



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director, Public Works

SUBJECT: Increase Landscape Maintenance
Contract with Bay Construction, Inc.

DATE: December 21, 2020

City Administrator Approval 

Date: Jan 5, 2021

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Waive Advertising And Competitive Bidding To Increase The Current Two Year Landscaping Maintenance Contract With Bay Construction, Inc. At Gateway Industrial District At Oakland Army Base (Community Facilities District 2015-1) By An Amount Of One Hundred Forty-Three Thousand Two Hundred Dollars (\$143,200.00) From One Hundred Ninety-Eight Thousand Dollars (\$198,000.00) For A Total Contract Amount of Three Hundred Forty-One Thousand Two Hundred Dollars (\$341,200.00).

EXECUTIVE SUMMARY

Approval of this resolution will authorize City Administrator or Designee to waive competitive bidding to increase the current two-year landscape maintenance construction contract at Gateway Industrial District at Oakland Army Base (Community Facilities District 2015-1) with Bay Construction, Inc. \$198,000.00 to a contract amount not-to-exceed \$341,200.00. The increased contract limit will allow for an expanded scope of work, including trash pick-up, additional maintenance, and a contingency amount used for emergency repairs and one-time costs not associated with the original landscape maintenance construction contract.

BACKGROUND / LEGISLATIVE HISTORY

In 2015 Community Facilities District (CFD) 2015-1 at Gateway Industrial District at Oakland Army Base was established by way of Ordinance No. 13324 C.M.S., and Resolution No. 85724 C.M.S., pursuant to the Mello-Roos Community Facilities Act of 1982. The CFD has provided the City with an additional permanent funding mechanism to maintain the new infrastructure and improvements at Gateway Industrial District (**Attachment A**) by way of property tax revenues paid by the tenants of this CFD 2015-1 area.

The current landscape maintenance construction contract at Gateway Industrial District was awarded to local Oakland firm, Bay Construction, Inc., after the City Clerk received three (3)

bids on January 30, 2020, from Bay Construction, Los Loza Landscaping, and Mike Davis Landscape. A Compliance Analysis was completed on February 21, 2020, and determined that Bay Construction, Inc. was the lowest bidder that met the minimum 50% Local and Small Business Enterprise (L/SLBE) and Equal Benefits Ordinance (EBO) participation requirements. With the proposed annexation of the Port of Oakland parcels into CFD 2015-1 (**Attachment B**), an increased level of maintenance throughout the area is necessary to maintain the existing landscaped areas and improvements.

ANALYSIS AND POLICY ALTERNATIVES

Bay Construction, Inc. has an existing landscape maintenance construction contract at Gateway Industrial Park with a limit of \$198,000.00 under the City Administrator's contracting authority per the Oakland Municipal Code (OMC) Section 2.04.020. A.1.

OMC Section 2.04.050.A requires formal advertising and bidding for contracts to purchase services, supplies, or combination required by the City in any one transaction that exceeds \$50,000, and award to the lowest responsible, responsive bidder. However, OMC Section 2.04.050 I. 5 provides an exception to this formal advertisement in the form of a waiver if the City Council finds that it is in the City's best interest to do so.

Staff requests that the City Council find and determine that it is in the best interest of the City to waive formal advertisement and bidding on the following basis:

The City does not have the capacity to maintain the additional scope of the 3.4 acres of landscaping. The Public Works Landscape Maintenance Division is understaffed and cannot take on the additional work. The City Council finds that the City lacks the qualified personnel to perform the necessary work and that this contract's performance is in the public interest because of the economy or better performance. The Public Works Department has determined that this contract is professional, scientific, technical, and the service temporary in nature. The performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services. The additional scope includes \$68,200.00 for trash pick-up and maintenance of the bike paths, sidewalks, gravel landscaped areas, and fencelines on Maritime Street from 7th Street to West Grand Avenue and on Burma Street from West Grand Avenue to the end of the cul-de-sac (**Attachment A**) and \$75,000.00 contingency for emergency and one-time repairs not related to the existing contract.

It is in the City's best interest to approve the proposed resolution and waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 to increase the existing contract to avoid any significant delays in implementing the new services and provide a seamless transition for the annexed Port of Oakland parcels. The annexation of the Port of Oakland parcels into the CFD 2015-1 is expected to occur at the start of fiscal year 2021-2022. Staff is requesting approval to increase the existing two-year landscape maintenance construction contract with Bay Construction, Inc. by \$143,200.00 from \$198,000.00 to \$341,200.00 in order to maintain the current and added annexed infrastructure from the Port of Oakland.

FISCAL IMPACT

Approval of this resolution authorizes the City Administrator to execute a contract amendment to the existing landscape maintenance construction contract of \$143,200.00 for a total contract amount of \$341,200.00. Funding for this contract is available from annual appropriations in Fund 2332 (Gateway Industrial Park), Org 30652 (Landscape Maintenance), Project 1004284 (OAB CFD no. 2015-1 Gateway). Project 1004284 receives annual property tax revenue from the Community Facilities District (CFD) 2015-1 tenants.

PUBLIC OUTREACH / INTEREST

The increase in the landscape maintenance contract will not require public outreach. Initial Notices to Bidders and announcements regarding a Request for Proposal were issued through the City's iSupplier and CIPList.com websites on January 13, 2020, when the landscape maintenance construction contract began. The City Clerk received three (3) bids on January 30, 2020, from Bay Construction, Los Loza Landscaping, and Mike Davis Landscape. Bay Construction, Inc. was awarded the contract after a Compliance Analysis was completed and determined that Bay Construction, Inc. was the lowest bid that met the minimum 50% Local and Small Business Enterprise (L/SLBE) and Equal Benefits Ordinance (EBO) participation requirements.

COORDINATION

The project scope has been internally coordinated within the Oakland Public Works. This report has been coordinated with the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: The project maintains the existing City infrastructure. The contractor is verified for Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation by the Contract Compliance Department of the City Administrator's Office. The services provided by local firms will result in dollars spent locally.

Environmental: All maintenance services and trash removal are compliant with the City standards for Environmental Preferable Purchasing Policy (EPP), Resolution no.73968 dated December 16, 1997, for adopting integrated pest management policies, and the Stormwater Operation & Maintenance and Maintenance Verification Plan recorded and approved in April of 2019.

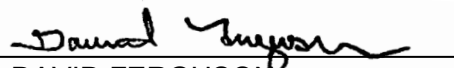
Race & Equity: The Gateway Industrial District serves the West Oakland community by promoting Public Health through physical activity and fitness with walkways and bike paths on the Bay Trail connecting the Oakland Army Base to the Bay Bridge.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Waive Advertising And Competitive Bidding To Increase The Current Two Year Landscaping Maintenance Construction Contract With Bay Construction, Inc. At Gateway Industrial District At Oakland Army Base (Community Facilities District 2015-1) By An Amount Of One Hundred Forty-Three Thousand Two Hundred Dollars (\$143,200.00) From One Hundred Ninety-Eight Thousand Dollars (\$198,000.00) For A Total Contract Amount of Three Hundred Forty-One Thousand Two Hundred Dollars (\$341,200.00).

For questions regarding this report, please contact Jamie Cheng, Management Assistant, Oakland Public Works, Bureau of Administration, Fiscal Services – CFD Administration at (510) 238-7126.

Respectfully submitted,



DAVID FERGUSON
Interim Director, Public Works

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Attachments (2):

- A: CFD 2015-1 Improvements Map
- B: CFD 2015-1 Boundary Map