

CITY OF OAKLAND

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OAKLAND

2018 JAN 11 PM 5:25

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William Gilchrist
Director, Planning and
Building

SUBJECT: On-Call Plan Check Services

DATE: December 18, 2017

City Administrator Approval

Date:

1/11/18

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To: Award, Negotiate, And Execute Professional Services Agreements For Two-Year Terms For On-Call Plan Check Services With 4Leaf, Inc., And West Coast Code Consultants, Inc. In The Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement; And, Amend The Term And Amount For Existing Professional Services Agreements With CSG Consultants, Inc., And TRB + Associates, Inc. To Add An Additional Two-Years To The Term For Each Firm In The Amount Of One Million Five Hundred Thousand Dollars (\$1,500,000) For Each Agreement.

EXECUTIVE SUMMARY

The professional services agreements are needed to provide additional capacity for plan check services to facilitate timely plan check review for both new and existing private development projects in response to increasing volume of applications for such projects. Funding for the on-call contract work will be fully paid by the requesting applicants.

BACKGROUND / LEGISLATIVE HISTORY

The Bureau of Building in the Planning and Building Department (PBD) and the Oakland Fire Prevention Bureau in the Oakland Fire Department assists builders, property owners, architects, engineers, and realtors in understanding and processing permits related to building construction. The Bureau of Building and Oakland Fire Prevention Bureau includes engineering plan check staff who review and approve building proposals for code compliance related to building safety, fire/life safety, accessibility, energy conservation, and other related issues.

A Request for Proposals (2016 RFP) was issued in March 2016 and in accordance with Resolution No. 86302 C.M.S., and following the 2016 RFP, professional services agreements were executed with two firms, CSG Consultants, Inc, and TRB + Associates, Inc., to provide on-

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call plan check services. Both contracts were for two-year terms and a not-to-exceed amount of one million dollars (\$1,000,000) for each firm. The City has been utilizing both firms and each contract is near the not-to-exceed limit.

In March 2017, PBD Bureau of Building issued a second Request for Proposals (2017 RFP) to provide on-call (as-needed) plan check services. Three proposals were received in response to this 2017 RFP. The three firms included one firm currently under contract from the 2016 RFP and two new firms. All three firms were evaluated by Bureau of Building staff and are qualified to perform the requested services.

ANALYSIS AND POLICY ALTERNATIVES

Adopting the attached resolution will enable the City to enter into or amend contracts with a total of four consulting firms to provide supplemental engineering plan checking of building permit applications to maintain acceptable turn-around times during periods with a high volume of activity. Contracting with four firms will provide the City with flexibility to distribute work as needed to maximize the benefits to the development community while accounting for the work backlog of both staff plan reviewers and each consultant.

Prior to the issuance of the 2017 RFP, and in accordance with current Memorandum of Understanding (MOUs) terms, Contracts and Compliance Division issued formal notification to IFPTE Local 21 and SEIU 1021. SEIU 1021 and IFPTE Local 21 did not object to the issuance of the 2017 RFP.

Contracts Compliance Division received three proposals in response to the 2017 RFP. The three firms were:

- 4Leaf, Inc.
- West Coast Code Consultants, Inc.
- TRB + Associates, Inc.

Each firm was evaluated by PBD subject matter experts based on their relevant experience, qualifications, organization, approach, and fee structure. Each of the three firms were rated as well qualified.

The proposals also received a Compliance Analysis by the Contracts Compliance Division. Only 4Leaf, Inc. received credit (100 percent) for proposed Local and Small Local Business Enterprise (L/SLBE) participation. All three firms would need to come into Equal Benefits Ordinance (EBO) compliance prior to full contract execution.

FISCAL IMPACT

Each agreement for the two firms will be for an amount not to exceed \$1,500,000 dollars, over a two-year term, with three one-year options to extend. Funding for the on-call contract work will be fully paid by the requesting applicants. As a result, approval of these resolutions will allow

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the City Administrator, or designee, to appropriate these applicant funds as they are received. Approval of this resolution does not have a negative impact on the City's budget.

Funds shall be deposited and appropriated in Development Services Fund (2415), Admin: Engineering Org (84411), Permits: Construction Account (42211), Services: Contract Account (54911), Project to be determined, Engineering & Architectural Plan Approval Program (PS30), and the General Purpose Fund (1010), Fire Marshall's Office Org (20311), Other Fees: Fire Plan Checking, Inspection and Testing Account (45411), Services: Contract Account (54911), Project to be determined, Fire Prevention Bureau Program (PS20).

PUBLIC OUTREACH / INTEREST

The bidding, contracting, and purchasing processes were conducted in accordance with Oakland Municipal Code (OMC) 2.04.051 for professional services contracts. The City's procurement system, iSupplier was used for distribution of the 2017 RFP and it was also formally advertised in the *East Bay Times* and the *San Francisco Chronicle*. In addition, to expand outreach to local and small local firms, the 2017 RFP was also advertised in the *Oakland El Mundo*, *Oakland Post*, *Sing Tao* newspaper, and *The Chamber Link*.

COORDINATION

This report and resolution were coordinated with PBD Bureau of Building, Oakland Fire Prevention Bureau, and reviewed by the City Attorney's Office, and Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Expedited plan check services will result in quicker issuance of building permits and subsequently, building construction. New construction creates jobs during construction and new buildings result in new residences and/or businesses in Oakland.

Environmental: The contracts would provide assistance on projects throughout Oakland that would adhere to City environmental standards.

Social Equity: The contracts would provide assistance on projects throughout Oakland that would positively impact Oakland and its citizens.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To: Award, Negotiate, And Execute Professional Services Agreements For Two-Year Terms For On-Call Plan Check Services With 4Leaf, Inc., And West Coast Code Consultants, Inc. In The Aggregate Amount Of Three Million Dollars (\$3,000,000); And, Amend The Term And Amount For Existing Professional Services Agreements With CSG Consultants, Inc., And TRB + Associates, Inc. To Add An Additional Two-Years To The Term For Each Firm With An Aggregate Amount Of Three Million Dollars (\$3,000,000).

For questions regarding this report, please contact David Harlan, Engineering Manager, at 510-238-6321.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. Gilchrist", is written over a horizontal line.

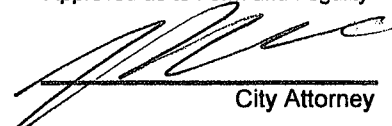
WILLIAM GILCHRIST
Director, Planning and Building Department

Prepared by:
David Harlan, Engineering Manager
Bureau of Building

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OAKLAND CITY COUNCIL


City Attorney

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RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE PROFESSIONAL SERVICES AGREEMENTS FOR TWO-YEAR TERMS FOR ON-CALL PLAN CHECK SERVICES WITH 4LEAF, INC., AND WEST COAST CODE CONSULTANTS, INC. IN THE AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FOR EACH AGREEMENT; AND, TO AMEND THE TERM AND AMOUNT FOR EXISTING PROFESSIONAL SERVICES AGREEMENTS WITH CSG CONSULTANTS, INC., AND TRB + ASSOCIATES, INC. TO ADD AN ADDITIONAL TWO-YEARS TO THE TERM FOR EACH FIRM WITH AN AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FOR EACH AGREEMENT

WHEREAS, the Bureau of Building in the Planning and Building Department and the Oakland Fire Prevention Bureau in the Oakland Fire Department assists builders, property owners, architects, engineers, and realtors in understanding and processing permits related to building construction; and

WHEREAS, one of the many functions of the Bureau of Building and Oakland Fire Prevention Bureau plan check staff is to review and approve building proposals for compliance with the current edition of the California Building Standards Code (Title 24 of the California Code of Regulations) and the local amendments to the California Building Standards Code, which can be found in the Oakland Building Construction Code [Oakland Municipal Code (O.M.C.) Chapter 15.04] and the Oakland Building Maintenance code (O.M.C. Chapter 15.08), and the Oakland Fire Code (O.M.C. Chapter 15.12); and

WHEREAS, plan check staff's review of building proposals for code compliance is a critical component and a required step to ensure that structures are built in accordance with all applicable laws and regulations, including safety, accessibility, and energy conservation; and

WHEREAS, these plan check duties must be completed within a reasonable timely manner; and

WHEREAS, similar to other departments within the City, the Bureau of Building and Oakland Fire Prevention Bureau experienced substantial cuts to their staff and did not fill the vacancies as they developed. As such, the Bureau of Building and Oakland Fire Prevention Bureau remain considerably understaffed; and

WHEREAS, professional on-call plan check services are necessary to assist Bureau of Building and Oakland Fire Prevention Bureau staff to facilitate timely plan check review for both existing projects in development, and increased new and redevelopment application activity; and

WHEREAS, Bureau of Building and Oakland Fire Prevention Bureau staff anticipates that permit applications for private development projects of all sizes may benefit from on-call plan check services agreements; and

WHEREAS, on-call plan check services will be fully funded by applicants requesting these services; and

WHEREAS, the City Council finds that the City lacks qualified personnel to perform the necessary work and that the performance of these contracts are in the public interest because of economy or better performance; and

WHEREAS, in 2016 through the City's Request for Proposals (RFQ) process and as authorized by Resolution 86302 C.M.S., CSG Consultants, Inc. and TRB + Associates, Inc., are currently contracted with for on-call plan check services; and

WHEREAS, the City Council waived the City's 50 percent Local/Small Local Business Enterprises (LBE/SLBE) Program requirements for CSG Consultants, Inc. and TRB + Associates, Inc.; and

WHEREAS, in 2017 through the City's competitive RFQ process in accordance with O.M.C. section 2.04.051 for professional consulting services for as-needed (on-call) plan check services, proposals were submitted by 4Leaf, Inc., West Coast Code Consultants, Inc., and TRB + Associates, Inc.; and

WHEREAS, one (4Leaf, Inc.) of the three firms responding to the 2017 RFP earned credit (100 percent credit for 4Leaf, Inc.) for Local and Small Local Business (LBE/SLBE) Program requirements during the proposal phase; and

WHEREAS, two of the three firms (4Leaf, Inc. and West Coast Code Consultants, Inc.) responding to the 2017 RFP must come into compliance with the Equal Benefits Ordinance (EBO) prior to contract award as compliance was not established during the proposal phase; and

WHEREAS, all three firms responding to the 2017 RFP were identified as responsive and qualified to provide the desired professional services described herein; and

WHEREAS, one of the three firms responding to the 2017 RFP (TRB + Associates, Inc.) is one of the two firms currently contracted with the City for on-call plan check services; and

WHEREAS, the Bureau of Building desires to contract with all four of the qualified firms who responded to 2016 RFP and the 2017 RFP as indicated in the above title; and

WHEREAS, the City Council finds that the services provided pursuant to the agreements authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that the agreements directly or indirectly support the City Council's goal to "Develop a Sustainable City"; and

WHEREAS, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED, that the City Council authorizes the City Administrator to execute a Professional Services Agreement Contract for On-Call Plan Check Services for 4Leaf, Inc., and West Coast Code Consultants, Inc.; and be it

FURTHER RESOLVED, that the City Council hereby finds that a waiver of the City's LBE/SLBE Program requirements for West Coast Code Consultants, Inc., is in the best interests of the City for the reasons set forth herein and in the staff report accompanying this Resolution, and hereby waives this requirement; and be it

FURTHER RESOLVED, that the total amount of the Agreements for 4Leaf, Inc., and West Coast Code Consultants, Inc. shall be for a not-to-exceed amount of \$1.5 million for each Agreement ; and be it

FURTHER RESOLVED, that the City Council authorizes the City Administrator to amend the existing Professional Services Agreement Contracts for On-Call Plan Check Services for CSG Consultants, Inc. and TRB + Associates, Inc.; and be it

FURTHER RESOLVED, that the total amount of the Agreements for CSG Consultants, Inc. and TRB + Associates, Inc.; shall be for a not-to-exceed amount of \$1.5 million for each Agreement; and be it

FURTHER RESOLVED, that the term of all four Agreements shall be for two (2) years with three optional two-year extensions; and be it

FURTHER RESOLVED, that funds shall be deposited and appropriated in Development Services Fund (2415), Admin: Engineering Org (84411), Permits: Construction Account (42211), Services: Contract Account (54911), Project to be determined, Engineering & Architectural Plan Approval Program (PS30), and the General Purpose Fund (1010), Fire Marshall's Office Org (20311), Other Fees: Fire Plan Checking, Inspection and Testing Account (45411), Services: Contract Account (54911), Project to be determined, Fire Prevention Bureau Program (PS20); and be it

FURTHER RESOLVED, that the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Agreements including those related to an increase in total compensation, or the appropriation of funds contingent upon available funds, and provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, CAMPBELL WASHINGTON, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California