

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

Chris Bazar
Agency Director

AGENDA ITEM NO: ____ November 20, 2012

November 6, 2012

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Surplus Property Authority Commission
Administration Building
Oakland, California 94612

Dear Commissioners:

SUBJECT: AUTHORIZE CONSENT TO ASSIGNMENT OF CONTRACT NO. 3646 FROM E M CONSTRUCTION MANAGEMENT TO E. MAJDALANI CONSTRUCTION MANAGEMENT, INC.; AND, AUTHORIZE AMENDMENT NO. 2 TO CONTRACT NO. 3646 WITH E. MAJDALANI CONSTRUCTION MANAGEMENT INC., TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE SURPLUS PROPERTY AUTHORITY

RECOMMENDATION:

Acting as the Commission of the Surplus Property Authority:

1. Authorize the consent to assignment of Contract No. 3646 from E M Construction Management to E. Majdalani Construction Management, Inc.; and,
2. Authorize and execute Amendment No. 2 to Contract No. 3646 with E. Majdalani Construction Management Inc. (Principal: Elia Majdalani, Vice President; Location: Oakland) to provide construction management services for the Alameda County Surplus Property Authority (SPA), extending the term by twelve months to December 31, 2013, with no increase to the contract amount of \$300,000 and no change to the scope of work.

SUMMARY/DISCUSSION:

For several years, SPA contracted with Don Todd Associates for construction management services with its ongoing infrastructure projects. Elia Majdalani was the Don Todd Associates employee assigned to work on the Dublin Emerald Park and Transit Center infrastructure improvements. When Mr. Majdalani was no longer employed by Don Todd Associates and no new staff was assigned to these critical projects, a contract with Mr. Majdalani was sought in order for continuity. On December 16, 2008, your Commission approved Contract No. 3646 with E M Construction Management, a certified emerging business, by the Alameda County Small, Local, and Emerging Business (SLEB) Program, formed by Mr. Majdalani. SPA is requesting an amendment to the existing contract with E. Majdalani Construction Management Inc., to reflect the recent incorporation of Mr. Majdalani's business, and to provide continuity of staffing for the Staples Ranch Project.

In September, 2010, the City of Pleasanton approved SPA's Staples Ranch Project, including the development of a 46 acre senior continuing care community and a 5 acre neighborhood park, as well as the full extension of Stoneridge Drive across the property to El Charro Road. SPA is financially responsible for ensuring the timely construction of the public infrastructure necessary to serve the approved developments, including Stoneridge Drive. Construction began in June 2011 and is expected to be complete in December 2013.

SELECTION CRITERIA/PROCESS:

At the time the contract was approved by your Board, circumstances required that the consultant selection and competitive bidding criteria be waived and a contract directly negotiated with E M Construction Management. Only Mr. Majdalani, the owner of E M Construction Management, could provide the necessary continuity to oversee the construction projects which he had been overseeing as an employee for Don Todd Associates. Therefore, SPA submitted documentation requesting approval from the General Services Agency (GSA) for a sole-source contract with E M Construction Management and a waiver of the competitive bidding process. On November 26, 2008, GSA issued a finding of non-competition letter authorizing CDA to obtain a waiver of the competitive bidding process directly from the Board of Supervisors, which was approved as part of the approval of the contract. The continuity of consultants such as the newly-incorporated E. Majdalani Construction Management Inc., on this existing project is crucial to the management and oversight needed to complete it. E. Majdalani Construction Management Inc., is a certified SLEB. E M Construction Management's SLEB certification expires in September 2013 and has already been updated to reflect the incorporation of the business. CDA will ensure that the SLEB certification is renewed prior to expiration.

FINANCING:

The costs associated with this contract and amendment are already in the approved 2012/13 SPA budget and will be included in the 2013/14 budget appropriately with offsetting revenues from sale of parcels. There is no Net County Cost as a result of this action.

Sincerely,



Chris Bazar, Manager
Surplus Property Authority

cc: Susan Muranishi, County Administrator
Patrick O'Connell, Auditor-Controller
Donna R. Ziegler, County Counsel
William Fleishhacker, Office of the County Counsel
Richard Conway, County Administrator's Office
U.B. Singh, CDA Finance

Amendment No. 2 to Standard Agreement 3646

This AMENDMENT No. 2 made and entered into on the 20th day of November 2012 modifies Contract No. 3646 (the "Contract"), as previously amended on the 30th day of November 2010, by and between the COUNTY OF ALAMEDA (the "COUNTY") and E M Construction Management.

WHEREAS, on November 20th, 2012, E M Construction Management assigned the Contract to E. Majdalani Construction Management, Inc. (the "CONTRACTOR"); and

WHEREAS, the COUNTY and the CONTRACTOR desire to extend the term of the Contract in order to allow the CONTRACTOR to provide continuing and additional Staples Ranch construction management services for the Alameda County Surplus Property Authority.

NOW, THEREFORE, the Parties agree as follows:

The term of the Contract shall be extended by twelve months from December 31, 2012, to December 31, 2013. Otherwise, the original Contract as amended remains in full force and effect.


IN WITNESS WHEREOF, the parties hereto have executed this amendment this 30th day of October, 2012.

COUNTY OF ALAMEDA

CONTRACTOR

Nate Miley, President
Board of Supervisors

E. Majdalani Construction Management, Inc.



Elia Majdalani, Vice President
E. Majdalani Construction Management, Inc.

Date

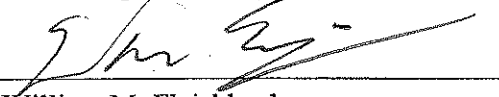
11 Embarcadero West, Suite 210

Oakland, CA 94607

Approved as to Form:

(510) 986-1224

Donna R. Ziegler, County Counsel

By: 

William M. Fleishhacker
Deputy County Counsel

By signing above, signatory warrants and represents that he/she executed this Amendment No. 2 in his/her authorized capacity and that by his/her signature on this Amendment No. 2, he/she or the entity upon behalf of which he/she acted, executed this Amendment No. 2.