



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2012 NOV 28 PM 12:13

# AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Vitaly B. Troyan, P.E.  
Director, Public Works Agency

SUBJECT: Contract Extension with Montclair  
Village Association

DATE: November 21, 2012

City Administrator  
Approval

Date 11/26/12

COUNCIL DISTRICT: 4

## RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to 1) extend the existing contract with the Montclair Village Association for the operation and management of Montclair Garage and Scout Lot for a period not to exceed twelve months, on a month-to-month basis, and 2) negotiate a new contract that incorporates the City's mandated programs and meets the same requirements as the contract to be negotiated for other garage management contracts. Staff will return to Council after negotiations have concluded for approval of a new contract.

The terms of the current contract and the proposed extension are for a compensation rate of up to \$15,900.00 a month (including a \$900.00 per month management fee and up to \$15,000.00 in direct garage operating expenses) for a total not-to-exceed contract amount of \$190,800.00 (\$15,900.00 times 12 months). The existing contract was approved by the City Council in 1990, and needs to be amended to incorporate the City's contracting programs. The new contract to be negotiated will incorporate these programs and requirements.

The resolution recommends that the Council waive formal advertising and the Request for Proposals/Request for Qualifications ("RFP/RFQ") competitive selection requirement as Oakland Municipal Code ("OMC") Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so.

## EXECUTIVE SUMMARY

The Montclair Village Association (MVA) currently provides parking management services at the Montclair Garage and Scout Lot. The current contract between the MVA and the City was approved by the City Council in 1990, extended on a month-to-month basis in 1993, and extended again in April 2012 through December 2012 in anticipation of a formal Request for Proposals (RFP) for parking facility management services for all City-owned facilities with

Item: \_\_\_\_\_  
Public Works Committee  
December 11, 2012

expired contracts. The RFP process has been delayed by the dissolution of the Parking Division and subsequent division of responsibilities among several City departments, and is anticipated to be completed within the next six months. In the meantime the current contract must be extended.

Staff is recommending that the Montclair Garage and Scout Lot not be included in the upcoming RFP, and that MVA continue to manage the parking facilities. The MVA has provided satisfactory management of the City's parking facilities for over 20 years, and works closely with businesses and the community to provide parking to serve customers, visitors and business needs. The MVA's predecessor organizations, the Montclair Garage Commission and the Montclair Business Association, were instrumental in getting the garage built in 1976, and expanded in 1988.

A new contract would need to include current City programs and contract provisions, and language to ensure that the facilities are managed in a manner that optimizes utilization and serves customers, visitors and businesses in the Montclair Village. Until a new contract is negotiated, a month-to-month extension is needed since the current contract expires on December 31, 2012.

Oakland Municipal Code ("OMC") Section 2.04.040.B.4 requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures of more than twenty-five thousand dollars (\$25,000.00) and OMC Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so for the reasons set forth in this Report and in the Resolution. Staff recommends that a month-to-month contract amendment be executed, and that negotiations proceed with the MVA on a new contract, for an initial period of three years, with an extension of two years upon evaluation of satisfactory performance.

## OUTCOME

The Resolution attached to this report would authorize the City Administrator to extend the contract with Montclair Village Association as follows:

1. Extend the existing contract, on a month-to-month basis to manage the Montclair Garage located at 6235 La Salle and Scout Lot located at 2250 Mountain Boulevard, beginning January 1, 2013, at the current terms of up to \$15,900.00 a month (including a \$900.00 per month management fee and up to \$15,000.00 in garage operating expenses) for a total not-to-exceed contract amount of \$190,800.00 and
2. Negotiate a new contract, incorporating the City's current contract requirements and programs, as well as language and requirements to manage the facilities to optimize efficiency, maximize utilization and serve customers, visitors and businesses in the Montclair Village. Staff would return to council at a date in Spring 2013 for final approval of the new contract.

**BACKGROUND/LEGISLATIVE HISTORY**

The Montclair Village Association (MVA) is a merchant-based Business Improvement District (BID) made up of approximately 230 retail and service businesses located in Oakland's Montclair District. The MVA manages the funds collected through annual assessments. These resources are used to pay for infrastructure maintenance and cleaning of public property, security services and daily patrols, beautification projects, and district and shop local promotions. All of the Montclair Parking Garage management fees paid to the MVA are re-invested into Oakland and the Montclair District.

The City initially executed a contract for parking facility management services with the Montclair Village Association on April 1, 1990. The contract expired on March 31, 1993. Item #38 of the original contract allowed for an extension and garage management contractor, wherein the contract could be extended by one (1) year increments if a mutual consent was first obtained in writing between the city and the garage management contractor.

In April 30, 2012, Résolution No. 83825 extended the existing contract an additional eight months, through December 31, 2012. At that time, it was anticipated that a separate RFP process would have been concluded and a new management firm selected for City parking facilities with expired contracts.

**ANALYSIS**

Staff recommends that Council adopt the proposed Resolution authorizing the City Administrator to 1) extend the contract with the Montclair Village Association on a month-to-month basis, and 2) to negotiate a new contract to continue providing parking facility management services for two City-owned facilities, incorporating the City's current contract requirements and programs, as well as language ensuring optimal management of said facilities. Staff will then return to council upon successful negotiation of a new contract.

**PUBLIC OUTREACH/INTEREST**

Staff has been in communication with the Merchants Association. There has been no other public outreach.

**COORDINATION**

The report has been reviewed and approved by the Budget Office and City Attorney's Office.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Monthly Management Fee \$900.00

Item: \_\_\_\_\_  
Public Works Committee  
December 11, 2012

Monthly Operating Expenses up to \$15,000.00

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Not Applicable

3. SOURCE OF FUNDING:

Funds for the agreement are available in the adopted FY 2012-2013 budget in the Parking Revenue Fund (1750), Parking Citation Assistance Center Org (08931), Miscellaneous Services Account (54919), and Program (IP60).

4. FISCAL IMPACT:

The Montclair Village Association currently receives the following monthly parking facility management fees plus garage operating expenses for the two City-owned facilities:

Monthly Management Fee \$900.00

Monthly Operating Expenses up to \$15,000.00

SUSTAINABLE OPPORTUNITIES

**Economic:** The Montclair Garage and Scout Lot generate revenue to the City of approximately \$435,000 annually; negotiating a new contract affords opportunities to reduce operating expenses, make capital improvements, and maximize revenues while providing competitive parking rates to support businesses and destinations in Montclair Village.

**Environmental:** Not Applicable

**Social Equity:** Operation of the garage provides public parking at competitive rates for customers of the area, and negotiating a new contract affords the opportunity to maximize utilization of the facilities, including providing parking for employees and businesses.

CEQA

This resolution is not subject to CEQA.

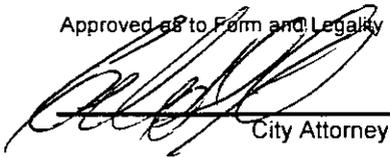
For questions regarding this report, please contact Wladimir Wlassowsky, Transportation Services Division Manager, at 238-6383.

Respectfully submitted,

  
\_\_\_\_\_  
VITALY B. TROYAN, P.E.  
Director, Public Work Agency

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

Prepared by:  
Wladimir Wlassowsky, P.E.  
Transportation Services Division Manager



City Attorney

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 NOV 28 PM 12:13

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION WAIVING FORMAL ADVERTISING AND REQUEST FOR PROPOSALS/REQUEST FOR QUALIFICATIONS ("RFP/RFQ") AND AUTHORIZING THE CITY ADMINISTRATOR TO 1) EXTEND THE EXISTING CONTRACT ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT-TO-EXCEED TWELVE MONTHS FROM DECEMBER 31, 2012 THROUGH DECEMBER 31, 2013 AT A COMPENSATION RATE OF UP TO \$15,900.00 A MONTH (INCLUDING A \$900.00 PER MONTH MANAGEMENT FEE AND UP TO \$15,000.00 A MONTH IN GARAGE OPERATING EXPENSES) AND 2) NEGOTIATE A NEW CONTRACT FOR AN INITIAL PERIOD OF THREE YEARS, WITH A TWO-YEAR EXTENSION, CONTINGENT UPON SATISFACTORY EVALUATION OF PERFORMANCE, WITH THE MONTCLAIR VILLAGE ASSOCIATION FOR THE OPERATION AND MANAGEMENT OF MONTCLAIR GARAGE LOCATED ON 6235 LA SALLE AND SCOUT LOT LOCATED ON 2250 MOUNTAIN BOULEVARD**

**WHEREAS**, the Montclair Village Association is a merchant-based Business Improvement District made up of approximately 230 retail and service businesses located in Oakland's Montclair District City ; and

**WHEREAS**, the Montclair Village Association manages the funds collected from its membership through an annual assessments, which are used to pay for infrastructure maintenance and cleaning of public property, security services and daily patrols, beautification projects, and district and shop-local promotions; and

**WHEREAS**, the Montclair Village Association predecessor organizations, the Montclair Garage Commission and the Montclair Business Association, were instrumental in getting the garage built in 1976, and expanded in 1988

**WHEREAS**, the Montclair Village Association has satisfactorily managed the Montclair Garage and the Scout Lot, in the Montclair neighborhood, both City-owned parking facilities, since 1990; and

**WHEREAS**, the City desires to maintain parking facility management services for the two City-owned parking facilities currently managed by the Montclair Village Association; and

**WHEREAS**, the City Council finds that the service is professional in nature; and

**WHEREAS**, the City Council finds that the agreement shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

**WHEREAS**, Oakland Municipal Code (“OMC”) Section 2.04.040.B.4 requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures of more than twenty-five thousand dollars (\$25,000.00)

**WHEREAS**, OMC Section 2.04.051.B allows for the waiver by the Council of these requirements upon a finding that it is in the best interests of the City to do so

**WHEREAS**, funds for the agreement are available in the adopted FY 2012-2013 budget in the Parking Revenue Fund (1750), Parking Citation Assistance Center (08931); now, therefore, be it

**RESOLVED**, That the Council hereby finds that in is in the best interests of the City to waive formal advertising and competitive selection requirement of the OMC to extend the current parking management contract with the Montclair Village Association, because it would be most efficient and cost effective to maintain continuity of the current and ongoing parking facility management services; and be it

**FURTHER RESOLVED**, That the Council hereby finds that, given its historic role in partnering with the City and businesses in the Montclair District in developing necessary parking for customers, visitors and businesses, it is in the best interests of the City to waive formal advertising and competitive selection requirement of the OMC, and to enter into a new contract with the Montclair Village Association for parking management for an initial period of three years, with an extension of two years, and be it further

**FURTHER RESOLVED:** That the City Administrator is hereby directed to extend the existing contract with the Montclair Village Association to provide parking facility management services on a month-to-month basis for the Montclair Garage and Scout Lot for a term of twelve months from December 31, 2012 through December 31, 2013, at a monthly compensation rate of up to \$15,900.00, consisting of a management fee of \$900.00, plus up to \$15,000.00 a month for direct garage operating expenses, for a total not-to-exceed \$190,800.00 (twelve months times \$15,900.00 a month); and be it

**FURTHER RESOLVED:** That the City Administrator is hereby directed to commence negotiations on a new contract with the Montclair Village Association for said parking management services, for an initial period of three years, with an additional two-year extension contingent on satisfactory performance, as determined by staff’s evaluation, and that staff will return to council upon conclusion of negotiations for approval of said new contract; and be it

**FURTHER RESOLVED:** That the agreement authorized hereunder is subject to City Attorney approval for form and legality and shall be placed on file in the Office of the City Clerk.

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

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California