



# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Jason Mitchell  
Director, Public Works

**SUBJECT:** Purchase of Portland Loos

**DATE:** March 4, 2020

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City Administrator Approval

Date: 3/5/2020

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## **RECOMMENDATION**

**Staff Recommends The City Council Adopt A Resolution Waiving The City's Advertising, Competitive Bid And Request For Proposals/Qualifications (RFP/RFQ) Process And Authorizing The City Administrator Or Designee To Enter Into A One Year On-Call Services Agreement, With The Option to Extend The Agreement For Up To Three (3) Additional Years, With Madden Fabrication In An Amount Not To Exceed One Million Dollars (\$1,000,000.00) For The Purchase And Installation Of Portland Loos (Stainless Steel Modular Restroom Units) In Oakland.**

## **EXECUTIVE SUMMARY**

The City has faced many challenges in providing public restrooms. In response to these challenges, and in an on-going effort to offer safe and sanitary public restrooms, the City Council included in the Fiscal Year (FY) 2019-21 Capital Improvement Program (CIP) Budget a line item in the amount of five hundred thousand dollars (\$500,000.00) for the purchase of Portland Loos. Given the number of restrooms in the City requiring extensive repair and replacement, staff requests that the City Council adopt a resolution that would allow the City Administrator to enter into an agreement with Madden Fabrication to purchase and install Portland Loos in the City of Oakland in an amount not to exceed one million dollars (\$1,000,000.00).

## **BACKGROUND / LEGISLATIVE HISTORY**

As part of the Fiscal Year (FY) 2019-21 Capital Improvement Program (CIP) Budget, the City Council approved Measure KK Infrastructure Bond funding of up to \$500,000.00 (five hundred thousand dollars) for the purchase and installation of Portland Loo, Model 5 loos. Locations specified in the Adopted CIP Budget include Madison Park (Madison Street between 8<sup>th</sup> and 9<sup>th</sup> Streets) and Concordia Park (2901 64th Avenue). Additional units may be installed as funds allow, and as needed to ensure the availability and operations of free-standing restrooms throughout Oakland.

City Council  
March 17, 2020

## **ANALYSIS AND POLICY ALTERNATIVES**

Across the country, innovative facility designs have been implemented to address a need for permanent public toilets in heavily visited areas. One of those designs, the Portland Loo (see **Attachment A**), is currently operating in cities across the United States and Canada. In the East Bay, the City of Emeryville installed their loo in 2015, and the City of Berkeley is considering the use of the Portland Loo as well. Authorizing this resolution would permit the City to install the loos throughout the City, and to determine if they provide a long-term solution to address the maintenance and availability of free-standing public restrooms in the City of Oakland.

The Portland Loo was designed for use in urban environments. It was designed by a cross-functional team of the City of Portland staff, with the first unit placed into use in 2008. It is designed to resist graffiti and vandalism and should, therefore, be easier to clean and maintain. The units have open grates at the bottom and top of the structure that discourages unwanted behavior while providing privacy to the occupant. The design also meets the accessibility standards of the Americans with Disabilities Act (ADA). Lastly, the units are built to order and are shipped in one piece, so installation involves a completed concrete slab with water and waste connections.

In Oakland, the availability of restrooms is particularly acute. As reported by the Oakland Parks and Recreation Foundation in their 2018 report titled "Continuing Crisis: Report in the State of Maintenance in Oakland Parks", and many respondents to the City's Capital Improvement Budget Process several restrooms across the City have been closed due to vandalism. In some cases, facilities have been refurbished/rehabilitated only to be vandalized again. This is not only upsetting to parks patrons but is also a continued drain on scarce maintenance resources. Therefore, identifying a public restroom design that can withstand heavy use and resist vandalism is very important.

Section 2.04.040.B.4 of the Oakland Municipal Code (OMC) requires formal advertising and solicitation of proposals/qualifications for professional services contracts involving expenditures in excess of fifty thousand dollars (\$50,000.00). The proposed contract would exceed the fifty thousand-dollar (\$50,000.00) threshold. OMC Section 2.04.051.B, however, permits the City Council to waive the said requirement to advertise and solicit for proposals/qualifications upon a finding and determination that it is in the best interests of the City to do so. Staff recommends that it is in the best interest of the City to waive the advertising, competitive bidding, and Request for Proposals/Qualifications requirements of the Oakland Municipal Code for this contract and to execute a contract with this vendor. Madden Fabrication is the only manufacturer authorized by the patent holder, the City of Portland, to produce a stainless steel, modular public restroom with these specifications.

## **FISCAL IMPACT**

Currently, five hundred thousand dollars (\$500,000.00) has been included in the FY 2019-21 budget in Measure KK: Infrastructure Series 2020B-1 (Tax Exempt) (Fund 5332); Organization 92270; Account 54011; Project 1004979; and Program IN06. Oakland Public Works will request additional funding, in an amount not to exceed five hundred thousand dollars (\$500,000.00),

from various sources including: Measure HH (Sugar Sweetened Beverage Tax) and the Community Development Block Grant (CDBG) program in order to provide for the purchase and installation of additional Portland Loo units. All funds shall be allocated into account to be established for the purposes of administering expenditures relating to this contract.

The estimated on-going cost to maintain and operate each unit is fifteen thousand dollars (\$15,000) annually. These costs are currently budgeted in the Facilities Fund (Fund 4400) under the following codes: Fund 4400; Organization 30555; Program IN02; and Project 1000010.

A breakdown of the project costs is included in **Table 1**.

**Table 1: Project Cost Summary Cost Category**

<b>Cost Category</b>	<b>Description</b>	<b>Amount</b>
Design	Design engineering.	No additional costs are associated with this item other than staff time and resources included in the biennial budget.
Site Preparation	Grading, water, and sewer hookups and installation. Services to be provided by City staff or vendors under contract.	Cost varies according to site conditions. Sites that have existing sewer and water hookups will cost less.
Construction – Madden Fabrication	Construction of modular unit. Costs vary according to amenities.	Up to \$120,000.
Project Management	Determining the specification of the unit, overseeing construction timelines, installation of the unit, and project closeout.	No additional costs are associated with this item other than staff time and resources included in the biennial budget.
Contingency	Unanticipated costs.	A contingency percentage of 20% will be applied to all projects.
<b>Total Project</b>	Total costs will vary by site.	Up to \$250,000 per site.
<b>On-Going Costs</b>		
Operations & Maintenance	Maintenance and supplies for the units	Estimated at \$15,000 per site annually

### **PUBLIC OUTREACH / INTEREST**

The need for additional public restrooms and the specific direction to staff to procure Portland Loo units was discussed as part of the FY 2019-21 Budget. No additional public outreach was necessary for the production of this report and accompanying resolution.

### **COORDINATION**

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:** Clean, adequately appointed and well-maintained parks attract more visitors and can provide economic benefits that extend beyond its boundaries. Commercial districts that are adjacent to such parks are more likely to attract and retain businesses, thereby increasing sales tax revenue. This benefit is supported by data contained in a recent report from the National Recreation and Park Association and the Center for Regional Analysis at George Mason University. In their report titled "[Economic Impact of Local Parks](#)," they noted several critical economic impacts of local parks, which include: increased tourism and visitor spending and higher property values for adjacent properties as compared to those further away from the park.

**Environmental:** Currently, there are several free-standing restrooms in parks that have been closed or are partially functional due to vandalism. The lack of available restrooms and the lack of sanitation has an adverse effect on the environment and public health. The Portland Loo is designed to be a durable, safe, and sanitary solution to this problem.

**Race & Equity:** The issue of restroom access is felt throughout Oakland. Consistent with the City's Capital Improvement Program (CIP) prioritization process adopted by Council in 2018 (Resolution No. 87376 C.M.S) which emphasizes race and equity as a means of redressing historic under-investment in communities of color, staff will prioritize the replacement of restroom units in accordance with the CIP Prioritization model.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends the City Council adopt a resolution waiving the City's advertising, competitive bid, and request for proposals/qualifications (RFP/RFQ) process and authorizing the City Administrator or designee to enter into a one-year on-call services agreement, with the option to extend the agreement for up to three (3) additional years, with Madden Fabrication in an amount not to exceed one million dollars (\$1,000,000.00) for the purchase and installation of Portland Loos (stainless steel modular restroom units) in Oakland.

For questions regarding this report, please contact Angela Robinson Piñon, Strategy & Planning Manager at (510) 238-3707 or [arobinsonpinon@oaklandca.gov](mailto:arobinsonpinon@oaklandca.gov).

Respectfully submitted,



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Manager  
Oakland Public Works

Attachments (1):

- A. Excerpts from the FY 2019-21 Adopted CIP Budget