lead Project Manager: Lance Kutz

Type of Services/Work Provided: architectural & structural engineering

Final Value of Consultant Contract: \$200,900

Duration of Consultant Contract (Start to end dates): 1/15/2007 to 7/30/2009

Project Complexity: Difficult

Project Name: Police Administration Building Locker Room Improvements

Project No: C58695

Final Value of Construction Contract: \$1,373,154

City Construction Resident Engineer (with phone #): James McGee (7281)

City Project Coordinator/Manager (with phone #): Sandra Ousley (7213)

Reviewed and Approved By (with phone #): Danny Lau (7211)

Ratings Guidelines:

- **Poor** - Work required extensive revisions, included numerous & significant errors; Consultant was unable or unwilling to perform consistently, required an inordinate amount of supervision, and/or failed to meet professional standards/project objectives.
- **Needs to Improve** – Performance was marginal; work required more review and included more errors than would normally be anticipated; level of service or expertise below average.
- **Average** – Performance and work were satisfactory; services provided were at least of industry standard; no significant errors or problems; professional service objectives met.
- **Excellent** – Performance was clearly above standard; expectations exceeded; objectives were met with an added level of service and/or with a higher level of professional expertise.

Please rate the Consultant on the following topics by checking the appropriate box:

<u>QUESTIONS</u>	<u>Poor</u>	<u>Needs to Improve</u>	<u>Average</u>	<u>Excellent</u>	<u>Not Applicable</u>
1. Quality of Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Ability to meet the Project Objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Knowledge, Expertise, and State-of –the Art Technologies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Innovation of Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Thoroughness of Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Quality Control of Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Ability to React and Respond to Problems/Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Ability to adhere to the Project Schedule and to Time Commitments	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Ability to adhere to the Project Budget	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Accuracy of Cost Estimating	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Constructibility of the Design/Work	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Quality of Construction Support Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Accuracy and Timeliness of Billings and other Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Sufficient and Appropriate Staffing of the Project by the Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Ability to Manage and Coordinate Sub-Consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<u>QUESTIONS</u>	<u>Poor</u>	<u>Needs to Improve</u>	<u>Average</u>	<u>Excellent</u>	<u>Not Applicable</u>
16. Ability and Ease of Communicating with City Staff	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Ability to Communicate with the Community and to Make Presentations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Willingness, Flexibility, and Attitude in Working with the City	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Ability to Follow City Directives (i.e. Architectural Design Concept, other Requirements, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

All Questions rated at "Poor" or "Needs to Improve" must be supplemented with comments.

Comments: _____

Additional Comments: SKA provided good design service for this project. They were team players and worked closely with staff to resolve project issues in a timely manner.

Note: The Project Coordinator/Manager shall complete this evaluation form for each primary consultant within 60 days upon the completion of an individual project or assignment. Interim evaluations shall also be prepared for projects of a long duration (i.e. over one year) or if the consultant's performance merits notification of any deficiencies.

Information is to be submitted to and kept on file by the Department of Contracting and Purchasing for five (5) years. A copy of the evaluation shall also be provided to the Consultant. These forms may be used, in part, as a reference to evaluate the Consultant for future City professional services contracts.

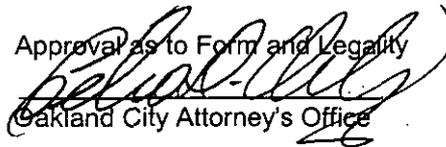
Consultants with an overall evaluation of "Poor" or "Needs to Improve" are given an opportunity to 1) appeal the evaluation to the Deputy Director of CEDA, or his designee, and/or 2) append the evaluation with a one-page statement that explains or refutes the City's finding.

To the extent permitted by law, the City shall treat the evaluations as confidential information.

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Approval as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

Resolution Waiving the Competitive Request for Proposal/Qualification Process and Authorizing Amendment No. 2 To Increase The Agreement With Shah Kawasaki Architects For As-Needed Architectural Services For An Amount Not To Exceed One Hundred Thousand Dollars (\$100,000.00), Bringing The Total Contract Amount To One Million Dollars (\$1,000,000.00)

WHEREAS, Shah Kawasaki Architects was chosen through the City's Request-for-Proposal process to provide architectural services on various City of Oakland projects on an as-needed basis; and

WHEREAS, on April 3, 2007, the City Council approved Resolution No.80491 C.M.S. to award an as-needed architectural services contract to Shah Kawasaki Architects in an amount not to exceed \$350,000.00; and

WHEREAS, on December 17, 2007, the City Council approved Resolution No.80990 C.M.S. to approve Amendment No. 1 to the as-needed architectural services contract to Shah Kawasaki Architects to increase the contract in an amount not to exceed \$550,000.00; and

WHEREAS, staff utilized the as-needed contract with Shah Kawasaki Architects for the Fire Station No. 18 project to commence with the programming/planning, survey, schematic design, and design development phases of the project the preparation of construction documents, the bid/award and construction support work, and the building commissioning; and

WHEREAS, additional work was required due to unanticipated design services for a new retaining /shoring system wall and a new Fire Station layout; and

WHEREAS, in order to now complete the remaining portions of the Fire Station No. 18 work that include the construction support services and building commissioning, Amendment No. 2 in the amount not to exceed \$100,000.00 is required; and

WHEREAS, funding for the remaining construction support design services of the Fire Station No. 18 project within Amendment No. 2 is available in the Oakland Redevelopment Agency project fund (Fund 7780, Fire Station No. 18 Project No. C328310, Capital Project Management Organization 92270); 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 in nature; 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 pursuant to Section 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interest of the City to waive the competitive Request for Proposals/Request for Qualifications 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 Fire Station No. 18 project; and, be it

FURTHER RESOLVED: That the City Administrator, or his designee, is hereby authorized to execute Amendment No. 2 to increase the agreement with Shah Kawasaki Architects for as-needed architectural services for an amount not to exceed \$100,000.00, bringing the total contract amount to \$1,000,000.00; and, be it

FURTHER RESOLVED: That the City Administrator, or his 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, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT-

ABSTENTION-

ATTEST:

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