



Office of the City Manager

CONSENT CALENDAR  
May 30, 2017

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phillip L. Harrington, Director, Department of Public Works  
Subject: Contract No. 10246 Amendment: County of Contra Costa Public Works Department Real Property Services Agreement for Provision of Various Real Estate Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend on-call Contract No. 10246 with County of Contra Costa Public Works Department for provision of various real estate services, increasing the contract by \$450,000 for a total amount not to exceed \$500,000.

FISCAL IMPACTS OF RECOMMENDATION

The on-call contract with County of Contra Costa Public Works Department Real Property/Real Estate Services (Contra Costa PW) is used Citywide, and is approaching the \$50,000 originally authorized. The need for these services may change unpredictably and varies significantly by Department. Funding will be identified by Department and will be requested for appropriation as projects arise. This proposed contract amendment will provide much needed additional real estate services capacity by significantly increasing the not to exceed amount.

Original contract not-to-exceed amount.....	\$50,000
<u>Proposed increase to annual not-to-exceed amount.....</u>	<u>\$450,000</u>
<b>Total not-to-exceed amount.....</b>	<b>\$500,000</b>

This contract amendment has been assigned CMS No. Q4ZKQ.

CURRENT SITUATION AND ITS EFFECTS

The Director of Department of Public Works (DPW) determined the initial \$50,000 contract with no termination date was sufficient to address urgent immediate real property service needs in the Department, and would allow other departments the opportunity to explore and/or use the wide range of services offered by Contra Costa PW.

Over the past year Contra Costa PW worked with various City staff (including the City Manager's Office) and acted as lead negotiator for the purchase of three properties located on University Avenue and Ninth Street. After consulting with other department

directors and managers, DPW has now concluded that increasing the on-call contract \$450,000 will create sufficient capacity to ensure Contra Costa PW may continue to address citywide real property needs.

#### BACKGROUND

The City entered into this on-call contract with Contra Costa PW on September 22, 2015 for appraisal and appraisal review; negotiations; land rights document preparation and right of way acquisition; relocation; management of all leasing and disposal of real property; arranging for and maintaining necessary property insurance; contract administration; management of all property and asset management functions; supervision of independent contractors providing such services; and related work as required.

Although the contract did not require City Council approval, Council reviewed it in consideration of a resolution to waive the Nuclear Free Act “no contract provision” of BMC Section 12.90.070. On February 23, 2016, Council adopted Resolution No. 67,383-N.S., which also supported the determination that no reasonable alternative to contracting with Contra Costa PW existed based on factors outlined in the BMC.

In May 2016, DPW’s Community Development Project Coordinator formed an interdepartmental real property team to develop a more manageable revenue and expenditure lease process, and to revise/create City real property policies. That team includes staff from DPW, Health, Housing & Community Services, the City Manager’s Office, the City Attorney’s Office, General Services, and Parks, Recreation and Waterfront. Staff from those departments have had the opportunity to work with Contra Costa PW during the past year will continue to work with Contra Costa PW on these areas going forward.

#### ENVIRONMENTAL SUSTAINABILITY

None.

#### RATIONALE FOR RECOMMENDATION

The recommended amendment will enable City departments continued access to on-call full service real property/real estate services.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Phillip L. Harrington, Director, Department of Public Works (510) 981-6661  
Dionne E. Early, Community Development Project Coordinator (510) 981-6453

#### Attachments:

- 1: Resolution
- 2: Resolution No. 67,383–N.S.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 10246 AMENDMENT: COUNTY OF CONTRA COSTA PUBLIC WORKS DEPARTMENT REAL PROPERTY SERVICES AGREEMENT

WHEREAS, the County of Contra Costa Public Works Department Real Property Services was selected by Public Works to provide on-call real property services in an amount not to exceed \$50,000 with no termination date; and

WHEREAS, the availability of alternative service providers and quantifiable additional costs resulting from the use of alternative providers have all been considered; and

WHEREAS, the City of Berkeley is in need of those particular real property services provided by the County under this agreement; and

WHEREAS, the County of Contra Costa Public Works Department is certified to work within all related programs and processes of both State and Federal governments, has staff capacity to meet our needs, is willing to work on an on-call basis, and has significant real property services experience and expertise with properties owned by the State of California, the railroads, and the Federal government; and

WHEREAS, failure to enter into a contract with the County of Contra Costa Public Works Department for Real Property Services may result in the City of Berkeley becoming unable in the short term to perform appraisal and appraisal review; negotiations; land rights document preparation and right of way acquisition; relocation; management of all leasing and disposal of real property; arranging for and maintaining necessary property insurance; contract administration; management of all property and asset management functions; supervision of independent contractors providing such services; and related work as required; and

WHEREAS, funding of \$450,000 will be allocated by requesting departments as projects arise citywide until the on-call agreement is terminated by either the City of Berkeley or the County of Contra Costa as described in the contract.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute the amendment of Contract No. 10246 with County of Contra Costa Public Works Department Real Property Services (CMS No. Q4ZKQ) for a total amount not to exceed \$500,000. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

RESOLUTION NO. 67,383-N.S.

WAIVING THE "NO CONTRACT PROVISION" OF BERKELEY MUNICIPAL CODE SECTION 12.90.070 OF THE BERKELEY MUNICIPAL CODE IN AWARDING A CONTRACT TO THE COUNTY OF CONTRA COSTA PUBLIC WORKS DEPARTMENT AND MAKING A DETERMINATION THAT NO REASONABLE ALTERNATIVE EXISTS BASED ON FACTORS OUTLINED IN THE CODE

WHEREAS, pursuant to Resolution No. 60,840-N.S. and Berkeley Municipal Code Section 12.90.070 The Nuclear Free Act of the Berkeley Municipal Code, in order to contract with the County of Contra Costa Public Works Department, the City Council must determine no reasonable alternative exists based on consideration of three factors; and

WHEREAS, the three factors: the intent and purpose of the act, the availability of alternative service providers and quantifiable additional costs resulting from the use of alternative providers have all been considered; and

WHEREAS, the City of Berkeley is in need of those particular real property services provided by the County under this agreement; and

WHEREAS, the County of Contra Costa Public Works Department is certified to work within all related programs and processes of both State and Federal governments, has the staff capacity to meet our needs, is willing to work on an on-call basis, and has significant real property services experience and expertise with properties owned by the State of California, the railroads, and the Federal government; and

WHEREAS, a failure to enter into a contract with the County of Contra Costa Public Works Department for Real Property Services will result in the City of Berkeley becoming unable to perform appraisal and appraisal review; negotiations; land rights document preparation and right of way acquisition; relocation; management of all leasing and disposal of real property; arranging for and maintaining necessary property insurance; contract administration; management of all property and asset management functions; supervision of independent contractors providing such services; and related work as required.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves a waiver to the "no-contract" provision of the BMC Section 12.90.070 because no reasonable alternative exists to the services that will be provided under contract with the County of Contra Costa Public Works Department.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a contract with County of Contra Costa Public Works Department for various real estate services in an amount not to exceed \$50,000. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.

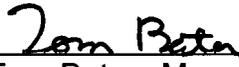
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The foregoing Resolution was adopted by the Berkeley City Council on February 23, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

  
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Tom Bates, Mayor

Attest:   
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Mark Numainville, City Clerk

