

CITY OF OAKLAND

AGENDA REPORT FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 OCT 25 PM 2: 53

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: November 6, 2007

RE: Resolution Waiving The Competitive RFQ/RFP Selection Requirement And Authorizing The Award Of A Three-Year Agreement For A Total Amount Not To Exceed One Hundred Fifty Thousand Dollars (\$150,000) With The East Bay Conservation Corps To Provide Recycling Services

SUMMARY

A resolution has been prepared authorizing the City Administrator to enter into a professional services agreement (Agreement) with the East Bay Conservation Corps (EBCC), a local, non-profit organization to provide recycling services. The Agreement is for a three-year period in an amount not to exceed one hundred fifty thousand dollars (\$150,000).

The Agreement will be for EBCC to: (1) provide interns to assist with the City's Recycling Hotline; (2) support grant-funded oil recycling activities; (3) provide grant-funded recycling collection service to eight large City facilities; and (4) perform additional related work.

The Agreement authorized by the resolution addresses the City Council goals to ensure that all Oakland children through seniors have the opportunity to be successful, to improve efficiency and responsiveness to our residents, and to develop a sustainable city. Specifically, the Agreement with EBCC will provide employment to at-risk Oakland youths, implement programs that protect and conserve natural resources, and facilitate a partnership with a local conservation corps that results in increased capacity to improve the quality of life in neighborhoods.

Section 2.04.051 B of the Oakland Municipal Code ("OMC") permits the City Council to waive the competitive Request For Qualification/Request For Proposal competitive selection process requirement of Section 2.04.051 A of the OMC if it finds that it is in the best interest of the City to do so. It is staff's determination that it is in the best interest of the City to award this contract to EBCC because this group of services cannot be provided by a vendor other than EBCC. EBCC is the only local conservation corps (one of nine statewide) serving Oakland and receiving grant funding from the state Department of Conservation (DOC) specifically for recycling work. Thus, EBCC has been able to provide the City with these services since 1991 at a significantly reduced cost. Council approval of this contract is requested in accordance with Oakland Municipal Code Section 2.04.050 (I), which allows for an exception to calling for bids on a competitive basis.

Staff recommends that the City Council waive the competitive RFP/RFQ selection requirement and approve the resolution authorizing the City Administrator to enter into a professional services

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agreement with EBCC for a three-year period in an amount not to exceed one hundred fifty thousand dollars (\$150,000).

FISCAL IMPACT

The Agreement is for a three-year period in an amount not to exceed one hundred fifty thousand dollars (\$150,000).

- \$15,000 annually for Interns to assist the City's Recycling Hotline (Recycling Fund-1710).
- \$20,000 annually for Oil Recycling activities (California Integrated Waste Management Board Fund- 2154; UBG 11 Used Oil Project-G219640)
- \$7,500 annually for Recycling Collection service at eight large City facilities (Alameda County Waste Management Authority- Source Reduction & Recycling Fund-2175; Non Residential Recycling Fund, Project- H63640).

Service	FY 07-08 Adopted	FY 08-09 Adopted	FY 09-10 Projected	Total
Interns Recycling Hotline	15,000	15,000	15,000	45,000
Oil Recycling	20,000	20,000	20,000	60,000
Recycling Collection	7,500	7,500	7,500	22,500
Total:	\$42,500	\$42,500	\$42,500	\$127,500

Funding for any additional work will be dependent on the projects identified and from the appropriate funding sources prior to task assignment, and shall be within the approved contract amount. Funding for FY 2007-09 is within the adopted budget; fund for FY 2009-10 would be requested during the FY 2009-11 budget development process.

BACKGROUND

Since 1991, the Public Works Agency (PWA) has executed a number of Agreements with EBCC to provide a variety of services, including interns to assist with the City's Recycling Program, activities to support oil recycling, recycling collection from City facilities and events, and creek restoration and monitoring services. The City's most recent four-year Agreement with EBCC for the recycling related activities described above expired on July 31, 2007.

EBCC is a local, non-profit organization whose mission is to provide job training, charter school education, and youth development programs by engaging local at-risk youth in service learning projects.

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KEY ISSUES AND IMPACTS

The City is seeking to execute an Agreement with EBCC to provide the required services because no other vendor is available to offer a package of services that includes providing a youth intern for the Recycling Hotline, support for oil recycling activities, and collecting recyclables from City facilities. EBCC provides services throughout Alameda County by hiring and training at-risk youth predominantly from Oakland. In addition, EBCC is one of nine local conservation corps in the State, which are funded from the State of California, Department of Conservation (DOC), Division of Recycling AB 2020 Bottle Bill funds.

The DOC provides specific grant funding to EBCC for various activities related to facilitating and stimulating recycling of beverage containers, including funding to train and place youth with local governmental agencies to support recycling activities, and funding to collect beverage containers. Thus, EBCC has been able to provide these services since 1991 at a significantly reduced cost.

EBCC has provided oil recycling related services to the City since 1997, and it has developed an efficient system to continue providing these services to the City. EBCC participants have been trained by the State to monitor and certify used oil collection centers.

PROJECT DESCRIPTION

The proposed Agreement will require EBCC to: (1) provide interns to assist with the City's Recycling Hotline; (2) support grant-funded oil recycling activities; and (3) provide grant-funded recycling collection service to eight large City facilities; and (4) additional related work to be assigned on a task basis. The proposed Agreement includes performance standards and liquidated damages remedies for the City in the event of non-performance. City staff will monitor and evaluate EBCC's work under this Agreement to ensure that it conforms to the performance standards detailed in the Agreement, and that it continues to support the City's program goals.

Recycling Hotline Interns

EBCC will provide interns to assist with the City's 238-SAVE (7283) Recycling Hotline, as it has done since 1991. The Recycling Hotline responds to calls from residents inquiring about available recycling, green waste, and garbage services, and about more general environmental concerns as well. In addition, the Recycling Hotline serves as the central intake line for other Recycling Program services including business recycling technical assistance, construction and demolition recycling, and solid waste and recycling services for City facilities.

Oil Recycling Support

Since 1993 the City has received annual Block Grant Funding from the California Integrated Waste Management Board (CIWMB) to fund used oil recycling activities. The CIWMB

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encourages grant recipients to work with local conservation corps and has provided EBCC corpsmembers training for certified oil collection center monitoring. The oil recycling activities that EBCC will provide include monitoring certified oil recycling collection centers, and delivering oil recycling kits consisting of jugs, filter bags, and instructions. The kits are made available to the public free of charge at retail stores where motor oil is sold.

City Facilities Recycling Collection

EBCC will provide grant-funded recycling collection service to eight large City facilities. The City Facilities Recycling Program provides comprehensive recycling collection service to these facilities: City Hall, 150 & 250 Frank H. Ogawa Plaza, Oakland Museum, Main Library, Police Administration Building, Municipal Services Center, and Heavy Equipment Shop. The smaller City facilities are provided recycling service under the City's Residential Recycling Agreements.

SUSTAINABLE OPPORTUNITIES

Economic: The Agreement with EBCC will provide jobs and job training for Oakland youth. The activities encourage resource conservation and community stewardship opportunities.

Environmental: By executing an Agreement with EBCC to collect beverage containers from large City facilities, the City can facilitate conserving natural resources and landfill capacity. EBCC's activities related to oil recycling will result in preventing pollution and further conservation of natural resources. By educating the public about used oil and oil filter recycling, this program helps the City to meet the public information and participation component of its Countywide National Pollutant Discharge Elimination System Permit, established by the Federal Clean Water Act.

Social Equity: By executing an Agreement with EBCC to provide services related to the City's recycling program, the City supports EBCC's mission to train and educate Oakland's at-risk youth through performing community and environmental stewardship projects.

DISABILITY AND SENIOR CITIZEN ACCESS

The resolution authorizing execution of the Agreement with EBCC will not have any impact on disability and senior citizen access.

RECOMMENDATION AND RATIONALE

Staff recommends that the City Council approve a resolution authorizing a three-year Agreement for a total amount not to exceed one hundred fifty thousand dollars (\$150,000) with the East Bay

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Conservation Corps to provide recycling services. This Agreement provides grant-leveraged services to the City, and educational and job training opportunities for Oakland's at-risk youth.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution authorizing the City Administrator to enter into a professional services agreement with EBCC for a three-year period in an amount not to exceed one hundred fifty thousand dollars (\$150,000).

Respectfully submitted,



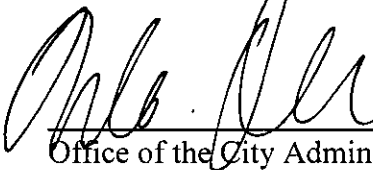
Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director
Department of Facilities & Environment

Susan Kattchee, Manager
Environmental Services Division

Prepared by:
Mark Gagliardi, Senior Recycling Specialist
Environmental Services Division

APPROVED AND FORWARDED.
TO THE CITY COUNCIL:



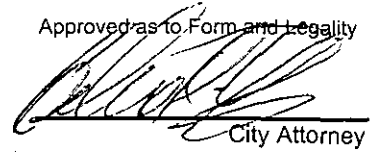
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FILED
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OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

2007 OCT 25 PM 2: RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING THE COMPETITIVE RFP/RFQ SELECTION REQUIREMENT AND AUTHORIZING THE AWARD OF A THREE-YEAR AGREEMENT FOR A TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) WITH THE EAST BAY CONSERVATION CORPS TO PROVIDE RECYCLING SERVICES

WHEREAS, the California Integrated Waste Management Act of 1989 mandated that every city and county in the state reduce the quantity of solid waste disposed within their jurisdiction and disposed in landfills by fifty percent by 2000; and

WHEREAS, the Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D) enacted in 1990 established a countywide goal of 75% reduction of waste going to landfills and required the Alameda County Source Reductions and Recycling Board to set a date to achieve the goal; and

WHEREAS, in 1996 the Alameda County Source Reduction and Recycling Board established 2010 as the year the 75% countywide goal for reduction of waste going to landfills should be met; and

WHEREAS, in 2002 through Resolution No. 77500 C.M.S. the City Council established a goal of 75% reduction of solid waste going to landfills for the City of Oakland in alliance with the countywide 75% waste reduction goal; and

WHEREAS, in 2006 through Resolution No. 79775 C.M.S., the City Council adopted a Waste Reduction and Recycling Strategic Plan to achieve the 75% solid waste diversion goal by 2010; and

WHEREAS, in 2006 through Resolution No. 79774 C.M.S., the City Council assumed a leadership role in advocating waste reduction principles for materials management by adopting a Zero Waste goal for year 2020; and

WHEREAS, the City of Oakland, Public Works Agency, Environmental Services Division receives Used Oil Recycling Block Grant funding from the California Integrated Waste Management Board to implement and continue programs addressing the recycling of used oil; and

WHEREAS, the City desires to enter into an agreement with the East Bay Conservation Corps (EBCC) for recycling related services including: (1) provide interns to assist with the City's Recycling Hotline; (2) support grant-funded oil recycling activities; (3) provide grant-funded recycling collection service to eight large City facilities; and (4) additional related work; and

WHEREAS, the activities included in the agreement will help address the City Council goals to ensure that all Oakland children through seniors have the opportunity to be successful, to improve efficiency and responsiveness to our residents, and to develop a sustainable city; and

WHEREAS, the activities included in the agreement with EBCC will be funded by a combination of sources including the Recycling Fund 1710, and grants from the California Integrated Waste Management Board and the Alameda County Waste Management Authority; and

WHEREAS, 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 2.04.051A of the Oakland Municipal Code because this group of services cannot be provided by a vendor other than EBCC; and

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

WHEREAS, the City Council finds that this agreement 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 Administrator is hereby authorized to enter into a three-year agreement for a total amount not to exceed one hundred fifty thousand dollars (\$150,000) with the East Bay Conservation Corps to provide recycling services; and, be it

FURTHER RESOLVED: That the City Administrator or his/her designee is hereby authorized and empowered to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in compensation or the allocation of additional funds provided that such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be approved by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California