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OFFICE OF THE CITY CLERK  
OAKLAND  
2012 JUN 14 PM 6:00

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Supplemental Mandela Parkway  
Maintenance Contract

DATE: June 13, 2012

City Administrator  
Approval

Date

6/14/12

COUNCIL DISTRICT: #3

## RECOMMENDATION

Staff recommends that City Council adopt a Resolution waiving the City's advertising and bidding requirements and authorizing the City Administrator to negotiate and execute a contract for the maintenance of the Mandela Parkway landscape in the City of Oakland for an annual amount not to exceed one hundred thousand dollars (\$100,000.00), for the period of July 1, 2012 to June 30, 2013, and to reject all bids received in response to request for quotation 1825-02 on August 3, 2011.

## OUTCOME

If the City Council adopts the resolution, the City Administrator will reject all bids and will negotiate and execute a maintenance contract for Mandela Parkway not to exceed \$100,000. This will provide Public Works Agency (PWA) the opportunity to negotiate for local and small local business participation and other contractual issues. It will also give sufficient time to conduct advertising and bidding to return to City Council with a longer term maintenance contract.

## BACKGROUND

Prior to the Finance and Management Committee meeting, questions were raised about the proposed contract with Coast Landscaping Management concerning prevailing wages, small local enterprise requirements and other issues. It was determined that the maintenance work required is a public work of improvement and the Purchasing process used for this contract was not the appropriate method to hire a maintenance contractor. A maintenance contractor is needed immediately, but it could take 6-9 months to complete a new RFP. The proposed resolution will waive the advertising and bidding requirements and authorize the City Administrator to negotiate with the three (3) contractors that participated in the current bidding process. A contract will be

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executed with the contractor who meets requirements and provides the best, final offer for the period July 1, 2012 through June 30, 2013 in an amount not to exceed \$100,000. This should provide PWA sufficient time to proceed with a new advertisement and bidding process for a contract with terms required for public works of improvement and the city's small local enterprise requirements.

The Mandela Parkway maintenance has been under contract since the project was completed in 2005. There was a 3-year plant establishment period in which the original contractor (RMT Landscaping) was providing maintenance. The contract with RMT Landscaping was extended and in 2011, a RFQ was circulated and there were three (3) potential bidders. Coast Landscape Maintenance was deemed the lowest responsible bidder and meanwhile, the contract with RMT Landscaping was terminated on May 4, 2012. The City Administrator will be authorized to execute a maintenance contract not to exceed \$100,000 and provide sufficient time for PWA to complete a new RFP process for a construction contract with small local enterprise requirements.

### ANALYSIS

A landscape maintenance contract is a public work of improvement and must be handled in accordance with applicable Public Works state laws and specifications.

### PUBLIC OUTREACH/INTEREST

Residents near Mandela Parkway have expressed concerns about the lack of maintenance, the declining appearance and overgrown conditions. PWA staff will work closely with residents to restore the Mandela Parkway.

### COST SUMMARY/IMPLICATIONS

Funding for the maintenance contract is found in the Landscaping and Lighting Assessment District (Fund 2310) baseline budget.

### SUSTAINABLE OPPORTUNITIES

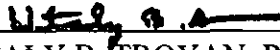
**Economic:** A maintenance contract will provide employment opportunities in a "green business"

**Environmental:** Landscape maintenance provides a sense of stewardship and aesthetic values on this significant transportation corridor.

**Social Equity:** Local residents and businesses along the Mandela Parkway benefit by having an attractive and well-maintain landscaping for civic pride and recreational purposes.

For questions regarding this report, please contact James P. Ryugo at 615-5987.

Respectfully submitted,

  
VITALY B. TROYAN, P.E.  
Director, Public Works Agency

Reviewed by:  
Brooke A. Levin, Assistant Director

Prepared by:  
James P. Ryugo, Building Services Manager

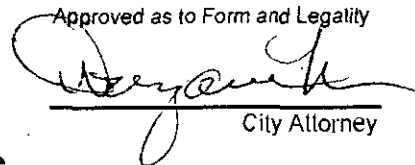
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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 JUN 14 PM 3:03

**OAKLAND CITY COUNCIL**

Approved as to Form and Legality



City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

RESOLUTION WAIVING THE CITY'S ADVERTISING AND BIDDING REQUIREMENTS AND AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND AWARD A CONTRACT TO COAST LANDSCAPE MANAGEMENT, A CORPORATION, FOR THE MAINTENANCE OF MANDELA PARKWAY LANDSCAPE MAINTENANCE IN THE CITY OF OAKLAND FOR AN ANNUAL AMOUNT NOT TO EXCEED ONE HUNDRED SEVEN THOUSAND, EIGHT HUNDRED THIRTY TWO DOLLARS (\$100,000~~7,832.00~~), FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2013, PER REQUEST FOR QUOTATION 1825-02, SPECIFICATION NO. 11-988-36-02, AND THE GENERAL CONDITIONS THEREFOR ON FILE IN THE PURCHASING SECTION ACCORDING TO ITS BID FILED WITH THE CITY ON AUGUST 3, 2011, AND TO REJECT ALL BIDS RECEIVED IN RESPONSE TO RFQ 1825-02 ON AUGUST 3, 2011.

WHEREAS, The bids submitted in response to Request For Quotation (RFQ) 1825 were not properly advertised.

WHEREAS, RFQ 1825-02 for these services were bid on July 18, 2011, and Coast Landscape Management was deemed the lowest responsive, responsible bidder with a bid of one hundred seven thousand, eight hundred thirty two dollars (\$107,832.00), annually, and now, therefore, be it

WHEREAS, the Notice Inviting Bids and related documents soliciting bids for maintenance of the Mandela Parkway did not advertise the contract requirements in accord with state and local Public Works contracting requirements, and a new advertisement for a notice inviting bids in accordance with Public Works contracting requirements must be issued for a long term maintenance contract

WHEREAS, the Mandela Parkway requires immediate maintenance services to preserve landscaping which cannot be delayed until the City conducts another advertising, bidding, selection and award process, which requires approximately six (6) months; and

WHEREAS, for the short term until such time as a new bidding process can be completed, the Finance and Management Committee directed the City Administrator to submit an alternate resolution rejecting all bids submitted in response to the RFQ for Mandela Parkway maintenance, waiving advertising and bidding and authorizing the City Administrator to negotiate with the three (3) contractors that submitted bids for and award a contract for maintenance of the Mandela Parkway for the period July 1, 2012 through June 30, 2013 in an amount not to exceed one

Revised By the Finance Committee At Its June 12, 2012 Meeting

hundred thousand dollars (\$100,000) to the contractor who meets state and local requirements, including but not limited to local and small business requirements, and provides the best, final offer; now, therefore be it

**RESOLVED:** Council hereby rejects all bids received in response to RFQ 1825-02, and be it,

**FURTHER RESOLVED:** That, pursuant to Oakland Municipal Code Section 2.04.050.1.5 and for the reasons stated above and in the City Administrator's report accompanying this Resolution, the City Council finds that it is in the City's best interests to waive advertising and bidding for the contract for maintenance of the Mandela Parkway for the period July 1, 2012 through June 30, 2013, and the requirements are so waived; and be it

**FURTHER RESOLVED:** That the City Administrator, or her designee is hereby authorized to negotiate a contract with the three (3) contractors that submitted bids in response to the Request for Quotation 1825-02 for maintenance of the Mandela Parkway and to award a contract for maintenance of the Mandela Parkway for the period July 1, 2012 through June 30, 2013 in an amount not to exceed one hundred thousand dollars (\$100,000) to the contractor who meets state and local requirements, including but not limited to local and small business requirements, and provides the best, final offer; and be it

~~**FURTHER RESOLVED:** That a contract for furnishing the Mandela Parkway landscape maintenance to the City of Oakland in an annual amount not to exceed one hundred seven thousand, eight hundred thirty two dollars (\$107,832.00) from July 1, 2012 to June 30, 2013, in accordance with RFQ 1825-02 and the general conditions therefore on file in the Purchasing Section is hereby awarded to Coast Landscape Management, according to its bid filed with the City on August 3, 2011; and be it~~

~~**FURTHER RESOLVED:** That the Council hereby authorizes the City Administrator to extend all or part of the contract, one year at a time, at the same prices, terms and conditions.~~

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

**AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID**

**NOES -**

**ABSENT -**

**ABSTENTION -**

**ATTEST:** \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California