



March 12, 2009

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

Dear Board Members:

SUBJECT: ADOPT A RESOLUTION FOR SOLE SOURCE AND APPROVE THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR DUBLIN SITE DEVELOPMENT REVIEW DOCUMENTS FOR THE EAST COUNTY HALL OF JUSTICE, DUBLIN, CALIFORNIA; PROJECT NO. CPP99C515500000; AMOUNT: \$305,000; CONTRACT NO. 3850; MASTER CONTRACT NO. 900593

RECOMMENDATION:

1. Adopt the attached Resolution regarding this procurement;
2. Approve the award of a Professional Services Agreement to Kaplan McLaughlin and Diaz Architects, Inc. (KMD) (Roy Latka, President), 222 Vallejo Street, San Francisco, California, in an amount not-to-exceed \$305,000, for the preparation of revised Site Development Review documents to be submitted to the City of Dublin; and
3. Authorize the Director of the GSA to prepare the proper Professional Services Agreement, have said agreement reviewed and approved by County Counsel and authorize the President of the Board of Supervisors to execute the Agreement after Counsel review.

DISCUSSION/SUMMARY:

On December 4, 2001 (Item #15, File #16275), your Board authorized award of a contract for bridging architectural/engineering (A/E) services for the development of an East County Courthouse with HLM Design for a not-to-exceed amount of \$4,869,673. This was amended on October 1, 2002 (Item#28, File#17330) by Change Order No. 1 for an additional \$638,052 for design and program modifications to reduce the size of the project from 19 courts to 13 courts, and to add energy efficiency and commissioning services to the project. On April 19, 2005, your Board authorized (Item #10 A-B, File #19695) assignment of the primary A/E services contract to Muller Caulfield following the bankruptcy of the lead firm HLM. Subsequent to that action, Muller Caulfield completed the bridging documents. Further development of the project has been delayed pending resolution of funding issues and the process of transferring Courts to the State of California Administrative Office of the Courts (AOC).

In the early stages of project development the County received Site Development approval from the City of Dublin, which has planning jurisdiction over the proposed site. This development was granted November 16, 2004, and extended for 18 months on April 30, 2006. The extension expires on May 16, 2009.

Negotiations with the AOC have recently progressed, based in part on a modified design for the facility prepared by KMD Architects under contract to the Courts. This design preserves the Architectural program of the bridging design but in a more compact building which is believed to still comply with Dublin's original conditions of approval. However, the AOC estimates that it may take as much as a year to complete negotiation of the Development and Disposition Agreement (DDA) for this project after we complete the Term Sheet. Alameda County has made a significant investment of time and resources in reaching the Site Development agreement with Dublin, and revised documents can be prepared in approximately six weeks. It is in the County's interest to attempt to revise the Dublin Conditions of Approval agreement to reflect the more compact design and "refresh" the City's approval for an interval which would fit within the AOC's development agreement timeframe.

State law provides that the selection of A/E services is to be done on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Although the selection must be at a fair and reasonable price, the legislative intent is to base the award on competence and not on economic factors. Alameda County Administrative Code Section 4.12.010 provides that "[a]ll purchases of and contracts for ... services..., which the purchasing agent of the County is authorized to purchase..., shall be based wherever possible on competitive quotations." For all contracts estimated to exceed \$100,000, Administrative Code Section 4.12.020 requires the solicitation of sealed bids following public notice. Exceptions to the process for sealed bids are provided in "unusual cases where the board of supervisors has, by resolution, found and determined the public interest would not be served by complying" with the Section 4.12.20. See also Administrative Code Section 4.12.070.

Given the shortness of time in which to prepare the revised design documents to submit to Dublin on or before May 16 of this year, it is competitively unavailing and the public interest would not be served by the County identifying and selecting an A/E firm for this work via the usual selection process, which normally takes 4 to 6 months. KMD has the necessary professional qualifications, has demonstrated competence and appropriate recent experience in court facilities projects, and its scope of services will be limited to preparation and submittal of documents to Dublin. KMD will comply with the County's SLEB program for a minimum aggregate total of 20% of the contract.

Approval is therefore requested to award this contract to KMD Architects on a sole source basis.

FINANCING:

Funding to award the professional services agreement to KMD Architects is available in the approved FY 2008-09 Capital Projects budget. There will be no increase in net County cost.

Respectfully submitted,



Aki K. Nakao
Director, General Services Agency

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Attachments

cc: Susan S. Muranishi, County Administrator
Patrick O'Connell, Auditor-Controller
Richard E. Winnie, County Counsel
Pat Sweeten, Executive Officer, Superior Courts

CONTRACTS SUMMARY
EAST COUNTY HALL OF JUSTICE, PROJECT NO. CPP99C515500000

Vendor	Location	Estimate Dollar Value of Contract Award	Local Participation		Small Local Participation	
			Percentage	Dollar Amount	Percentage	Dollar Amount
KMD Architects	San Francisco	\$305,000	%	-	%	-

Local <u>Subcontractor</u> Participation		Small Local <u>Subcontractor</u> Participation	
%	DOLLAR AMOUNT	%	DOLLAR AMOUNT
5%	\$15,500	15%	\$45,500

A RESOLUTION AUTHORIZING A SOLE SOURCE PROCUREMENT PROCESS FOR SITE
DEVELOPMENT REVIEW ARCHITECTURAL SERVICES FOR THE
EAST COUNTY HALL OF JUSTICE PROJECT

RESOLUTION NUMBER R-2009 _____

WHEREAS, the County of Alameda (County), the Alameda County Superior Court (Court), and the State Administrative Office of the Courts (AOC) have entered into negotiations for a Project Agreement Term Sheet for construction of the East County Hall of Justice (the Project); and

WHEREAS, on November 16, 2004 the City of Dublin granted the County Site Development review approval for the Project, which approval expires on May 16, 2009; and

WHEREAS, in 2008 the Court retained the services of Kaplan McLaughlin and Diaz Architects (KMD) to reduce the scope of the original bridging design of the Project to fit within the current Project budget; and

WHEREAS, the County must retain the services of a qualified architect to prepare revised Site Development review documents to submit to the City of Dublin prior to the expiration of the current approvals; and

WHEREAS, while State law provides that the selection of architectural services is to be done on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required Alameda County Administrative Code Section 4.12.020 requires the solicitation of sealed bids following public notice except in unusual cases where the Board of Supervisors has, by resolution, found and determined the public interest would not be served by complying with the bid solicitation process; and

WHEREAS, the Board has determined that KMD has the necessary professional qualifications and has demonstrated competence and appropriate recent experience in court facilities projects; and

WHEREAS, given the time constraints imposed by the expiration of the Dublin approvals and KMD's familiarity with the Project, the Board has determined that it would be competitively unavailing and the public interest would not be served by requiring a bid solicitation process in this situation;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The findings stated in the recitals to this Resolution are restated in full and adopted by reference.
2. The requirement in Administrative Code Section 4.12.020 for the solicitation of sealed bids following public notice is hereby waived for the selection of architectural services related to the revised documents for the City of Dublin Site Development Review process for the East County Hall of Justice Project.

Adopted by the Board of Supervisors of the County of Alameda, State of California,
on March 17, 2009 by the following called vote:

AYES:
NOES:
EXCUSED:

President of the Board of Supervisors
County of Alameda, State of California

ATTEST:

CRYSTAL K. HISHIDA GRAFF, Clerk
of the Board of Supervisors, County of Alameda

By: _____

APPROVED AS TO FORM:

Richard Winnie, County Counsel

By: 
Senior Deputy County Counsel