

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN 26 PM 7:41

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 8, 2008

RE: **Supplemental Report And Resolution Waiving Advertising And Competitive Bidding And Authorizing A Negotiated One Year Contract With RMT Landscape Contractors, Inc. With The Option For Two One-Year Extensions To Maintain Landscaping On The Mandela Parkway In Accord With The City's Specifications In A Not-To-Exceed Amount Of One Hundred Seventeen Dollars (\$117,000.00) Each Year For A Total Amount Not-To-Exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) Over Three Years**

SUMMARY

This is a supplemental report and resolution resulting from the June 10, 2008 Public Works Committee meeting at which staff was directed to return to the July 8, 2008 Finance and Management Committee with a recommendation to fund landscape maintenance of the Mandela Parkway.

Approval of the attached resolution would waive advertising and competitive bidding and authorize the City Administrator to negotiate a one (1) year contract with two (2) one-year extensions with RMT Landscape Contractors, Inc. for landscaping maintenance of the Mandela Parkway in a not-to-exceed amount of \$117,000.00 each year for a total amount not-to-exceed three hundred fifty thousand dollars (\$350,000.00) for three years. This contract requires a two-thirds vote of the City Council.

FISCAL IMPACT

At the June 17, 2008 City Council meeting, as a part of the adopted FY 2008-09 Mid-Cycle Budget, the City Council allocated \$350,000.00 in General Fund revenue for the maintenance of Mandela Parkway by the current landscaping contractor.

Funds are available in the FY 2008-09 Midcycle Budget totaling \$350,000.00 within the General Purpose Fund (1010), Facilities Environment Organization (30611), Miscellaneous Contract Services (54919) and Mandela Parkway Project (P347910).

BACKGROUND

Caltrans' obligation to provide landscape maintenance for Mandela Parkway expires in July 2008 and the City will take over full maintenance of the parkway in August 2008.

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The City wishes to hire RMT Landscape Contractors, Inc, to perform the Mandela Parkway maintenance because:

- RMT is a commercial landscape/general engineering contractor operating primarily in the 9 Bay Area Counties. Having been established in 1977, RMT Landscape has grown to be one of the largest commercial/residential contractors in the northern California area;
- They were the landscaping contractor for Oakland's Splash Pad Park and the Port's airport landscaping projects including the 98th Avenue entrance to the Oakland Airport;
- RMT is an Oakland local business enterprise (LBE);
- RMT performed the installation of the landscaping at Mandela Parkway and have performed the maintenance of that work successfully for three years;
- They are familiar with Oakland's contracting procedure and as with their other Oakland projects, are required to comply with local hiring and other contract programs applicable to their work; and
- RMT will maintain the Parkway landscaping maintenance from 8th Street to the Emeryville border.

Under the one (1) year contract the contractor would continue to provide the services they provide currently including:

- Trimming, maintaining and mowing ground cover and turf
- Pruning, maintaining and replacing trees and shrubs
- Monitoring, maintaining and repairing irrigation system
- Removing weeds and trash from planted areas and paved areas.

KEY ISSUES

It would be in the City's best interests to waive advertising and competitive bidding and hire RMT Landscape Contractors, Inc. because:

- There is not sufficient time to select a contractor pursuant to advertising and bidding by this August when the City must assume maintenance;
- The contractor both installed and has successfully maintained the landscaping for the last three years;
- The cost to the City is lower that what was charged to Caltrans;
- The two one-year optional extensions allow the City, if it chooses, to bid the work after the first year;
- The cost would be fixed at \$350,000 for 3 years even if the contractor's costs were to increase;
- The entire \$350,000.00 allocation from the City Council would be securely encumbered for the work; and

- RMT Landscape Contractors, Inc. is a certified local business enterprise (LBE) and agrees to comply with small local business, local hiring and other Oakland policies applicable to the contract.

This one (1) year contract with the option for two (2) one-year extensions for full maintenance of the Mandela Parkway is in the public interest because of economy or better performance and staff has determined that it shall not result in the loss of employment or salary by any person having permanent status in the competitive service. Oakland Charter Section 902(e) requires that such contracts for services regardless of nature be approved by a two-thirds (2/3) vote of the City Council.

RECOMMENDATION

It is recommended that the City Council approve the attached resolution.

Respectfully submitted,

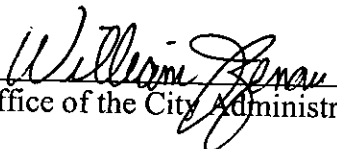


Raul Godinez II
Director, Public Works Agency

Reviewed by:
Brooke A Levin, Assistant Director

Prepared by:
Jocelyn Combs, Special Assistant
Department of Facilities and Environment

APPROVED AND FORWARDED TO THE
FINANCE AND MANAGEMENT COMMITTEE:


Office of the City Administrator

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Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C. M. S.

Requires A Two-Thirds Council Vote

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING A NEGOTIATED ONE (1) YEAR CONTRACT WITH RMT LANDSCAPE CONTRACTORS, INC. WITH THE OPTION FOR TWO (2) ONE-YEAR EXTENSIONS TO MAINTAIN LANDSCAPING ON THE MANDELA PARKWAY IN ACCORD WITH THE CITY'S SPECIFICATIONS IN A NOT-TO-EXCEED AMOUNT OF \$117,000.00 EACH YEAR FOR A TOTAL AMOUNT NOT-TO-EXCEED \$350,000.00 OVER THREE YEARS

WHEREAS, Mandela Parkway was constructed after the 1989 Loma Prieta earthquake destroyed the elevated Cypress Freeway (constructed in 1957) along Interstate 880 that bisected West Oakland, and the Parkway median and landscaped areas on both sides of Mandela Parkway runs from 8th street to the Emeryville border; and

WHEREAS, when the Parkway landscaping project was completed by Caltrans in 2005, the City assumed responsibility for hardscape maintenance and Caltrans has been responsible for landscape maintenance through a three-year Plant Establishment Period (PEP); and

WHEREAS, PEP maintenance, which includes mowing the turf, edging, and trash and debris removal within the medians, has been performed by the contractor that installed the landscape, RMT Landscape Contractors, Inc., an Oakland firm, for the past three (3) years and has an intimate knowledge of the landscaping needs of the Mandela Parkway; and

WHEREAS, Caltrans' obligation to provide landscape maintenance for Mandela Parkway expires in July 2008 and the City must assume full maintenance of the median in August 2008; and

WHEREAS, it would be in the City's best interests to waive advertising and competitive bidding and hire RMT Landscape Contractors, Inc., an Oakland firm, to perform the work because:

- There is not sufficient time to advertise and bid the work by this August when the City must assume maintenance,
- The contractor installed and successfully maintained the landscaping for the last three years,
- The contractor is offering the City a lower price than Caltrans is currently paying,
- The two (2) one-year optional extensions allow the City to bid the work after the first year,
- The cost would be fixed at \$117,000.00 for each year or a total cost of \$350,000 for three (3) years even if the contractor's costs increase,
- The entire \$350,000.00 allocation from the City Council would be securely encumbered for the work for the next three (3) years, and

- RMT Landscape Maintenance, Inc. is an Oakland certified local business enterprise (LBE) and has agreed to comply with the City's small local business, local hire, equal benefits and other Oakland policies applicable to the contract; and

WHEREAS, the one (1) year contract with the option for two (2) one-year extensions for full maintenance of the Mandela Parkway is in the public interest because of economy or better performance and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, pursuant to Oakland Charter Section 902(e), a contract for services regardless of nature and term that is in public interest because of economy or better performance requires a two-thirds (2/3) vote of the City Council; and

WHEREAS, at the June 17, 2008 City Council meeting, as a part of the adopted FY 2008-09 Mid-Cycle Budget, the City Council allocated \$350,000.00 revenue to the General Purpose Fund (1010), Facilities and Environment Organization (30611), Miscellaneous Contracts Account (54919), Mandela Parkway Maintenance Project (P347910) and Grounds Program (NB07) for the maintenance of Mandela Parkway by the current landscaping contractor; now, therefore, be it

RESOLVED: That, pursuant to Oakland Municipal Code Chapter 2.04, Section 2.04.050.I.5 and for the reasons set forth in the City Administrator's report accompanying this Resolution and above, the City Council finds and determines that it is in the best interests of the City to waive advertising and competitive bidding requirements for the Mandela Parkway landscape maintenance contract and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes a negotiated one (1) year contract with the option for two (2) one-year extensions with RMT Landscape Contractors, Inc. to maintain landscaping on the Mandela Parkway in accord with the City's specifications in a not-to-exceed amount of \$117,000.00 each year for a total amount not-to-exceed \$350,000.00 over three years; and be it

FURTHER RESOLVED: That the contract shall be subject to review and approval by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA _____, 20____

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