



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Professional Services Contract For
Piedmont Pines Phase II

DATE: July 28, 2020

City Administrator Approval 

Date: Jul 21, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Increasing The Contract Amount For The Piedmont Pines Utility Undergrounding Project Phase II For the Preparation Of The Engineering Assessment Report And Professional Services For Project (#1000647) With Harris And Associates For An Amount Not-To-Exceed Eighty-One Thousand Six Hundred Thirteen Dollars (\$81,613.00), And Waiving the Competitive Request For Qualifications/Proposal (“RFQ/P”) Selection Requirement.

EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to increase the contract amount of a professional services agreement with Harris and Associates for the Piedmont Pines Utility Undergrounding Project Phase II for the preparation of the Engineering Assessment Report and professional services for Project #1000647 for an amount not-to-exceed Eight-One thousand six hundred thirteen dollars (\$81,613.00), to waive the formal Request for Proposal Bidding and Award Process, and to waive the Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) requirements.

The professional services scope of work includes, at a minimum, confirm district boundaries and update parcel data, prepare updated boundary map, update preliminary cost estimate, update preliminary engineer’s report, submit final preliminary engineer’s report, notice of public hearing and ballots, tabulation of assessment ballots, file notice of assessment and record assessment diagram, preparation of cash collection notices, preparation of list of assessments, assistance in initial bond sale as stated in Harris and Associates proposal dated March 08, 2020 (see **Attachment A**).

BACKGROUND / LEGISLATIVE HISTORY

The Underground Utility District No. 232 (Piedmont Pines Area) was established by the City Council by Resolution No. 75652, on May 2, 2000 (see **Attachment B**). The area was large, and its total length was in excess of 14 miles. As such, the implementation of the undergrounding has been broken into phases. Phase I of the program has been completed, and Phase II, the subject of this report and resolutions is for consulting engineering services.

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Generally, the District encompasses the area east of Highway 13, north of Mountaingate Way and Castle Drive, west of Skyline Boulevard, and south of Shephard Canyon Road. City Staff represented the Piedmont Pines community by taking necessary actions to obtain the cooperation of the utilities for the subject streets to qualify for 20A and 20B funds of the utilities to offset project costs, and obtain engineering preferences; appearing before the CPUC for hearings on issues relating to actions requested of the utilities; taking traffic counts on proposed streets; negotiating with utilities on the 100-foot rule regarding laterals to individual properties; providing cost estimates, schedules, maps, supplemental information and generating reports and the two subject Resolutions for consideration by the Council. After lengthy negotiations, the City reached final agreements with PG&E and AT&T on the list of streets to include in the three phases of the Rule 20A project. This is the Piedmont Pines Utility Underground Phase II project which includes Chelton Drive, Darnby Drive and Carisbrook Drive.

ANALYSIS AND POLICY ALTERNATIVES

In accordance with Oakland Municipal Code (OMC) 2.04.051 A and the provisions of Administrative Instruction 150 for Professional Services Contracts, a Request For Proposal (RFP) for engineering services was issued in October 2016 seeking a firm most suitable for the proposed project. On November 29, 2016, Public Works Contract Services received only one (1) proposal. City Administrator's Office – Contracts and Compliance Division completed their analysis on December 5, 2016.

Only one submittal to the RFP was received and evaluation was based on the following criteria:

1. Relevant experience and strengths of the firm; Demonstrated ability to deliver exceptional projects; Experience with preparing assessment engineering report and the particular challenges; Prior experience working with municipal agency budgets and process.
2. Proven project management expertise and experience on similar size and complex utility undergrounding projects; Quality control methods; Communication methods; Prior experience and proposed approach to community engagement; Ability to provide high quality customer service to the City and the community.
3. Proposed project approach and creativity; Demonstrated understanding of the unique project complexities and challenges.
4. Quality and completeness of responses to questions; Unique resources/expertise relevant to the project; Demonstrated capacity to respond to all project requirements in a timely manner.

Based on the proposal review process and previous experience with Phase I, Harris and Associates was deemed to be the most qualified and most responsive to the Request for Proposal (RFP) for the Piedmont Pines Utility Undergrounding Phase II preparation of the Assessment Engineer Report and professional services.

Staff completed negotiations on the specific planning, design and engineering scope of work for the Piedmont Pines Utility Undergrounding Phase II Assessment Engineering Report with Harris and Associates as of June 22, 2017. Upon completion of negotiations and with the contract in the amount of forty-seven thousand five hundred ninety dollars, Harris and Associates was awarded the contract and was not required to meet the City's Local Business Enterprise/Small Local Business Enterprise program (LBE/SLBE). Harris and Associates worked with the City Attorney's Office to assist and respond to the California Public Utilities Commission's requests. With the additional professional services work of the consultant, an additional amount of thirty-four thousand and twenty-three dollars (\$34,023.00) transpired for an amount to not exceed eighty-one thousand six hundred thirteen dollars (\$81,613.00), causing the original consultant contract to exceed the fifty thousand dollars' threshold and for the need to request the Council to waive the competitive Request for Qualifications/Proposal selection process requirement.

Waiver of Advertising and Competitive Bidding Requirement:

Section 2.04.051 A of the Oakland Municipal Code (OMC) requires a competitive RFQ/P selection process for the award of contracts for professional services in excess of fifty thousand dollars (\$50,000.00) and which are exempt from bidding under OMC subsection 2.04.050.1.1. OMC Section 2.04.051 B, however, permits the City Council to waive the competitive RFQ/P selection requirement upon a finding that it is in the best interest of the City to do so.

Staff requests that Council waive the RFQ/P competitive selection requirement because no other firms submitted proposals initially for work on the Underground Assessment District. The informal Request for Qualification (RFQ) process that staff conducted in 2016 to select the contractors considered, among other things, costs and whether a firm was Oakland-based or a certified Local Business Enterprise, Small Local Business Enterprise, or Very Small Local Business Enterprise.

No other firms submitted at that time, or when these services were vitally needed as the City's 20-A application and related documents and information was being prepared for submission and approval by the CPUC. Specifically, the City critically needed Harris and Associates to complete the Piedmont Pines Utility Undergrounding Phase II Engineering Assessment Report and revisions thereto for the City's 20-A application for Piedmont Pines II. Additionally, Harris and Associates was extremely familiar with the Piedmont Pines II project and did not want to disrupt the CPUC 20-A application and approval process. The City's 20-A application was ultimately approved by the CPUC due in part to the data and revised maps developed by Harris and Associates. Staff recommends that the City Council adopt a resolution that finds and determines it is in the best interest of the City to waive the RFQ/P requirement and approve increasing Harris and Associates' contract amount by \$34,023.00 from \$47,590.00 to \$81,613.00.00.

FISCAL IMPACT

There is no fiscal impact to the City for the initial funding will be recaptured with the sale of a bond. The requested reallocation of the 1010 funding for the initial seed money of thirty-four thousand twenty-three dollars (\$34,023.00) is for the additional work requested of the consultant to complete the remaining scope of services. The original allocation of 3100 funding of forty-

seven thousand five hundred ninety dollars (\$47,590.00) has already been expended for payment of the previously performed work.

A breakdown of the appropriated project design funding source is as follows:

FUNDING SOURCE	AMOUNT
Fund (1010); Capital Projects Organization (35321); Consultant Contract Account (54919); Project (1001465); Program (IP60)	\$34,023.00
Fund (3100); Capital Projects Organization (30522); Consultant Contract Account (54919); Project (1000647); Program (IN05)	\$47,590.00

PUBLIC OUTREACH / INTEREST

Oakland Department of Transportation – Street Lighting Maintenance engaged Public Works Contract Services with the Professional Services Request for Proposals (RFP) process. The RFP was advertised on October 14, 2016. Notifications were distributed by several means through:

- The City of Oakland *iSupplier* system which includes City certified engineering, and planning firms, registered professional services providers, and plan rooms and builder's exchanges.
- Posting on CIPLIST.com, which distributes to registered plan rooms and builders' exchanges widely accessed and redistributed by other list serve business organizations that provide notice of RFQ/P opportunities to local firms.

COORDINATION

The Resolution was coordinated with Budget Bureau and the Office of the City Attorney.

This report and legislation have been reviewed by the Office of the City Attorney, Budget Bureau and Contracts and Compliance Division of the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic – No significant economic opportunities are identified.

Environmental – No environmental opportunities are identified.

Race and Equity – No social equity opportunities are identified.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council adopt a resolution authorizing the City Administrator, or designee, to increase the award and execute a professional services agreement for the Piedmont Pines Utility Undergrounding Phase II for the preparation of the Engineering Assessment Report and professional services for project (#1000647) with Harris and Associates for an amount not-to-exceed eighty-one thousand six hundred thirteen dollars (\$81,613.00) and waiving the competitive RFQ/P selection requirement.

For questions regarding this report, please contact Allen Law, Electrical Services Manager, Street Lighting Maintenance, (510) 615-5428.

Respectfully submitted,



RYAN RUSSO
Director, Department of Transportation

Reviewed by:
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Department of Transportation

Prepared and reviewed by:
Allen Law, P.E. Electrical Services Manager,
Department of Transportation

Attachments (2)
Attachment A: Contract Amendment
Attachment B: Council Resolution CMS 75652