



FILED
OFFICE OF THE CITY CLERK
OAKLAND
2019 OCT 31 PM 2:05

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Adam Benson
Finance Director

SUBJECT: Francisco & Associates, Inc. Contract
Amendment – District Engineer

DATE: October 31, 2019

City Administrator Approval

Date:

10/31/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Approving:

1) The Amendment Of A Professional Services Agreement Regarding Engineering Services For Various Local Measures With Francisco & Associates, Inc. To Increase The Not-To-Exceed Contract Amount To Five Hundred And Fifty Thousand Dollars (\$550,000.00); 2) Extension Of The Term Of The Agreement To Calendar Year 2023 And, If Appropriate, For Two Additional Years; And 3) Waiver Of Advertising, Competitive Bidding, And Request For Proposals/Qualifications Selection Requirements

EXECUTIVE SUMMARY

In October 2017, staff released a Request for Proposal (RFP) seeking assistance from an engineering firm to provide various engineering services in connection with the following assessments and special districting: Landscaping and Lighting Assessment District (LLAD), the Rockridge Library Community Facilities District, the Emergency Medical Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q – approved in 1994 as Measure O and extended in 2004 as Measure Q), and the Violence Prevention and Public Safety Act of 2004 (Measure Z – approved in 2004 as Measure Y and extended in 2014 as Measure Z).

The scope of services for the engineering firm includes, but is not limited to, serve as the City of Oakland Assessment/District Engineer and Special Tax Engineer; prepare and submit the mandated Preliminary and Final Engineer's Report to the Oakland City Council for approval; prepare and file the Engineer's Report, Resolution and Assessment Database to the Alameda County Auditor-Controller's Office before the annual deadline; calculate the CPI increase for each taxing district and update the revenue projections for city staff; and prepare and submit the Resolutions and Special Tax Databases with the Alameda County Auditor-Controller's Office on the ensuing year's property tax roll.

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BACKGROUND / LEGISLATIVE HISTORY

Landscaping and Lighting Act of 1972

The California Landscaping and Lighting Act of 1972 (California Streets and Highways Code Sections 22500-22679) allows local government agencies to form assessment districts for the purpose of financing the costs and expenses of landscaping and lighting in public areas, among other things as noted below. The City of Oakland formed the LLAD on June 23, 1989. In July 1993, the City increased the assessment rates after preparation of an engineer's report, public notice, hearing and public opportunity to comment. In November 1994, the Oakland electorates approved the LLAD and assessments.

In January 2011, the Alameda County Superior Court ruled that the assessments, which were approved by the registered voters prior to the adoption of Proposition 218, are exempt from the requirements of Proposition 218. Proposition 218 requires the local government to have a vote of the affected property owners for any proposed new or increased assessment before the assessment can be levied.

Measure M: The Emergency and Medical Services Retention Act

In June 1997, Oakland voters approved, by more than a two-thirds majority, the Emergency Medical Services Retention Act (Measure M), which imposes a parcel tax for the purpose of raising revenue necessary to retain and enhance emergency dispatch and medical services in the City of Oakland and to replace funding from a previous assessment imposed by the City that was invalidated by Proposition 218. The Measure M legislation authorizes the City Council to increase the tax rates by a cost-of-living factor beginning in FY 1998-99 and continuing each fiscal year thereafter.

Measure N: The 1997 Paramedic Services Act

In June 1997, Oakland voters passed, by more than a two-thirds majority, the 1997 Paramedic Services Act (Measure N), which imposes a special parcel tax for the purpose of raising revenue necessary to increase, enhance and support paramedic emergency services in the City of Oakland. The Measure N legislation authorizes the City Council to increase the tax rates by a cost-of-living factor after the third year of its imposition (FY 2000-01) and continuing each fiscal year thereafter.

Measure Q: The Library Services and Retention Act

In March 2004, Oakland voters approved, by more than a two-thirds majority, the extension of the Library Services and Retention Act, Measure Q (formerly known as Measure O). The act re-authorized and increased a special parcel tax on residential and non-residential parcels for the purpose of raising revenue to retain and enhance library services. The term of the tax is 20 years commencing July 1, 2004 and ending June 30, 2024.

Measure Z: The Public Safety and Services Violence Prevention Act of 2014

In November 2004 Oakland voters approved the Violence Prevention and Public Safety Act of 2004 (Measure Y). This revenue structure for Measure Y was carried into the Public Safety and Services Violence Prevention Act of 2014 (Measure Z). Measure Y imposed a parking surcharge on commercial parking lots and a parcel tax for the purpose of raising revenue necessary to fund activities such as community and neighborhood policing, violence prevention services with an emphasis on youth, and fire services. The Measure Y legislation authorized the City Council to levy parcel taxes beginning in FY 2004-05. An additional ballot initiative in November 2010, Measure BB, suspended the 739 police officer staffing threshold mandated by Measure Y and allowed for the continued collection of the parcel tax and parking surcharge.

In November 2014, Oakland voters approved Measure Z with the same revenue structure as Measure Y. Measure Z continues the same parking surcharge on commercial parking lots and the same parcel tax for the purpose of raising revenue necessary to fund activities such as Community Resource Officers, crime reduction teams, fire services, and violence prevention strategies (Oakland Unite). The Measure Z legislation authorizes the City Council to levy parcel taxes beginning FY 2015-16.

Measure D: 2018 Oakland Public Library Preservation Act

In June 2018, Oakland voters passed, by more than a two-thirds majority, the 2018 Oakland Public Library Preservation Act (Measure D), which imposes a special parcel tax for the purpose of raising revenue necessary to maintain, protect and improve direct library services throughout the City of Oakland. The Measure D legislation authorizes the City Council to increase the tax rates by a cost-of-living factor beginning in FY 2019-20 and continuing each fiscal year thereafter.

ANALYSIS AND POLICY ALTERNATIVES

In 2017, the City of Oakland conducted an RFP/Q in which Francisco & Associates, Inc. was determined to be the lowest and most responsible bidder. On December 20, 2017, the City entered into a professional services agreement with Francisco & Associates, Inc. to perform specialized engineering services to include the updating, adjusting and recording of annual parcel tax assessments for the City's Landscape and Lighting Assessment District as well as other benefit assessments and measures approved by voters. The contract is capped at \$246,000 and is scheduled to terminate December 31, 2021.

The request to increase and extend the contract between the City and Francisco & Associates, Inc. will accommodate the addition of new voter-approved local measures between calendar years 2020 and 2023. Increasing the value of the contract to \$550,000 will ensure capacity to levy parcels appropriately in the instance that additional measures are approved by the voters following the 2020 election. While staff may not specifically know what the measures may consist of, staff believes it is prudent to prepare in advance and ensure policies are in place to prevent the postponement of filing the assessment database by the appropriate deadline set by the Alameda County Auditor-Controller's Office.

The City Administrator has determined that it is in the best interest of the City to waive the RFP/Q process because of the specialized services, consultation, and engineering reports provided by Francisco & Associates, Inc. and such waiver will prevent the delay in the filing of critical assessment data to the Alameda County Auditor-Controller's office.

FISCAL IMPACT

The revenue generated from the execution of this contract are instrumental and necessary in order to fund essential City services. Funding for the first two years of the contract are budgeted and available in the FY 2019-21 Adopted Budget among multiple funds including the Landscaping and Lighting Assessment District Fund, Measure M – Emergency Medical Services Retention Act, Measure N – Paramedic Services Act, Measure Z – Public Safety and Services Violence Prevention Act, Measure Q – Library Services Retention and Enhancement Act, and Measure D – 2018 Oakland Public Library Preservation Act funds, and the Rockridge Library Community Facilities District Fund. Outer year funding will be included in the baseline budget and contingent on funding available.

<u>District</u>
Landscaping and Lighting Assessment District (Fund 2310)
Measure M – Emergency Medical Services Retention Act (Fund 2412)
Measure N – Paramedic Services Act (Fund 2250)
Measure Z – Public Safety and Services Violence Prevention Act (Fund 2252)
Measure Q – Library Services Retention and Enhancement Act (Fund 2241)
Rockridge Library community Facilities District (Fund 2250)
Measure D - 2018 Oakland Public Library Preservation Act (Fund 2243)

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

The RFP/Q process and waiver consideration was conducted in coordination with the Contract Compliance Division to ensure compliance with the City's contracting requirements. This report has been reviewed by the Budget Bureau and City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: Revenues generated from this contract are relied upon to fund essential City services. The estimated tax revenue increase for FY 2019-20 for the combined local measures totals over \$1.89 million.

Environmental: No direct environmental opportunities have been identified.

Race and Equity: No direct race or equity opportunities have been identified.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that the City Council:

1. Adopt a Resolution Approving The Amendment Of A Professional Services Agreement Regarding Engineering Services For Various Local Measures With Francisco & Associates, Inc. To Increase The Not-To-Exceed Contract Amount To Five Hundred And Fifty Thousand Dollars (\$550,000.00);
2. Extension Of The Term Of The Agreement To Calendar Year 2023 And, If Appropriate, For Two Additional Years; And
3. Waiver Of Advertising, Competitive Bidding, And Request For Proposals/Qualifications Selection Requirements.

For questions regarding this report, please contact Brittany Hines, Assistant Budget & Management Analyst, at 510-238-7078.

Respectfully submitted,



ADAM BENSON
Finance Director

Prepared By:
Brittany Hines, Assistant Budget & Management
Analyst
Budget Bureau

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Finance and Management Committee
November 12, 2019

FILED
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OAKLAND

2018 OCT 31 PM 2:05

Approved as to Form and Legality



City Attorney's Office
Ravi S. Patel

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION APPROVING 1) AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT REGARDING ENGINEERING SERVICES FOR VARIOUS LOCAL MEASURES WITH FRANCISCO & ASSOCIATES, INC. TO INCREASE THE NOT-TO-EXCEED CONTRACT AMOUNT TO FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$550,000.00); 2) EXTENSION OF THE TERM OF THE AGREEMENT TO CALENDAR YEAR 2023 AND, IF APPROPRIATE, FOR TWO ADDITIONAL YEARS; AND 3) WAIVER OF ADVERTISING, COMPETITIVE BIDDING, AND REQUEST FOR PROPOSALS/QUALIFICATIONS SELECTION REQUIREMENTS

WHEREAS, the City Council and local voters approved the Landscaping and Lighting Assessment District in 1989, the Emergency Services Retention Act of 1997 (Measure M), the Paramedic Services Act of 1997 (Measure N), the Library Services Retention and Enhancement Act of 2004 (Measure Q), The 2014 Oakland Public Safety and Services Violence Prevention Act (Measure Z), and the Rockridge Library Community Facilities District of 1992, all of which create separate taxes on parcels within City of Oakland; and

WHEREAS, on June 5, 2018, Oakland voters approved Measure D, the 2018 Oakland Public Library Preservation Act, a parcel tax to maintain, protect and improve library services; and

WHEREAS, the services of a professional engineer are required to delineate the parcels subject to the above described districts and parcel taxes, to determine the land uses and assessment rates for each parcel, to annually develop the Assessment Roll for the County Assessor, and to assist with any informational requests required by the City relating to the districts and parcel taxes (the "Professional Services"); and

WHEREAS, Oakland Municipal Code (OMC) § 2.04.040.B requires the City Administrator to conduct a Request for Proposals/Qualifications (RFP/Q) process for professional services contracts, and OMC § 2.04.051.B permits the City Council to waive the RFP/Q process upon a finding that it is in the best interest of the City to do so; and

WHEREAS, the City conducted an RFP/Q process for the Professional Services in or about November 2017;

WHEREAS, Francisco & Associates, Inc. applied through that RFP/Q process and was selected in compliance with the RFP/Q selection guidelines; and

WHEREAS, on December 20, 2017, and pursuant to authority granted to the City Administrator by OMC § 2.04.020(B), the City and Francisco & Associates, Inc. executed an agreement with a term of January 1, 2018 to December 31, 2021 pursuant to which Francisco & Associates, Inc. agreed to provide the Professional Services and the City agreed to pay Francisco & Associates in an amount not-to-exceed two hundred forty-six thousand dollars (\$246,000.00); and

WHEREAS, an amendment of the December 20, 2017 agreement to increase the not-to-exceed compensation and extend the term will allow the City to implement the collection of parcel taxes of additional local measures initiated by voters and/or ballot measures between calendar years 2020 and 2023 without postponement; and

WHEREAS, sufficient funding is available in the budgets of the respective special assessment funds to award the proposed amendment; and

WHEREAS, the City Administrator has determined that the services to be provided pursuant to the December 20, 2017 agreement and the proposed amendment are of a professional, technical and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City Administrator has determined that it is in the best interest of the City to waive the RFP/Q process because of the specialized services, consultation, and engineering reports provided by Francisco & Associates, Inc. and such waiver will prevent the delay in the filing of critical assessment data to the Alameda County Auditor-Controller's office; now, therefore, be it

RESOLVED: That the City Council authorizes an amendment to the December 20, 2017 agreement with Francisco & Associates, Inc. to increase the not-to-exceed amount to five hundred fifty thousand dollars (\$550,000.00) and to extend the agreement term to December 31, 2023; and be it

FURTHER RESOLVED: That the City Council hereby authorizes, as appropriate, an amendment to extend the agreement term to December 31, 2025; and be it

FURTHER RESOLVED: That the City Council finds and determines that a waiver of the advertising, competitive bidding and request for proposals/qualifications process is in the best interest of the City; and be it

FURTHER RESOLVED: That based on the information above, the contract is of a professional, technical and temporary nature and will not result in the loss of employment or salary by any person having permanent status in the competitive process; and be it

FURTHER RESOLVED: That Francisco & Associates, Inc. is designated as the District Engineer for the Landscaping and Lighting Assessment District; and be it

FURTHER RESOLVED: That Francisco & Associates, Inc. will file an annual report for the Landscaping and Lighting Assessment District with the City Clerk in accordance with the provision of the Landscaping and Lighting Act of 1972, specifically Section 22622 of the California Streets and Highways Code; and be it

FURTHER RESOLVED: That any amendments to the December 20, 2017 agreement with Francisco & Associates, Inc. shall be reviewed and approved for form and legality by the City Attorney and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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