



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** David Ferguson  
Interim Director, OPW

**SUBJECT:** On-Call Special Inspection and  
Testing Services Contract Award

**DATE:** March 12, 2021

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City Administrator Approval 

Date: May 3, 2021

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## **RECOMMENDATION**

**Staff Recommends That City Council Adopt A Resolution Awarding Professional Services Contracts For On-Call For Special Inspection And Testing Services In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Each To: 1) Applied Materials & Engineering, Inc., 2) Biggs Cardosa Associates, Inc., 3) Construction Testing Services, Inc., 4) ENGEO, Inc., and 5) Inspection Services, Inc., For A Term Of 3 Years.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution will award and execute a Professional Services Contract with the above qualified five (5) firms for Five Hundred Thousand Dollars (\$500,000.00) each over a three-year period.

On-call special inspection and testing services are required to provide quality assurance, quality control, and various laboratory and sampling services necessary to support and facilitate the City of Oakland's Capital Improvement Program. Services required may include specialized inspection, welding and anchor bolt inspection, materials field sampling, structural and laboratory testing, and plant/factory inspection. Typical types of projects that may require Special Inspection services include bridges, retaining walls, structures, recreation centers, libraries, public safety buildings, administration buildings, roadways, paving, sidewalks, traffic signals, underground pipelines, and various other capital improvement projects.

## **BACKGROUND / LEGISLATIVE HISTORY**

Oakland Public Works (OPW) manages a wide variety of capital improvement projects. To deliver these projects in a timely and cost-effective manner, OPW utilizes professional services contracts solicited through a competitive process according to Oakland Municipal Code (OMC) section 2.04.051. It is anticipated that many capital improvement projects will need to utilize these special inspection and testing services throughout the three-year duration of the proposed contracts. These on-call contracts will allow the City to provide the necessary qualified and certified inspectional promptly and laboratory testing services to meet, maintain, and document

City Council  
May 18, 2021

quality control on capital projects. The use of on-call contracts will reduce the time and processes associated with selecting firms on an individual project-by-project basis and thereby provide cost savings to the City.

In September 2020, the City issued a Request for Qualifications (RFQ) for On-Call Special Inspection and Testing Services. Six (6) firms responded to the RFQ. OPW staff evaluated each RFQ submittal for compliance with the minimum requirements and verified the experience and qualifications of each firm's staff and certifications of equipment and facilities.

### **ANALYSIS AND POLICY ALTERNATIVES**

In accordance with OMC 2.04.051 and the provisions of Administrative Instruction 150 for Professional Services Contracts, an RFQ for On-Call Special Inspection and Testing Services was issued on September 25, 2020, seeking qualified consultant/firms for the proposed Special Inspection and Testing Services.

On October 16, 2020, Capital Contract Division received six (6) proposals in response to the RFQ. One proposal did not meet the Local/Small Local Business Enterprise (L/SLBE) requirements and was deemed non-responsive. The remaining five (5) responding firms are certified local business enterprises and exceeded the City's Local/Small Local Business Enterprise (L/SLBE) program requirements. Each firm is also compliant with the Equal Benefits Ordinance (EBO). The Department of Workplace and Employment Standards (DWES) has verified the L/SLBE information for each firm (See **Attachment A – Contract Compliance Analysis Memo**).

A panel of three professionals with experience in the scope of services and project types identified in the RFQ reviewed and ranked the RFQ's proposals. The evaluation criteria outlined in the RFQ were based on the quality and content of the proposals (See **Attachment B – Proposal Evaluation Form**).

Based on the panel's evaluation results, contract requirements, and contract capacity needs, a recommendation was made for the most qualified firms to provide the needed on-call inspection and testing services. Each of these selected firms clearly demonstrated their understanding of the scope and requirements in their submittals.

The following firms are recommended for contracts, in alphabetical order:

- Applied Materials & Engineering, Inc.,
- Biggs Cardosa Associates, Inc.,
- Construction Testing Services, Inc.,
- ENGEO; and
- Inspection Services, Inc.

The Oakland Public Works Department (OPW) supported projects through a former Construction & Material Testing Unit in the Project Delivery Division. Five OPW staff worked in the unit and were assigned as needed to various capital projects. In December 2018, the unit

began the process of dissolving into the Construction Management Unit. Today, there are no staff to provide the services of that unit. Because of the dissolution of the Construction & Material Testing Unit, outside services are required to fulfill project testing per State Building Code Chapter 17, as well as Caltrans Local Assistance Program procedures and quality assurance for City's projects. In addition, Special Inspection services are required to maintain quality assurance as is often needed per the Building Department permits.

If this item is not adopted, the Capital Improvement Program delivery will be jeopardized. The purpose of the contract is to have a neutral third party directly in contract with the City for services to eliminate conflict of interest for the sake of public safety.

### **FISCAL IMPACT**

Approval of this resolution authorizes the City Administrator to award a professional services agreement to each firm in an amount not-to-exceed five hundred thousand dollars (\$500,000.00). The on-call special inspection and testing services will be utilized for projects funded by various capital improvement funds, bonds, and grants such as Measure KK, Measure DD, Measure WW, Measure B, Trade Corridor Improvement funds, Community Development Block Grants, State Department of Parks and Recreation grants, and others. The approval of these contracts will not result in the additional appropriation of funds. The services will be funded through the appropriations of individual projects, which will be identified before the performance of the work.

### **PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

The following is a summary of the firms and their most recent performance status:

|                                       |   |
|---------------------------------------|---|
| Applied Materials & Engineering, Inc. | Satisfactory performance on past contracts. |
| Biggs Cardoso Associates, Inc.        | Satisfactory performance on past contracts. |
| ENGEO                                 | Satisfactory performance on past contracts. |
| Construction Testing Services, Inc.   | Satisfactory performance on past contracts. |
| Inspection Services, Inc.             | Satisfactory performance on past contracts. |

### **PUBLIC OUTREACH / INTEREST**

Public outreach is part of the Capital Contract Equity Initiative for OPW. The outreach engagement specifically includes professional organizations representing women-owned and African American-owned firms. These two groups were identified in the 2019 Mason Tillman Disparity Study as firms not receiving a proportional amount of contracting dollars from the City of Oakland.

OPW's Capital Contract Division (OPW-CCD) has an established disparity outreach list of local women-owned, African American, and other global majority associations such as the National

Association of Women Business and Owners and the National Black Contractors Association of California to distribute the RFQ to their membership. If future disparities are identified for specific groups, they will be included in this list for additional outreach.

For this professional services RFQ solicitation, OPW-Construction Management Division (OPW-CM) worked with OPW-CCD and the DWES on performing public outreach through the legal ads, enhanced notifications, and pre-proposal meeting.

Notifications of solicitations were distributed by several means. The first mean was the City's iSupplier system, which was utilized to notify Oakland-certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and Construction Bidboard. Companies that register in iSupplier wait a few days before receiving access to review proposal requests in this system. If a company enters a NAICS code, they are notified about projects with this code. For this specific RFQ for On-Call Special Inspection and Testing Services 2020, the specified NAISC code resulted in providing notifications to 184 firms. See **Attachment C - iSupplier Firm List**.

In addition to iSupplier and the established disparity outreach list, OPW-CCD also utilizes CIPList.com, a free, web-enabled site to announce and distribute solicitations. It is used to push out notifications to plan rooms and builders' exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to be automatically notified of all City of Oakland solicitations without restrictions.

The legal notice for the RFQ was advertised on September 25, 2020. OPW-CCD included printed legal notices in the EastBay Times and Oakland Post. In addition, information about the project was published in El Mundo, Daily Pacific Builder, World Journal, and the Korea Times publications to supplement and ensure the information reaches Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) in Black, Indigenous, People of Color (BIPOC) communities with potential contractors/consultant.

OPW-CCD held an outreach/networking/pre-proposal meeting in partnership with the DWES and the Project Manager on October 1, 2020, with twenty-one persons, over ten firms in attendance either in the office or virtually (See **Attachment D – Pre-Proposal Conference Call Attendees**). The meeting served a few purposes: to discuss with potential consultants how contracts are established with the City, to make the attendees aware of possible upcoming work, to allow for opportunities for consultants to network and partner on upcoming work, and to discuss the current RFP solicitation specifically.

Upcoming projects and current projects accepting submissions are on the OPW-CCD webpage. As part of the OPW-CCD equity initiative, current and next steps contain outreach to engage professional and contractor associations specifically representing women-owned, African American-owned, and other global majority firms. OPW-CCD will collaborate with existing

construction/consultant working groups and professional organizations to reduce identified disparities in contracting. Finally, OPW-CCD will partner with the Business Assistance Center to identify grant funding to establish a Contract Assistance Center to help guide contractors with the City's contracting process.

### **COORDINATION**

The work to be done under this contract has been coordinated with OPW outreach/equity requirements, DWES program requirements, and appropriate divisions within OPW for City's Bid Requirements and Sustainability overview.

This report and the resolution have been reviewed for form and legality by the City Attorney's Office, the Budget Bureau, and DWES Contracts and Compliance Unit, and the Department of Race and Equity.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The consultants are verified for LBE/SLBE participation by the Workplace and Employment Standards Department. The project will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the project and will benefit directly.

***Environmental:*** Environmental factors and opportunities will be considered and incorporated to the extent feasible. Consultants will be required to consider the integration of environmental, waste reduction, and energy conservation opportunities.

***Race & Equity:*** The work issued to the On-Call Special Inspection and Testing Services firms will be projects identified in the City's Equitable Capital Improvement Program. Projects in this program are ranked based on 9 factors. Special Inspections and Testing Services provide for higher quality control and quality assurance in the implementation of capital improvement projects for public use.

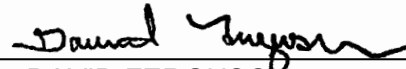
Projects completed under these contracts will provide quality control and assurance that resulted in improved and safer facilities accessible to people of all ages who use various modes of transportation in all Oakland neighborhoods.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That City Council Adopt Resolution Awarding Professional Services Contracts For On-Call For Special Inspection And Testing Services In An Amount Not-To-Exceed Five Hundred Thousand Dollars (\$500,000.00) Each To: 1) Applied Materials & Engineering, Inc., 2) Biggs Cardosa Associates, Inc., 3) Construction Testing Services, Inc., 4) ENGEO, Inc., and 5) Inspection Services, Inc., For A Term Of 3 Years.

For questions regarding this report, please contact Joseph Tanios, Construction Inspector Supervisor-II at (510) 238-7278, or email JTanios@oaklandca.gov.

Respectfully submitted,



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Attachments (4):

- A: Contract Compliance Analysis Memo, November 25, 2020
- B: Proposal Evaluation Form
- C: iSupplier Firm List
- D: Pre-Proposal Conference Call Attendees