

CITY OF OAKLAND

AGENDA REPORT

2010 JUN 10 PM 5:52

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: June 22, 2010

RE: **Resolution Authorizing The City Administrator Or His Designee To Negotiate And Enter Into A Professional Services Agreement With V & A Consulting Engineers For Engineering Services For Oakland's Sanitary Sewer System (Project No. C329119) In The Amount Not To Exceed Three Million Dollars (\$3,000,000.00)**

SUMMARY

A resolution has been prepared authorizing the City Administrator or his designee to negotiate and enter into a professional services agreement/contract with V & A Consulting Engineers for Engineering Services for Oakland's Sanitary Sewer System (Project No. C329119) in the amount not to exceed Three Million Dollars (\$3,000,000.00). The consultant will be required to meet the City's Professional Services Goals (LBE/SLBE).

The selected Consultant, V & A Consulting Engineers, will provide professional engineering services in response to numerous mandates from the Environmental Protection Agency (EPA) Administrative Order. In summary, the EPA Order requires Oakland to measure flows and identify areas with high rates of infiltration and inflow. The proposed contract is necessary to enable Oakland to respond to these EPA mandates. The time frame for the completion of the study is 3 years after the date of the Notice to Proceed. There are several time critical plan submittals that staff needs to work with the consultant to prepare and submit to EPA for their approval.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator or his designee to negotiate and enter into a professional services agreement/contract with V & A Consulting Engineers for Engineering Services for Oakland's Sanitary Sewer System in the amount not to exceed Three Million Dollars (\$3,000,000.00). Staff proposes to defer construction of several sanitary sewer rehabilitation projects in order to fund this contract. The deferred projects will be resubmitted for funding in the future. With this deferment, funding for this project is available in Sewer Service Fund (3100); Capital Project - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project C329119.

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BACKGROUND

On November 18, 2009, EPA issued a regulatory enforcement order (Administrative Order) to the City that requires several significant steps to control sewage overflows and reduce peak wet weather flows.

The EPA Administrative Order requirements include the following:

- Flow Monitoring – this requires Oakland to install flow meters and measure flows in the Sanitary Sewer System to identify areas with high rates of inflow and infiltration of storm water into the sanitary sewer system.
- Inflow Identification and Elimination – this requires Oakland to identify and eliminate non-sewer (storm drain) connections to the sanitary sewer system.

In order to comply with the EPA Administrative Order requirements, staff solicited proposals from qualified engineering firms (“Consultant”) to provide Engineering Services for Oakland’s Sanitary Sewer System.

On March 17, 2010, the City Clerk’s Office received proposals from three consultants, AECOM Technical Services, Inc., MWH America, Inc., and V & A Consulting Engineers (See *Attachment A* for Compliance Report). After reviewing all proposals, and interviewing the three Consultant firms, staff has selected V & A Consulting Engineers as the most qualified consultant to perform the services.

KEY ISSUES AND IMPACTS

The City issued a Request for Proposals (RFP) for civil engineering services, and three firms AECOM Technical Services, Inc., MWH America, Inc., and V & A Consulting Engineers responded. Staff reviewed the proposals and invited all three firms for presentation and interview in front of a panel of 4 people, 2 from the City and 2 from outside agencies. The firms were evaluated based on the following criteria:

- Approach – Methodology and understanding of issues
- Team – Knowledge and experience of the project team
- Firm – Depth and breadth of the consultant expertise

Based on the criteria, the interview panel unanimously ranked the firms in the following order:

1. V & A Consulting Engineering.
2. AECOM Technical Services, Inc.
3. MWH America, Inc.

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The V & A Consulting Engineers and its team exceed the City of Oakland's LBE requirements for professional services. The V & A Consulting Engineers LBE participation is 62% and SLBE participation is 10%. See Contract Compliance evaluation result in *Attachment A*.

EVALUATION OF PAST PERFORMANCE

The Contractor Performance Evaluation is not available. V & A Consultant Engineers has not completed a previous project with the City that required a Contractor Performance Evaluation.

SUSTAINABLE OPPORTUNITIES

Economic: A functioning sanitary sewer system improves the community and makes Oakland more attractive for residents and businesses. Sewer overflows cause economic hardships and result in fines by the EPA of a maximum of \$27,500.00 per day.

Environmental: The sanitary sewer rehabilitation projects created will reduce the possibility of overflows, thereby, benefiting the environment.

Social Equity: The sanitary sewer rehabilitation projects will take place throughout the City, thereby, benefiting all Oakland residents with decreased sewer overflows and improved infrastructure.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no direct impact or benefit to seniors or people with disabilities.

RECOMMENDATION AND RATIONALE

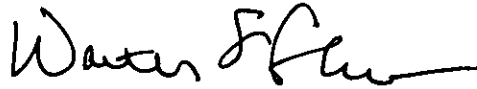
It is recommended that the professional services contract be awarded to V & A Consulting Engineers in the amount not to exceed Three Million Dollars (\$3,000,000.00) for Engineering Services for Oakland's Sanitary Sewer System. V & A Consulting Engineers has met the LBE/SLBE requirements, and there are sufficient funds in the project account.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

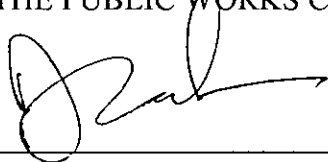


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael Neary, P.E., Deputy Director,
CEDA, Department of Engineering and Construction

Prepared by:
Allen Law, P.E., Supervising Civil Engineer
Engineering Design & R.O.W. Management Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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Attachment A



Memo

Department of Contracting and Purchasing Social Equity Division

To: Gunawan Santoso, Project Manager
 From: Sophany Hang, Acting Contract Compliance Officer
 Through: Deborah Barnes, Director, DC&P
 Shelley Darenburg, Sr. Contract Compliance Officer *S. Darenburg*
 CC: Gwen McCormick, Contract Administration Supervisor
 Date: April 26, 2010
 Re: C329119 - Request for Proposal (RFP) for Engineering Services for Oakland's Sanitary Sewer System

Department of Contracting and Purchasing (DCP), Division of Social Equity, reviewed three (3) proposals. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Responsive		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
AECOM Technical Services	NA	20%	0%	20%	NA	20%	2 points	NA	0 points	Y
MWH Americas, Inc.	NA	31%	0%	31%	NA	31%	3 points	NA	0 points	Y
V & A Consulting Engineers	NA	72%	62%	10%	NA	20%	2 points	NA	0 points	Y

Comments: As noted above, all firms met and/or exceeded the minimum 20% L/SLBE requirement. All firms are EBO compliant.

Non-Responsive		Proposed Participation					Earned Credits and Discounts		Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Comments: NA

Should you have any questions you may contact Sophany Hang at (510) 238-3970.



DEPARTMENT OF CONTRACTING AND PURCHASING

Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329119

RE:

Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

CONSULTANT/CONTRACTOR: AECOM

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	2

- 1. Did the 20% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 20% requirement
 - a) % of LBE participation **0%**
 - b) % of SLBE participation **20%**

- 3. Did the contractor receive bid discount/preference points? **YES**
(If yes, list the points received) **2 points**

5. Additional Comments.

[Empty rectangular box for additional comments]

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

4/26/2010

Date

Reviewing Officer:

Spang Hays

Date: 4/26/10

Approved By:

Shelley Darenburg

Date: 4/26/10

LBE/SLBE Participation AECOM

Project Name: Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

Project No.: C329119		Engineer's Estimate				Under/Over Engineers Estimate:					
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	For Tracking Only			
								Ethn.	MBE	WBE	
PRIME Installation & Maintenance of Flow (level+Velocity) Support to Monitoring, As-needed Surveying Support to Basin Characterization, Rehab Program Spatial Variation of Rainfall Data	AECOM Technical Services	Oakland	UB				35%	AI	35%		
	E2	Emeryville	UB				43%	AI	43%		
	PLS Surveys, Inc.	Oakland	CB		8%	8%	8%	AP		8%	
	Urban Design	Oakland	CB		12%	12%	12%	AP	12%		
	Vieux & Associates, Inc.	Norman	UB				2%	C		2%	
Project Totals					0%	20%	20%	100%		90%	10%
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	TOTAL %	Ethnicity AA = African American AP = Asian Pacific AI = Asian Indian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = 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							

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329119

RE:

Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

CONSULTANT/CONTRACTOR: MWH Americas, Inc.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's</u>
NA	NA	NA
<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>	
N/A	3	

- 1. Did the 20% local/small local requirement apply: YES
- 2. Did the contractor meet the 20% requirement YES
 - a) % of LBE participation 0%
 - b) % of SLBE participation 31%
- 3. Did the contractor receive bid discount/preference points? YES
(If yes, list the points received) 3 points

5. Additional Comments.

[Empty box for additional comments]

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

4/26/2010

Date

Reviewing Officer:

Stephen Hung

Date: 4/26/10

Approved By:

Shelley Darenburg

Date: 4/26/10

LBE/SLBE Participation NWH Americas, Inc.

Project Name: Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

Project No.: C329119		Engineer's Estimate				Under/Over Engineers Estimate:		For Tracking Only			
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE %	Total Percentages	Ethn.	MBE	WBE	
PRIME Engineering Consultant Engineering Consultant	MWH Americas, Inc.	Walnut Creek	UB				50%	O			
	FE Jordan Associates	Oakland	CB		31%	31%	31%	AA	31%		
	E2 Engineering Consultants	Emeryville	UB				19%	AI	19%		
Project Totals				0%	31%	31%	100%		50%	0%	
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	TOTAL %	Ethnicity AA = African American AP = Asian Pacific AI = Asian Indian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed			
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = 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							

DEPARTMENT OF CONTRACTING AND PURCHASING



Social Equity Division

PROJECT COMPLIANCE EVALUATION FOR :

Project No. C329119

RE: Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

CONSULTANT/CONTRACTOR: V & A Consulting Engineers

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
NA	NA	NA

<u>Bid discounted amount:</u>	<u>Discount/Preference Points:</u>
N/A	2

1. Did the 20% local/small local requirement apply: **YES**
2. Did the contractor meet the 20% requirement **YES**
 - a) % of LBE participation **62%**
 - b) % of SLBE participation **10%**
3. Did the contractor receive bid discount/preference points? **YES**
(If yes, list the points received) **2 points**

5. Additional Comments.

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

4/26/2010

Date

Reviewing Officer:

Stephen Hays

Date: 4/26/10

Approved By:

Shelley Qarensburg

Date: 4/26/10

V & A Consulting Engineers

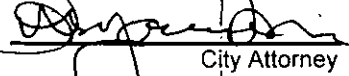
Project Name: Request for Proposal (RFP) Engineering Services for Oakland's Sanitary Sewer System

Project No.: C329119		Engineer's Estimate				Under/Over Engineers Estimate:						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total	Total	For Tracking Only				
						LBE/SLBE %	Percentages	Ethn.	MBE	WBE		
PRIME	V & A Consulting Engineers	Oakland	CB	62%		62%	62%	H	62%			
Report and CIP	Carollo	Walnut Creek	UB				24%	C				
Traffic Control	Andes Construction	Oakland	CB		10%	10%	10%	H	10%			
Technical Advisory	Larson Consulting	Lafayette	UB				1%	C				
Collection System O&M	RMC	Santa Monica	UB				3%	C				
Project Totals				62%	10%	72%	100%		72%	0%		
Requirements: The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	TOTAL %	Ethnicity AA = African American AP = Asian Pacific AI = Asian Indian C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed				
Legend LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = 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								

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2010 JUN 10 PM 5: 52 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH V & A CONSULTING ENGINEERS FOR ENGINEERING SERVICES FOR OAKLAND'S SANITARY SEWER SYSTEM (PROJECT NO. C329119) IN AN AMOUNT NOT-TO-EXCEED THREE MILLION DOLLARS (\$3,000,000.00)

WHEREAS, the United States Environmental Protection Agency (EPA) has asserted that rainfall-induced Inflow and Infiltration represents a significant volume of the wet weather flow within Oakland's sewer collection system via misconnections, cracks and other imperfections; and

WHEREAS, on November 18, 2009, EPA issued regulatory enforcement order (Administrative Order) to the City to study and evaluate strategies to better control sewage overflows and reduce peak wet weather flows to EBMUD sewer treatment facilities; and

WHEREAS, in order to comply with the EPA Administrative Order requirements, the City of Oakland solicited proposals from qualified engineering firms ("Consultant") to provide Engineering Services for Oakland's Sanitary Sewer System (Project no. C329119); and

WHEREAS, on March 17, 2010, the City Clerk Office received proposals from three consultants for Engineering Services for Oakland's Sanitary Sewer System (Project no. C329119); and

WHEREAS, after reviewing all three proposals and conducting a selection process including presentation and interview, V & A Consulting Engineers was selected as the most qualified consultant to perform the services; and

WHEREAS, there are sufficient funds in the project budget for the work in the following project account: Sewer Service Fund (3100); Capital Projects - Sanitary Sewer Design Organization (92244); Sewers Account (57417); Project No. C329119; \$3,000,000.00; and these funds were specifically allocated for this project; and

WHEREAS, V & A Consulting Engineers and its team comply with all City's LBE/SLBE requirements for professional services; and

WHEREAS, V & A Consulting Engineers will assist the City of Oakland in preparing Engineering Services for Oakland's Sanitary Sewer System to comply with EPA Administrative Order requirements; and

WHEREAS, V & A Consulting Engineers has submitted a comprehensive proposal for each task as required by EPA Administrative Order complete with the schedule and cost within a reasonable time frame; and

WHEREAS, the City Administrator has determined that this contract is for services of a professional, scientific or technical and temporary nature; and

WHEREAS, the City Administrator has determined 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 or his designee is hereby authorized to enter into an agreement with V & A Consulting Engineers, to provide professional Engineering Services for Oakland's Sanitary Sewer System -Project no. C329119 in an amount not-to-exceed three million dollars (\$3,000,000.00) over a period of three (3) years; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to approve any subsequent amendments to or extensions of said agreement, except those involving additional compensation or the allocation of additional funds, provided that such amendments or extensions shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk.

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