

CITY OF OAKLAND

OFFICE OF THE CITY CLERK
OAKLAND

2005 OCT 10 PM 6:59

COUNCIL AGENDA REPORT

To: Office of the City Administrator
Attn: Deborah E. Edgerly
From: Budget Office
Date: October 25, 2005

Subject: **Report and Appropriation Resolution Authorizing the City Administrator to Approve Contracts Listed in Attachment A Funded by the Redevelopment Agency as Authorized by 2005 Amendments to the Oakland Municipal Code Chapter 2.04 (Purchasing Ordinance)**

SUMMARY

This report requests City Council approval of an Appropriation Resolution for Oakland Redevelopment Agency funded contracts. This Appropriation Resolution is necessary to increase the City Administrator's approval limits for redevelopment contracts, up to the new thresholds, as provided in the revised Purchasing Ordinance. The City's new Purchasing Ordinance (OMC Section 2.04) states that the City Administrator's approval authority for contracts funded by the Redevelopment Agency are subject to lower approval thresholds (\$50,000 for goods and supplies and \$15,000 for professional services). However, these lower limits can be raised to \$250,000 for supplies, services or a combination; and \$150,000 for professional services by bringing forward an "Appropriation Resolution" for approval by the City Council. The Appropriation Resolution must include:

- A description of the material or service to be obtained under contract
- A not-to-exceed contract amount
- Identification of the contract's funding source
- An estimated time-frame for execution and completion of the contract, and
- A statement identifying the contract as "new" or "existing"

There are ten contracts included with the attached Appropriation Resolution, all funded by the Redevelopment Agency. These are the only contracts identified by staff for FY 2005-06 or FY 2006-07 that meet the contract type (i.e. redevelopment) and amount (i.e. higher than the City Administrator's lower approval limits but below the new higher limits) criteria.

FISCAL IMPACT

Approval of this resolution will have no direct fiscal impact, as the funds required for these contracts were appropriated as part of the FY 2005-07 budget. If the Appropriation Resolution is not approved, City staff would be required to return to the Council for approval of each individual contract separately; this would require additional staff time (an indirect cost).

Item: _____
Community & Economic Development Committee
October 25, 2005

DISCUSSION

The City Council adopted Ordinance 12634 CMS amending the Purchasing Ordinance on December 7, 2004. The new Purchasing Ordinance (OMC chapter 2.04) states that contracts related to programs or projects that are included in the adopted Capital Improvement Program or Policy Budget can be approved by the City Administrator up to the following new threshold amounts: \$250,000 for any contract or purchase order for Supplies, Services or a Combination; and \$150,000 for any contract or purchase order for Professional Services. All contracts are still subject to the City's bidding requirements, purchasing rules and regulations.

However, there are four categories of contracts that are not subject to the City Administrator's higher approval limit. These include:

- a) Purchases or contracts for services or supplies related to affordable housing projects;
- b) Purchases or contracts that are or will be funded, directly or indirectly, by the Redevelopment Agency;
- c) Purchases or contracts that are or will be funded, directly or indirectly, by funds generated by a voter-approved measure; and
- d) Purchases or contracts for any technological, computer or computerized system services, software, equipment, hardware or products.

The above categories of contracts are subject to the City Administrator's lower approval limits (i.e. \$50,000 for supplies, services or a combination, and \$15,000 for professional services). In order for contracts within these four categories to move to the City Administrator's higher approval thresholds, the City Council must approve an Appropriation Resolution that includes:

1. a description of the material or service to be obtained under contract;
2. a not-to-exceed amount for the material or service;
3. identification of the funding source for the material or service;
4. an estimated time frame for execution and completion of the contract; and
5. a statement identifying the contract-related program or project as "new" or "previously existing."

In the absence of the Council-approved Appropriation Resolution, contracts in the above categories will remain within the City Administrator's lower approval limits and must be submitted to the City Council for approval on a case-by-case basis.

In June of 2005, during the FY 2005-07 budget adoption, staff was directed by the City Council to bring separate Appropriation Resolutions for various types of "restricted" contracts before the individual Council committees, as follows:

1. Purchases or contracts that are or will be funded, directly or indirectly, by funds generated by voter-approved measures:
 - Measure M (Emergency Medical Services), Measure N (Paramedic Services), and Measure Y (Violence Prevention & Public Safety Act) – *Public Safety Committee* *

Item: _____

Community & Economic Development Committee

October 25, 2005

- Measure Q (Library Services Retention), Kids First (Oakland Children’s Fund), and Measure G (Capital Projects – Zoo, Museum, Chabot Space & Science) – *Life Enrichment Committee* *
- Measure B (Alameda County Transportation Authority), Measure DD (Capital improvement – Clean Water, Safe Parks & Open Space) – *Public Works Committee*
- Landscaping and Lighting Assessment District (LLAD), Wildfire Prevention Assessment District (WPAD) – *Finance & Management Committee*

2. Purchases or contracts for any technological, computer or system services, software and equipment, maintenance or repair services will be submitted to the *Finance & Management Committee*.

3. Redevelopment and affordable housing* contracts will go to the *Community & Economic Development Committee*.

A copy of the June 2005 report is provided in Attachment B. An Appropriation Resolution has been prepared for the City Council to authorize the City Administrator’s approval of the specific redevelopment-related contracts, as presented in Attachment A, without return to Council. Any ORA-funded contracts not listed in Attachment A are either subject to the City Administrator’s lower approval thresholds, or, if above the threshold, will be brought forward for Council approval on a case-by-case basis.

RECOMMENDATION AND RATIONALE

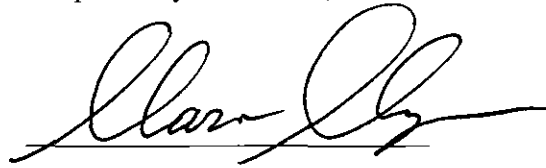
Staff recommends that Council approve the attached Appropriation Resolution, which will increase the City Administrator’s current approval limits for the ten contracts listed in Attachment A. Any ORA-funded contracts not listed in Attachment A are either subject to the City Administrator’s lower approval thresholds, or if above the thresholds, will be submitted to Council for approval separately.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the attached Appropriation Resolution be approved.

* Note that in FY 2005-07, no contracts of these types were eligible / requested to be approved by Appropriation Resolution, and so no reports related to these contract types have been submitted to the Public Safety, Life Enrichment, and Community & Economic Development Committees.

Respectfully submitted,



MARIANNA MARYSHEVA

Budget Director

Prepared by:
Deborah Spaulding
Principal Financial Analyst

APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment A – List of ORA-Funded Contracts included in the Appropriation Resolution

Attachment B – June 2005 Council Report related to Appropriation Resolutions

OAKLAND REDEVELOPMENT AGENCY FUNDED CONTRACTS

Fund Name	Contract Description, Justification		Type of Contract & City Administrator's Approval Limit	New or Existing Contract?	Contract Period	Total Contract Amount	Date Contract Last Bid
	Description of Contract & Vendor Name(s), If Known	Explanation of Need / Justification for Proposed Contract					
Coliseum Operations	Marketing and Graphic Design	Marketing graphic design services for the Coliseum Redevelopment Project area marketing program.	Professional Services - \$150,000	New	7/05 - 6/07	40,000	N/A
Coliseum Operations	Architectural Site Planning	Schematic architectural planning for the Coliseum Transit Village project and Mixed Use TOD Project.	Professional Services - \$150,000	New	7/05 - 6/07	50,000	N/A
Coliseum Operations	Utility and Civil Engineering Consultant	Utility and Civil Engineering consultant to support undergrounding and utility work in the Coliseum Area.	Professional Services - \$150,000	New	7/05 - 6/07	70,000	N/A
Coliseum Operations	Geotechnical Consultant	Geotechnical consultant to support the brownfields work in the Coliseum Area.	Professional Services - \$150,000	New	7/05 - 6/07	70,000	N/A
Coliseum Operations	Landscape Architect	Landscape Streetscape designs for key roads such as Edes Avenue, Coliseum Way and 66th Ave.	Professional Services - \$150,000	New	7/05 - 6/07	80,000	N/A
Coliseum Operations	Planning Consultant	Planning consultants for the CEQA studies of the Coliseum Transit Village and the Coliseum Tidewater Waterfront study.	Professional Services - \$150,000	New	7/05 - 6/07	80,000	N/A
Coliseum Operations	Bond Fiscal Preparation Report	Fiscal Consultant Bond Preparation Report for the Coliseum Tax Allocation Bond Series B 2006.	Professional Services - \$150,000	New	7/05 - 6/07	40,000	N/A
Coliseum Operations	Parking and Traffic Consultant	Parking feasibility and design for the Coliseum Transit Village replacement parking program.	Professional Services - \$150,000	New	7/05 - 6/07	100,000	N/A
Coliseum Operations	Retail Development Study for I-880 Triangle Project	Retail Development Consultant for the I-880 Triangle Project.	Professional Services - \$150,000	New	7/05 - 6/07	100,000	N/A
Coliseum Operations	Planning Consultant	Advanced Feasibility Studies for the major Coliseum projects such as CTV or Coliseum Auto Mile.	Professional Services - \$150,000	New	7/05 - 6/07	120,000	N/A

CITY OF OAKLAND

OFFICE OF THE CITY CLERK
2005 JUN 16 PM 9:19

COUNCIL AGENDA REPORT

To: Office of the City Administrator
Attn: Deborah E. Edgerly
From: Budget Office
Date: June 23, 2005

Subject: **Informational Report on The Implementation of the Revised Purchasing Ordinance Related to Approval of Contracts**

This report provides an update on the implementation of the revised Purchasing Ordinance. It clarifies the applicability of the City Administrator's new, higher contract approval limits (with certain exceptions). It also provides a timeline to bring before the Council for consideration and approval contracts in the five categories that fall under the City Administrator's old, lower limits.

City Administrator's Contract Approval Limits

1. Higher Limits: Contracts for Projects / Programs Identified in the Budget, Not in Restricted Categories

The City Purchasing Ordinance authorizes the City Administrator to award and execute certain contracts without the City Council approval. These are contracts related to the "programs or projects that have been previously identified" in the budget, and which do not fall into one of the restricted categories discussed below. The City Administrator's new approval limits for these contracts are:

- a. For contracts for *supplies, services, or a combination*: Up to \$250,000 in any single transaction or term agreement; and
- b. For contracts for *professional services*: Up to \$150,000 in any single transaction or term agreement.

Contracts subject to the higher administrative limits will be reviewed by the City Administrator and the City Attorney's Office on a case-by-case basis to ensure that they meet the requirements for the new limits. The City Attorney's Office has developed a "checklist" to streamline and standardize this process; a copy is provided as Attachment 1.

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2. Lower Limits: Five Restricted Categories

The City Administrator's contract authority for the following types of contracts is subject to the lower limits of \$50,000 for goods, equipment, supplies / services and \$15,000 for professional services:

- a. Purchases or contracts related to programs or projects that have not been previously identified in the Capital Improvement or the operating budget; or
- b. Purchases or contracts related to *affordable housing* projects; or
- c. Purchases or contracts that are or will be funded, directly or indirectly, by funds generated by a *voter-approved measure*; or
- d. Purchases or contracts that are or will be funded, directly or indirectly, by the *Redevelopment Agency*; or
- e. Purchases or contracts for *any technological, computer or computerized system* services, software, equipment, hardware or products.

The Purchasing Ordinance, however, authorizes higher City Administrator's limits in the above restricted categories if the City Council approves an "Appropriation Resolution" listing the specific contracts. The contract "Appropriation Resolution" must include:

- A description of the material or service to be obtained under contract;
- A not-to-exceed contract amount for the contract;
- Identification of the funding source for the contract;
- An estimated time frame for execution and completion of the contract, and
- A statement identifying the contract-related program or project as "new" or "previously existing."

Contracts in categories (b) through (e) listed above will be brought before the Council for consideration and approval, along with the "Appropriation Resolution," in September 2005, through the respective Committees, as follows:

- 1) Purchases or contracts that are or will be funded, directly or indirectly, by funds generated by a voter-approved measure:
 - Measure M (Emergency Medical Services), Measure N (Paramedic Services), etc. – *Public Safety Committee*
 - Measure Q (Library Services Retention), Kids First (Oakland Children's Fund), and Measure G (Capital Projects -- Zoo, Museum, Chabot Space & Science), etc. – *Life Enrichment Committee*
 - Measure Y (Violence Prevention & Public Safety Act) – *Public Safety Committee*
 - Measure B (Alameda County Transportation Authority), Measure DD (Capital Improvement – Clean Water, Safe Parks & Open Space), etc. – *Public Works Committee*

- 2) Purchases or contracts for any technological, computer or system services, software and equipment, maintenance or repair services will be submitted to the *Finance and Management Committee*.
- 3) Redevelopment and affordable housing contracts will go to the *Community and Economic Development Committee*.

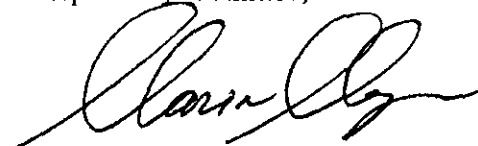
Prospective Listing of Oakland Redevelopment Agency's Contracts

The City's Purchasing Ordinance also requires that the Agency Administrator present annually to the City Council / Oakland Redevelopment Agency Board "a prospective report listing all contracts anticipated within the next year to be directly or indirectly paid from Redevelopment Agency funds." A listing of ORA contracts (Attachment 2) is attached to this report. The listing is for information only at this time, and to satisfy the above reporting requirement. These contracts will be submitted through the CED Committee for approval in September 2005.

Annual Reporting

As required by the City's Purchasing Ordinance, the City Administrator will present to the City Council, on an annual basis (beginning in Fall of 2006), a report on all purchases and contracts, authorized by the City Administrator or her designee, within the City Administrator's contract authority during the prior year.

Respectfully submitted,



MARIANNA A. MARYSHEVA
Budget Director

APPROVED AND FORWARDED
TO THE CITY COUNCIL:


Office of the City Administrator

Attachments:

- 1 - City Administrator Contract Authority Checklist
- 2 - ORA Contracts Anticipated in FY 2005-07

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JUN 21 2005

ATTACHMENT 1

City Administrator Contract Authority Checklist
(Purchasing Ordinance, OMC Chapter 2.04*)

Higher Contract Authority (OMC §2.04.020.A). If "NO" is indicated for all questions in the *Type of Contract* section or the Council has approved this contract expenditure in an Appropriation Resolution, the City Administrator's authority to award and execute this contract is:

\$250,000 for Procurement, Construction, Non-professional Services
\$150,000 for Professional, Technical or Scientific Services

Limited Contract Authority (OMC §2.04.020.B). If "YES" is indicated for any of the questions in the *Type of Contract* section and Council has not approved this expenditure in an Appropriation Resolution, the City Administrator's authority to award and execute this contract is:

\$50,000 for Procurement, Construction, Non-professional Services
\$15,000 for Professional, Technical or Scientific Services

Note: The Purchasing Ordinance does not establish any City Administrator authority to award or execute, loans, development agreements (e.g., Development and Disposition Agreements, Exclusive Negotiating Agreements, etc.), real estate agreements involving leasing, sales or acquisition of real property. Such authority is contained in the Oakland Charter and separate legislation.

Type of Contract (OMC §2.04.020.B.1)

Circle One

This contract is not related to a program or project that is identified in the current CIP or operating budget.

Yes (not in either budget) **No** (is in CIP/Operating budget)

Is this contract for services or supplies related to affordable housing projects? **Yes** **No**

Is this contract paid for, directly or indirectly, with Redevelopment Agency funds? **Yes** **No**

Is this contract paid for, directly or indirectly, with voter-approved measure funds? **Yes** **No**

Is this contract for the purchase of any technological, computer or computerized system services, software, equipment, hardware or products? **Yes** **No**

Appropriation Resolution (OMC §2.04.020.B.3)

This Contract is approved in an attached Appropriation Resolution. **Yes** **No**

A valid *Appropriation Resolution* must include: 1) description of material or service, 2) not-to-exceed contract amount, 3) identified funding source; 4) estimated time frame for execution and completion of contract, and, 5) statement that explains whether the program or project supported by the contract is "new" or "previously existing."

Competitive Award Process: Request for Proposals or Bid

The contractor or vendor was selected through a competitive process. **Yes** **No**

Alternatively, a copy of the Council-approved resolution that authorizes waiver of the competitive process (bidding or RFP) is attached.

Yes **No**

Completed by _____, on this _____ day of _____.
Contract Administrator/Project Manager

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JUN 21 2005

CONTRACTS ANTICIPATED IN FY 2005-07 - FUNDED BY REDEVELOPMENT AGENCY

ATTACHMENT 2

Contract Funding Source(s)					Contract Description, Justification		Contract Type / Characteristics				City / Agency Adverse Approval Limit	New or Existing Contract?	Contract Period	Contract Amounts		Local Particp. Level	Date Contract Last Bid	Recommend Bringing In-House?
Fund	Org	Account	Project	Program	Description of Contract & Vendor Name(s), if known	Explanation of Need / Justification for Proposed Contract	Type of Contract	Afford. Hag?	Funded from Voter Appr. Meas?	Info Tech?				FY 2005-06 Contract Amount (not-to-exceed)	FY 2006-07 Contract Amount (not-to-exceed)			
REDEVELOPMENT AGENCY																		
9410	88559	54918	S00800	SC11	Oakland Commercial Corp	This Agency will enter into a professional services agreement with OCC for the purpose of providing business retention services.	Professional Services	No	No	No	\$150,000	Existing	7/05 - 6/07	\$100,000	\$100,000	20%	2004	No
9450	88659	53719	S82600	SC12	Marketing and Graphic Design	Marketing/graphic design services for the Coliseum Redevelopment Project area marketing program.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$20,000	\$20,000	No	2004	No
9450	88658	53719	S82600	SC12	Architectural Site Planning	Schematic architectural planning for the Coliseum Transit Village project and Mixed Use TOD Project.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$25,000	\$25,000	No	2004	No
9450	88658	53719	S82600	SC12	Utility and Civil Engineering Consultant	JITly and Civil Engineering consultant to support undergrounding and utility work in the Coliseum Area.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$35,000	\$35,000	No	None	No
9450	88659	53718	S82600	SC12	Geotechnical Consultant	Geotechnical consultant to support the brownfields work in the Coliseum Area.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$33,000	\$33,000	No	None	No
9450	88659	53719	S82600	SC12	Landscape Architect	Landscape Streetscape design for key roads such as Edes Avenue, Coliseum Way and 68th Ave.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$40,000	\$40,000	No	None	No
9450	88659	53719	S82600	SC12	Planning Consultant	Planning consultants for the CEQA studies of the Coliseum Transit Village and the Coliseum Tidewater Waterfront study.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$40,000	\$40,000	No	None	No
9450	88659	53719	S82600	SC12	Bond Fiscal Preparation Report	Fiscal Consultant Bond Preparation Report for the Coliseum Tax Allocation Bond Series B 2006.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$40,000	\$0	No	None	No
9450	88659	53719	S82600	SC12	Parking and Traffic Consultant	Parking feasibility and design for the Coliseum Transit Village replacement parking program.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$50,000	\$50,000	20%	None	No
9450	88659	53719	S82600	SC12	Retail Development Study for I-880 Triangle Project	Retail Development Consultant for the I-880 Triangle Project.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$50,000	\$50,000	20%	None	No
9450	88659	53719	S82600	SC12	Planning Consultant	Advanced Feasibility Studies for the major Coliseum projects such as CTV or Coliseum Auto Mile.	Professional Services	No	No	No	\$150,000	New	7/05 - 6/07	\$60,000	\$60,000	20%	None	No

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 JUN 27 2005

OAKLAND CITY COUNCIL

Resolution No. _____

OFFICE OF THE CITY CLERK
C.M.S.

2005 OCT 13 PM 7:00

APPROPRIATION RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE CONTRACTS LISTED IN ATTACHMENT A FUNDED BY THE REDEVELOPMENT AGENCY AS AUTHORIZED BY 2005 AMENDMENTS TO OAKLAND MUNICIPAL CODE CHAPTER 2.04 (PURCHASING ORDINANCE)

WHEREAS, the City Council authorized the City Administrator to award and execute the contracts included in the FY 2005-07 Policy Budget without further review by the City Council, with the exception of purchases or contracts that are or will be funded, directly or indirectly, by the Redevelopment Agency; and

WHEREAS, the City of Oakland "Purchasing Ordinance" sets criteria for an "Appropriation Resolution" by which the City Administrator may award and execute otherwise restricted contracts at her highest contract limit, as follows:

1. a description of the material or service to be obtained under contract;
2. a not-to-exceed contract amount for the contract;
3. identification of the funding source for the contract;
4. an estimated time frame for execution and completion of the contract, and,
5. a statement identifying the contract-related program or project as "new" or "previously existing"; now, therefore, be it

RESOLVED: That the City Council finds and determines that Attachment A sets forth sufficient information for the ten contracts listed to satisfy the requirements of Oakland Municipal Code Sections 2.04.010 and 2.04.020.B.3, incorporates Attachment A herein by reference and deems this an Appropriation Resolution; and, be it

FURTHER RESOLVED: The City Council authorizes the City Administrator to award and execute the contracts listed in Attachment A without further review by the City Council provided the contracts are within the City Administrator's contract authority in Oakland Municipal Code, Section 2.04.020.B, which is:

1. Contracts for supplies, services or a combination: up to two hundred fifty thousand dollars (\$250,000) in any single transaction or term agreement; and
2. Contracts for professional services: up to one hundred fifty-thousand dollars (\$150,000) in any single transaction or term agreement; and, be it

FURTHER RESOLVED: That the City Administrator shall conduct competitive bidding or solicitation processes as mandated by the Oakland Municipal Code for contracts listed in Attachment A, or return to the City Council for waiver of competitive process if such is infeasible or unavailing; and, be it

FURTHER RESOLVED: That all contracts awarded by the City Administrator hereunder shall be reviewed and approved by the City Attorney prior to execution for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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