

**CITY OF OAKLAND**  
**AGENDA REPORT**

2010 FEB 10 AM 9:58

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Public Works Agency  
DATE: February 23, 2010

RE: **Resolution Waiving The Competitive RFQ/RFP Selection Requirement And Awarding A Two-Year Agreement For An Amount Not-To-Exceed Sixty Thousand Dollars (\$60,000.00) To The Association Of Bay Area Governments Balance Foundation -Alameda County Green Business Program To Provide Green Business Certification For Oakland Businesses**

---

**SUMMARY**

A resolution has been prepared authorizing the City Administrator to enter into professional services agreement (Agreement) with the Association of Bay Area Governments Balance Foundation (ABAG) - Alameda County Green Business Program (GBP) to review and process applications received from Oakland businesses and certify those that meet the GBP standards. ABAG Balance Foundation is the fiscal agent for the GBP. The Agreement is for a two-year period in an amount not-to exceed sixty-thousand dollars (\$60,000). Staff recommends awarding this Agreement to ABAG.

The GBP promotes environmentally responsible business practices, such as conservation and efficient use of natural resources and emissions and pollution prevention, through a certification program that focuses on small and medium sized businesses. Adopting the resolution will authorize the City Administrator to enter into an agreement with ABAG to prioritize and expedite applications from Oakland businesses and increase application processing capacity and result in more Oakland businesses being certified green.

Section 2.04.051 B of the Oakland Municipal Code permits the City Council to waive the Request For Qualifications/Request For Proposals ("RFQ/RFP") competitive selection process requirement if it finds that it is in the best interest of the City. Staff recommends that the City Council waive the competitive RFP selection requirement and approve the resolution authorizing the City Administrator to enter into a professional services agreement with ABAG, because it is the official entity in Alameda County that certifies businesses as "green".

**FISCAL IMPACT**

The Agreement is for a two-year period in an amount not to exceed sixty thousand dollars (\$60,000). Funding is available within the FY 2009-2011 adopted budget Alameda County: Source Reduction and Recycling Fund (2175), Environmental Services Recycling and Solid Waste Organization (30682), and Non Residential Recycling Fund Project (H63640).

Item: \_\_\_\_\_  
Public Works Committee  
February 23, 2010

## **BACKGROUND**

The GBP conducts on-site compliance assistance, coordinates inspections, and certifies businesses as “green” in cooperation with local government agencies and utilities. Entities seeking Green Business certification must implement measures that exceed applicable environmental regulations in energy and water efficiency, pollution prevention, and solid waste reduction and recycling.

As a partner in the GBP since 1998, the City has provided an annual contribution ranging from \$3,000-\$5,000 to supplement the core GBP program. The GBP provides quarterly performance reports to the City that include the number of applications received, and certifications and recertifications completed. In addition, staff participates in quarterly GBP partner meetings to discuss and update procedures and standards, select target business sectors, and improve certification process efficiency.

In 2006, through Resolution No. 80286 C.M.S., Council adopted a Strategic Plan to Achieve the Goal of Zero Waste by 2020. The plan calls for improvement of commercial recycling participation through targeted solicitation and enrollment of Oakland businesses into the GBP.

## **KEY ISSUES AND IMPACTS**

The GBP handles approximately 35 new applications and 35 re-certifications annually for participating Oakland businesses. Pursuant to the zero waste strategic plan, PWA is implementing a two-part approach to increase participation in the GBP by Oakland businesses. First, a Request For Proposals has been issued for consulting services to aggressively recruit businesses into the GBP, and to provide the necessary technical assistance for participating Oakland businesses to successfully complete the certification process. The goal of this outreach effort is to add an additional 100 new businesses to the GBP in the first year. Second, execute an Agreement with ABAG to prioritize and expedite applications from Oakland businesses, and to increase application processing capacity for the GBP to meet the new demand created by the outreach efforts.

## **PROGRAM DESCRIPTION**

The purpose of this Agreement is to increase GBP certification processing capacity to handle the additional demand that will be generated from the new outreach services. Under this Agreement, the GBP will coordinate with the City to ensure that newly referred green business applicants successfully complete the certification process. The GBP will prioritize applications from Oakland businesses to ensure timely response to the businesses about their certification status.

Businesses that join the GBP implement environmental performance measures in waste reduction, energy efficiency, and pollution prevention, beyond regulatory requirements.

Item: \_\_\_\_\_  
Public Works Committee  
February 23, 2010

Certification of green businesses promotes waste prevention and recycling in the commercial sector, which moves the City closer to its waste reduction goals.

### **SUSTAINABLE OPPORTUNITIES**

Economic: The GBP distinguishes businesses that protect, preserve and sustain our environment while operating efficiently to strengthen the bottom line. A certified “green” business has a high profile in the community and holds a marketing edge over the competition.

Environmental: Expanding and strengthening the GBP will assist to conserve natural resources, reduce air and water pollution, protect natural habitat, and reduce greenhouse gas emissions and solid waste sent to landfill.

Social Equity: Expanding the GBP in Oakland will help reduce the impact of these businesses on the environment thus preserving and enhancing natural systems that provide basic ecological services such as clean air and water and a safe living community.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

This report and resolution will not have any direct impact on access for persons with disabilities or senior citizens.

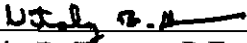
### **RECOMMENDATION AND RATIONALE**

Staff recommends that the City Council waive the competitive RFQ/RFP selection requirement and approve the resolution awarding a professional services agreement with ABAG to certify Oakland businesses in environmentally responsible business practices through its GBP certification program. ABAG, a government partnership that includes the City, is the only agency in Alameda County that provides “green” certification to businesses.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council waive the competitive RFQ/RFP selection requirement and approve the resolution awarding a professional services agreement with ABAG for a two-year period in an amount not to exceed sixty-thousand dollars (\$60,000).

Respectfully submitted,

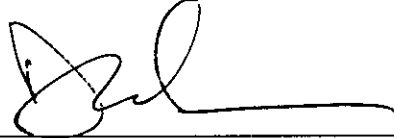
  
\_\_\_\_\_  
Vitaly B. Troyan, P.E.  
Interim Director, Public Works Agency

Reviewed by:  
Brooke A. Levin, Assistant Director

Reviewed by:  
Susan Kattchee, Environmental Services Manager

Prepared by:  
Ferial Mosley, Recycling Specialist  
Environmental Services Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Public Works Committee  
February 23, 2010

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 FEB 10 AM 9:58

**OAKLAND CITY COUNCIL**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

Approved as to Form and Legality

  
City Attorney

**RESOLUTION WAIVING THE COMPETITIVE RFQ/RFP SELECTION REQUIREMENT AND AWARDING A TWO-YEAR AGREEMENT FOR AN AMOUNT NOT-TO-EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) TO THE ASSOCIATION OF BAY AREA GOVERNMENTS BALANCE FOUNDATION – ALAMEDA COUNTY GREEN BUSINESS PROGRAM TO PROVIDE GREEN BUSINESS CERTIFICATION FOR OAKLAND BUSINESSES**

**WHEREAS**, in 2006 through Resolution No. 80286 C.M.S. the Council approved the Zero Waste Strategic Plan to achieve the Zero Waste goal by year 2020, which identified funding and promoting the Green Business Program in Oakland as a recommended step to expand and improve local and regional recycling programs; and

**WHEREAS**, the Association of Bay Area Governments Balance Foundation (ABAG) – Alameda County Green Business Program (GBP) promotes environmentally responsible business practices through a certification program; and

**WHEREAS**, to attain a Green Business certification, businesses must meet specific standards in energy and water efficiency, solid waste reduction and pollution prevention that exceed applicable environmental regulations; and

**WHEREAS**, the City wishes to increase the GBP certification processing capacity to handle the demand from Oakland businesses wishing to be certified as “green”; and

**WHEREAS**, the City desires to enter into an agreement with ABAG to increase the processing capacity for the GBP and facilitate the participation of Oakland businesses in the GBP; and

**WHEREAS**, pursuant to Section 2.04.051 B of the Oakland Municipal Code (OMC), the City Council finds that it is in the best interest of the City to waive the competitive Request For Qualifications/Request For Proposals (“RFQ/RFP”) selection requirement because green business certification cannot be provided by any entity other than ABAG Balance Foundation – GBP at no costs to participating businesses; 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, pursuant to OMC Chapter 2.04, Article I, section 2.04.050.I.5, and to section 2.04.051.B, the City Council hereby finds that based on the reasons and circumstances set forth herein and in the Report accompanying this Resolution, it is in the best interest of the City to waive the competitive RFP/RFQ selection requirements of the Oakland Purchasing Ordinance; and be it

**FURTHER RESOLVED:** That the City Council hereby awards, and the City Administrator is hereby authorized to enter into, a two-year agreement for a total amount not to exceed sixty thousand dollars (\$60,000) with the ABAG to promote environmentally responsible business practices through its green business certification program; 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 reviewed by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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