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OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

2019 APR 11 PM 6:19

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jason Mitchell
Director, OPW

SUBJECT: Clean Lake Contract

DATE: April 1, 2019

City Administrator Approval

Date:

4/11/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator Or Her Designee To Enter Into A Two-Year Agreement, From July 1, 2019 To June 30, 2021, With The Lake Merritt Institute For Professional Services To Provide Cleanup, Maintenance, Monitoring, Volunteer Coordination, Technical Assistance, And Public Outreach Related To Lake Merritt, And Appropriate An Amount Not To Exceed Three Hundred Ninety Thousand Dollars (\$390,000.00), With An Option To Extend The Contract For Two Additional Years, Through June 30, 2023, In An Amount Not To Exceed Three Hundred Ninety Thousand Dollars (\$390,000.00), Based On Satisfactory Contractor Performance.

EXECUTIVE SUMMARY

Lake Merritt has been listed by the Environmental Protection Agency (EPA) of the State of California as an Impaired Water Body since 1999. Due to this regulatory listing, the City is required to reduce litter in and around the lake and increase dissolved oxygen.

Oakland Public Works recommends that the City Council approve a resolution authorizing a two-year agreement not to exceed \$390,000.00 from July 1, 2019 to June 30, 2021 with Lake Merritt Institute (LMI) to continue "Clean Lake" professional services to address Lake Merritt's (the Lake) Impaired Water Body Listing. The resolution approving the agreement will also include an option to extend the contract for two additional years through June 30, 2023, in an amount not to exceed \$390,000.00.

Adoption of the resolution will allow the City to continue to fulfill state and federal requirements for addressing water quality impairments in Lake Merritt, as well as increasing volunteerism at the lake, improving the condition of wildlife habitat, educating the public, and enhancing the lake's aesthetic value.

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BACKGROUND / LEGISLATIVE HISTORY

Since 1999, Lake Merritt has been listed by the Environmental Protection Agency of the State of California 303d list of Impaired Water Bodies for trash and low dissolved oxygen (which affects the survival of aquatic animals in the lake). Because Lake Merritt is listed as an Impaired Water Body, the City is required to reduce litter in and around the lake and increase dissolved oxygen. The scope of work included in this agreement allows the City to comply with state and federal regulations, and thereby avoid fines and penalties. In addition, the work under this contract will further the City's efforts to increase volunteers, improve the condition of wildlife habitat, and enhance the Lake Merritt's aesthetic value.

ANALYSIS AND POLICY ALTERNATIVES

The current Clean Lake contract will expire on June 30, 2019 and a new contract is needed to continue services for Lake Merritt. To address this need, on December 7, 2018 Oakland Public Works (OPW) staff issued a Request for Proposal (RFP) to provide "Clean Lake" services (cleanup, maintenance, monitoring, volunteer coordination, technical assistance and public outreach services related to Lake Merritt). Only one proposal, submitted by the Lake Merritt Institute (LMI), was received by the January 15, 2019 RFP deadline.

Staff evaluated the LMI proposal and rated it as satisfactory in all areas. LMI has demonstrated that it possesses the necessary experience and skills to provide "Clean Lake" services. LMI is the current contractor providing the City "Clean Lake" services and has met all obligations under its existing contract.

The City Administrator's Office, Contracts and Compliance Division, reviewed LMI's proposal, and verified that LMI has met the 50 percent Oakland Local and Small Local Business Enterprise (L/SLBE) participation requirement and the firm is also Equal Benefits Ordinance (EBO) compliant. LMI is also a certified Small Local Non-profit /Not for Profit Corporation. The Contracts and Compliance verification of the L/SLBE participation is shown in **Attachment A**.

FISCAL IMPACT

Approval of the proposed resolution will authorize a total expenditure for the Clean Lake Contract in an amount not to exceed \$390,000.00 for the period of July 1, 2019 to June 30, 2021. If the contract is extended an additional two years, the additional expenditures in Fiscal Year 2021-23 will also be in an amount not to exceed \$390,000.00, and this funding will be contingent upon Council approval.

Funds for this professional services agreement will be included in the Fiscal Year 2019-21 proposed budget in the Recycling Fund (1710) and Sewer Service Fund (3100); Environmental Services: Environmental Remediation Organization (30683); Services: Miscellaneous Contract Account (54919); DP300 Administrative Project (1000010) and Clean Lake Contract Project (1001514); and Sustainable Oakland Program (SC26). If the proposed budget is adopted by

the Council, staff will reallocate necessary funds from DP300 Administrative Project (1000010) to the Clean Lake Contract Project (1001514) at the start of FY 2019-20.

AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery – not to exceed	\$390,000.00
Construction (if applicable)	n/a
Contingency (if applicable)	n/a
Total Project Costs	\$390,000.00

PUBLIC OUTREACH / INTEREST

Announcements regarding this contracting opportunity were posted on the City website and published in the East Bay Times on December 7, 2018. An RFP was issued through the City's iSupplier and CIP.com websites on December 6, 2018, and a pre-proposal meeting was conducted on December 13, 2018.

COORDINATION

Staff has coordinated with the City Administrator's Office Contracts and Compliance Division, OPW Contract Services, Office of the City Attorney, and Budget Bureau in preparation of this report.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The contractor's past performance was considered in evaluating the RFP response and over the last contract period (July 1, 2015 to June 30, 2019), LMI has received an overall "satisfactory" evaluation as contractor for the Clean Lake Contract.

Required contractor tasks delineated in the December 7, 2018 RFP are:

1. Litter Collection:

- a. *Location and Frequency.* Contractor shall perform and coordinate trash removal from Lake Merritt and its immediate surroundings on an as-needed basis, but no less frequently than four days per week.
- b. *Volunteer Support.* Contractor shall maximize the use of volunteers to assist with trash removal, as described above, and shall, to the fullest extent practicable, support independent and unscheduled cleanups by individual volunteers.
- c. *U-Clean-It Stations.* U-Clean-It stations are self-serve lock boxes containing supplies and equipment for cleanup activities including nets, bags, gloves, litter pick up sticks. Contractor shall provide four U-Clean-It stations located around Lake Merritt to allow for the efficient collection of litter by volunteers. Contractor shall adequately stock and maintain the supplies and equipment in the four U-Clean-It stations.

2. Litter/Petroleum Booms: Inspection, Operation, Maintenance and Repair

- a. *Inspections.* Contractor shall inspect each boom located in Lake Merritt at least twice

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- b. per month and always after a storm event.
- c. *Operation and Maintenance*. Contractor shall perform operational and routine maintenance activities necessary to keep the booms functional.

3. Aeration Fountains: Inspection, Operation, Maintenance and Repair

- a. *Inspections*. Contractor shall inspect, on an as-needed basis, the three aeration fountains located in Lake Merritt.
- b. *Operation and Maintenance*. Contractor shall perform operational and routine maintenance activities on the fountains necessary to keep the fountains functional.

4. Education and Outreach

- a. *Annual City-sponsored Volunteer Events*. Contractor shall act as the lead coordinator at Lake Merritt for Earth Day, held annually in April, and Creek to Bay Day, held annually in September.
- b. *Storm Water Runoff Education*. Contractor shall perform annually a minimum of twelve Storm Water Runoff Education presentations to volunteers, schools, civic groups, neighborhood associations and/or the general public to promote reduction of storm water pollution and to grow volunteerism.
- c. *Website Postings*. Contractor shall, upon request from the Project Manager or designee, post education and outreach material on Contractor's website.
- d. *Bulletin Board Maintenance*. Contractor shall maintain, at a minimum, four bulletin boards around the Lake Merritt shoreline and channel. Contractor shall post new messages at least once per month.
- e. *Lake Merritt Water Quality Technical Committee*. Contractor shall actively participate in the City's Lake Merritt Water Quality Technical Committee meetings, including providing brief oral reports on information that is pertinent to the City's overall maintenance of Lake Merritt and the adjacent open and recreational spaces.

5. Illicit Discharge and Dumping: Enforcement Assistance

- a. *Dissemination of Educational Materials*. Contractor shall assist with enforcement related to illicit discharges and illegal dumping in Lake Merritt and the watersheds that directly feed into Lake Merritt by communicating City-approved Best Management Practices (BMPs) and providing educational materials to businesses or persons observed engaging in such violations.
- b. *Documentation*. Contractor shall document, in writing and with photographs, observed illicit discharges and illegal dumping in Lake Merritt and the adjacent open and recreational spaces.
- c. *Notification*. Contractor shall immediately report all illicit discharges and illegal dumping cases in Lake Merritt and the adjacent open and recreational spaces to both the City Illicit Discharge Inspector, and Oakland Public Works Call Center, for inspection, maintenance, and follow-up enforcement to comply with the Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit regulated by the California Regional Water Quality Control Board.

At the end of the project, the Project Manager will evaluate the consultant's performance in accordance with the Consultant Performance Evaluation form.

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SUSTAINABLE OPPORTUNITIES

Economic: Cleaner commercial districts are more likely to attract and retain businesses, thereby increasing sales tax revenue.

Environmental: This Agreement will provide for litter removal, beautification, volunteer coordination and outreach efforts to reduce pollution and waste. Water quality will be improved and wildlife habitat will be enhanced.

Social Equity: This Agreement will result in a cleaner, healthier Lake Merritt for use by citizens of all economic levels.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution authorizing the City Administrator or her designee to enter into a two-year agreement, from July 1, 2019 to June 30, 2021, with the Lake Merritt Institute for professional services to provide cleanup, maintenance, monitoring, volunteer coordination, technical assistance, and public outreach related to Lake Merritt, and appropriate an amount not to exceed three hundred ninety thousand dollars (\$390,000.00), with an option to extend the contract for two additional years, through June 30, 2023, in an amount not to exceed three hundred ninety thousand dollars (\$390,000.00), based on satisfactory contractor performance.

For questions regarding this report, please contact Mark Arniola, Environmental Program Supervisor, at 238-7371.

Respectfully submitted,



JASON MITCHELL
Director, Oakland Public Works

Reviewed by:
David Ferguson, Assistant Director
Oakland Public Works

Reviewed by:
Peter Slote, Acting Manager
Environmental Services Division

Prepared by:
Mark Arniola, Environmental Program
Supervisor
Environmental Services Division

Attachment:

A: Project Compliance Evaluation

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Public Works Committee
April 23, 2019



Attachment A

INTER OFFICE MEMORANDUM

TO: Jennifer Stern,
Watershed Program Specialist

FROM: Deborah Barnes, Director, *Deborah Barnes*
Contracts & Compliance

THROUGH: Shelley Darensburg, Senior *Shelley Darenburg*
Contract Compliance Officer

PREPARED BY: Vivian Inman, *Vivian Inman*
Contract Compliance Officer

SUBJECT: RFP – Clean Lake Services 2019-2021
Service Category 5: Street Outreach

DATE: February 22, 2019

At the request of the Public Works Department, the designated Compliance Officer conducted a compliance analysis of one (1) proposal submitted to the City in response to the above referenced RFP. Below are the results of the compliance evaluation for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) participation requirement and the Equal Benefits Ordinance (EBO)

<i>Responsive to Social Justice Policies</i>	PROPOSED L/SLBE PARTICIPATION PERCENTAGES					EARNED PREFERENCE POINTS				EBO Compliant? Y/N
	Total L/SLBE	LBE	SLBE	*VSLBE	Total Credited	L/SLBE Participation	Years in Oakland	Oakland Workforce	Total Preference Points	
Lake Merritt Institute	100%	0%	100%	0%	100%	5 pts.	1 pt.	.0 pts	6 pts	Y

Comments: The Lake Merritt Institute exceeded the minimum 50% L/SLBE participation

For questions or comments, please contact Vivian Inman at (510) 238-6261.

COMPLIANCE OFFICER NOTES: None.

City Administrator's Office



CONTRACTS AND COMPLIANCE UNIT

Compliance Division

PROJECT EVALUATION FORM

RE:

RFP Clean Lake Servies 2019-2021

CONSULTANT/CONTRACTOR:

Lake Merritt Institute

Engineer's Estimate:
NA

Contractors' Bid Amount
NA

Over/Under
Engineer's Estimate
NA

Bid discounted amount:
N/A

Discount/Preference Points:
0 points

1. Did the 50% local/small local requirement apply: YES

2. Did the contractor meet the 50% requirement YES

a) % of LBE participation 0.00%

b) % of SLBE participation 100.00%

c) % of VSLBE participation 0.00%

3. Did the contractor receive bid discount/preference points? NA
(If yes, list the points received) 0 points

4. Additional Comments.

There was only one proposal submitted for this project. Therefore, preference points are not applicable.

5. Date evaluation completed and returned to Contract Admin./Initiating Dept.

2/22/2019
Date

Reviewing Officer:

Vijai Sharma

Date: 2/22/2019

Approved By:

Shelley Darenshing

Date: 2/22/2019

LBE/SLBE Participation Lake Merritt Institute

Project Name: RFP Clean Lake Servies 2019-2021

Project No.: 1003625		Engineer's Estimate					Under/Over Engineers Estimate:				
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE (Double Counted Amount)	Total LBE/SLBE/VSLBE %	Total Percentages	For Tracking Only		
									Ethn.	MBE	WBE
PRIME	Lake Merritt Institute	Oakland	CB		100.00%		100.00%	100.00%	C		
Project Totals				0.00%	100.00%	0.00%	100.00%	100.00%			
Requirements: A 50% requirement can be satisfied by a combination of 25% LBE and 25% SLBE. The SLBE requirement is waived for Oakland certified prime consultants. A VSLBE's participation is double counted toward meeting the requirement.				LBE 25% or 50%	SLBE 25%	*VSLBE	TOTAL LBE/SLBE/VSLBE 50%	TOTAL	Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed		
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise VSLBE = Very Small Local Business Enterprise Total LBE/SLBE/VSLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise					

CITY OF OAKLAND
SUMMARY OF PROPOSALS OR QUALIFICATIONS RECEIVED
Public Works Department - Contract Services

PROJECT NAME: RFP Clean Lake Services 2019-2021
PROJECT NO: N/A
DUE DATE: Tuesday, January 15, 2019
PROJECT MANAGER: Mark Arniola
COMPLIANCE OFFICER: Vivian Inman
ISSUED TO COMPLIANCE and PROJECT MANAGER: Tuesday, January 15, 2019

Documents Required at Time of Submittal		PROPOSAL RECEIVED	QUALIFICATION RECEIVED	PROPOSAL RECEIVED	PROPOSAL RECEIVED	PROPOSAL RECEIVED	PROPOSAL RECEIVED
LIST OF FIRMS							
1	The Lake Merritt Institute	Y	Y	Y	Y	Y	Y

SCHEDULE E

**PROJECT CONSULTANT TEAM LISTING
(PRELIMINARY WITH PROPOSAL)**



DATE: 1/11/19

Note:
For Professional Services Contracts Only -- To be completed by prime consultants only. The prime contractor must list all subcontractors regardless of tier and their respective percentage of the project work. No other subcontractors other than those listed below shall be used without prior written approval by the City of Oakland. Provide all information listed and check the appropriate boxes. Firms must be certified with the City of Oakland in order to receive Local/Small Local Business Enterprise credits.

PRIME CONSULTANT: The Lake Merritt Institute

SIGNED: [Signature]

Type of Work	Company Name	Address and City	Phone Number	% of Project Work	Subcontract	Local (LB)	Small Local (SLBE)	Ethnicity	Gender
Prime	The Lake Merritt Inst	568 Babbette Ave Oakland, CA 94610	510-233-3300	100			X	*	*

Attach additional page(s), if necessary
Contractors are required to identify the ethnicity and gender of all listed firms majority owner. This information will be used for tracking purposes only.
* (AA= African American) (A= Asian Indian) (AP= Asian Pacific) (C= Caucasian) (H= Hispanic) (NA= Native American) (O= Other) (M= Male) (F= Female)

* * 7 Caucasian, 1 African American
* * 5 male, 3 female

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OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality

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RESOLUTION No. _____ C.M.S.


City Attorney

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO ENTER INTO A TWO-YEAR AGREEMENT, FROM JULY 1, 2019 TO JUNE 30, 2021, WITH THE LAKE MERRITT INSTITUTE FOR PROFESSIONAL SERVICES TO PROVIDE CLEANUP, MAINTENANCE, MONITORING, VOLUNTEER COORDINATION, TECHNICAL ASSISTANCE, AND PUBLIC OUTREACH RELATED TO LAKE MERRITT, AND APPROPRIATE AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000.00), WITH AN OPTION TO EXTEND THE CONTRACT FOR TWO ADDITIONAL YEARS THROUGH JUNE 30, 2023, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED NINETY THOUSAND DOLLARS (\$390,000.00), BASED ON SATISFACTORY CONTRACTOR PERFORMANCE.

WHEREAS, Lake Merritt has been listed by the Environmental Protection Agency of the State of California on its 303d list of "Impaired Water Bodies" for high levels of trash and low dissolved oxygen, and the City is required to reduce litter in and around the lake and increase dissolved oxygen; and

WHEREAS, the City Council finds that this contract will further efforts to de-list Lake Merritt from the State of California 303d list and fulfill the State of California Regional Water Quality Control Board requirements for the City of Oakland, and avoid federal and State Clean Water Act violations and penalties; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific, and technical nature that promote the delivery of comprehensive services related to Lake Merritt; and

WHEREAS, proposals to implement the program were solicited through a request for proposals (RFP) process and the nonprofit organization, Lake Merritt Institute ("LMI"), submitted the only response; and

WHEREAS, LMI's submittal was evaluated and LMI's prior experience including previous experience managing the Clean Lake Contract was found satisfactory; and

WHEREAS, LMI meets the City's Local and Small Local Business Enterprise (L/SLBE) requirements and complies with the Equal Benefits Ordinance (EBO); and

WHEREAS, the City Council finds that this contract 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 contract agreement, subject to the review and approval of the City Attorney, with the Lake Merritt Institute, to provide professional services for cleanup, maintenance, monitoring, volunteer coordination, technical assistance and public outreach related to Lake Merritt for a two-year contract with an option to extend for two additional years for an amount not to exceed three hundred ninety thousand dollars (\$390,000.00); and be it

FURTHER RESOLVED: That all expenditures related to this proposed contract shall be allocated in the Recycling Fund (1710) and Sewer Service Fund (3100); Environmental Services: Environmental Remediation Organization (30683); Services: Miscellaneous Contract Account (54919); Clean Lake Contract Project (1001514); and Sustainable Oakland Program (SC26); and be it

FURTHER RESOLVED: That proposed contract expenditure allocations for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 will be contingent upon Council adoption of the budget; and be it

FURTHER RESOLVED: That the City Administrator is authorized to exercise the option to renew the agreement for two additional years without returning to Council, provided that such option shall be subject to a signed contract amendment, review and approval of the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the agreement shall be reviewed and approved by the Office of the City Attorney for form and legality 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