

BOARD MTG. DATE: 2/13/2014

SUPPLEMENTAL AGENDA REPORT

TITLE: Authorization to Enter Into a Professional Services Agreement With Schneider Electric Buildings Americas, Inc. To Implement the Maritime Domain Awareness Enhancement Project

AMOUNT: Not To Exceed \$1,210,000

PARTIES INVOLVED:

Corporate Name/Principal	Location
Schneider Electric Buildings Americas, Inc.	Pleasanton, CA

TYPE OF ACTION: Resolution

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: J. Christopher Lytle, Executive Director

SUMMARY

Following a competitive selection process, Port staff seeks the Board’s authorization for the Executive Director to enter into a Professional Services Agreement with Schneider Electric Buildings Americas, Inc. to implement the Maritime Domain Awareness (MDA) Enhancement Project. This agenda report was presented at the January 23, 2014 Board meeting, but deferred to the February 13 meeting so that staff could provide additional information (as summarized in Table 1 and Exhibit A) requested by the Board.

FACTUAL BACKGROUND

In January 2013, staff requested and obtained the Board’s authorization to accept FY12 Department of Homeland Security/Federal Emergency Management Agency Port Security Grant Program Funding and to have the Executive Director take all actions necessary to implement three grant-funded maritime security projects. The MDA Enhancement Project is one of the three projects and involves the installation of additional cameras to the existing maritime security system, emergency operations center enhancements, and a new emergency radio communications system in the maritime area. As part of the January 2013 Board action, staff obtained authorization to deliver this project and, in particular, to (a) retain a consultant to provide project design services (\$190,000 budget) and (b) deliver the project via a public works construction contract (\$1,210,000 budget). Moffatt & Nichol was retained by the Port in March 2013 to provide design, engineering, and project implementation and oversight services.

ANALYSIS

As design of the project progressed, it became apparent that the physical infrastructure (camera poles, power, data ports, etc.) already exists for all the new equipment and that the project primarily involved specifying what type of equipment to procure and performing the interconnections (information technology (IT) programming) to configure the system.

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Further, in addition to the complex technical nature of such installation and configuration, the new hardware/software/equipment will either be integrated into, or work in parallel with, existing maritime security systems. Considering this, Port staff determined that (a) the majority of the services required to implement the project are specialized professional/technical and significantly outweigh services that are, or can potentially be wrapped in to, public works construction, and (b) new cameras can utilize existing communication/power configuration and mounting structures (staff's original anticipation of "construction" was installation of new conduit and structures to support cameras). In sum, staff determined that a professional services agreement, in lieu of a public works construction contract, is the best mechanism to deliver the project effectively.

As a result of this determination, staff issued a Request for Proposals (RFP) on October 7, 2013 for the project and received three responses from G4S, Unicom Government, Inc. and Schneider Electric Buildings America, Inc. A panel of six evaluators, including representatives from the Port's Maritime, Engineering, Information Technology, and Social Responsibility Divisions, as well as a representative of Moffatt & Nichol, evaluated the proposals based on the following criteria:

- Technical Approach
- Cost
- Project Experience
- Project Team Staffing
- Non-Discrimination Small/Local Business Utilization

All three respondents were also required to attend a project interview and were evaluated on:

- Presentation
- Understanding of Consultant's Role
- Answers to Interviewer Questions
- Demonstration of Team's Experience

Proposed costs ranged from \$1,209,508 to \$1,768,757. The RFP stated the project budget was not to exceed \$1,210,000 (Port's budget).

The evaluation panel found the Schneider Electric Buildings America, Inc. proposal and interview to be the most comprehensive/responsive and awarded this firm the highest rank based on the evaluation criteria listed above. Proposal and interview scores were combined into a single final score. Schneider was the low bidder at \$1,209,508. The Port currently has an existing contract with Schneider for security camera system maintenance services and their performance has been satisfactory.

Based on the proposal submitted by Schneider and further consultation with their project manager, the cost of equipment and type of service(s) to be provided for each of the three major project tasks are outlined in Table 1. Additional detail can be found in Exhibit A (attached).

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Table 1.

Major Project Task	Equipment/Materials	Professional/Technical Services	Other Services
1) Maritime Camera System Enhancements	\$164,555	\$55,822	\$58,872
2) Emergency Operations Center Enhancements	\$609,343	\$120,746	\$3,200
3) Emergency Radio Communications Systems	\$140,761	\$51,209	\$5,000
Total	\$914,659 (75.6%)	\$227,777 (18.8%)	\$67,072 (5.5%)

The professional/technical services are critical as the success of this project will be measured on how well this equipment is configured and then integrated into the Port's existing security and IT systems. The security cameras in this project are to be added to the existing system that is currently deployed in the Port's Maritime Area and which is now accessible to the City/Port Domain Awareness Center (DAC). The City anticipates the DAC Privacy and Data Retention Policy to be complete in March/April 2014. The Port anticipates completion of a similar policy covering Port specific security systems in the same time frame.

STRATEGIC PLAN ALIGNMENT

STRATEGIC PRIORITY AREAS	GOAL	OBJECTIVE	HOW THESE PROJECTS IMPLEMENT
Sustainable Economic and Business Development	Goal A: Create Sustainable Economic Growth for the Port and Beyond	2. Affirm Port identity as a public enterprise	The Port is in a unique position, as both a public agency and as the landlord for the Maritime Area, to be the focal point for the collection, consolidation, and management of information and data related to critical maritime infrastructure. The project provides enhanced tools for the Port to more efficiently, effectively, and reliably serve its security/emergency response role.
Communications and Information	Goal K: Promote a Proactive and Responsive Communications Model	1. Develop a strategic and comprehensive communications plan which reaches out to a wide range of internal and external stakeholders and incorporates state-of-the-art practices and technology	The project will significantly improve the communication and working relationships between participating agencies, first responders, and the private owners of critical infrastructure in our region.
Stewardship and Accountability	Goal F: Aggressively Obtain Maximum Amount of External Grant and Government Funding and Regulatory Relief	1. Seek out and pursue all promising and prospective grants and external funding resources	This Project is 75% grant funded with the exception of Port staff and overhead costs.

BUDGET & FINANCIAL IMPACT

The MDA Enhancement Project budget (design and implementation) was approved at the January 24, 2013 Board meeting, and is already included in the approved capital budget for Fiscal Year 2013-14.

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STAFFING IMPACT

The MDA Enhancement Project will require support from existing staff in the Engineering Division for oversight of project implementation; staff are available to provide the required support. The Maritime Security Project Administrator will serve as project manager.

SUSTAINABILITY

As part of value engineering, the Port will be reusing existing infrastructure and facilities to the greatest extent possible, thereby reducing the need for production of new equipment such as conduit, cabling, etc.

ENVIRONMENTAL

The proposal to authorize the Executive Director to Enter Into a Professional Services Agreement with a Consultant to Implement the Maritime Domain Awareness Enhancement Project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the Port CEQA Guidelines.

The California Environmental Quality Act (CEQA) Guidelines Section 15378(2), Project states "Project" means the whole of an action, which has potential for resulting in either direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The general rule in Section 15061(b)(3) of the CEQA Guidelines also states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that entering into a professional services agreement will result in a physical change in the environment; therefore, it is not subject to CEQA.

Furthermore, the Domain Awareness Enhancement Project was described and reviewed for environmental impacts in the Initial Study/Negative Declaration (IS/ND) for the Maritime Utilities Upgrade Project, adopted by the Board on May 18, 2010. A link to the adopted Maritime Utilities Upgrade Project IS/ND is available at http://portofOakland.com/pdf/MUUP_03-25-2010.pdf.

Therefore, no further environmental review or documentation is necessary in order for the Board to take the actions recommended in this Agenda Report.

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The professional services agreement required to implement the MDA Enhancement Project is primarily for professional services that do not include construction testing and inspection; and, therefore, the provisions of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) do not apply to this work.

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OWNER CONTROLLED INSURANCE PROGRAM (OCIP)

Although the consultant will be providing consulting services related to a capital improvement construction project, the consultant will not be required to enroll in the Port's Professional Liability Insurance Program (PLIP) because the services do not include design services related to a construction project. The PLIP is the part of the Port's Owner Controlled Insurance Program (OCIP) that provides coverage to consultants providing design services that support capital improvement construction projects. However, the consultant will be required to evidence insurance as required in the Port's professional service agreement.

GENERAL PLAN

This action does not change the use of any existing facilities or create new facilities; therefore a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the service provider does not employ 21 or more employees working on Port-related work. However, the service provider will be required to certify that should living wage obligations become applicable, the service provider shall comply with the Living Wage Regulations.

OPTIONS

- 1) Authorize the Executive Director to enter into a Professional Services Agreement with Schneider Electric Buildings Americas, Inc. for the implementation of the Maritime Domain Awareness Enhancement Project for a term that will not exceed August 31, 2014 and for a total contract amount that will not exceed \$1,210,000.
- 2) Do not authorize the Executive Director to enter into a Professional Services Agreement with Schneider Electric Buildings Americas, Inc. and, instead, direct staff to implement the Maritime Domain Awareness Enhancement Project as a Public Works Construction Contract as originally approved on January 24, 2013.

RECOMMENDATION

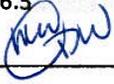
It is recommended that the Board:

Authorize the Executive Director to enter into a Professional Services Agreement with Schneider Electric Buildings Americas, Inc. for the implementation of the Maritime Domain Awareness Enhancement Project for a term that will not exceed August 31, 2014 and for a total contract amount that will not exceed \$1,210,000.

Exhibit A

Maritime Domain Awareness Enhancement Project - Task/Cost Detail

Major Project Task	Equipment/Materials		Professional/Technical Services		Other Services	
	\$ Amount	% of Project	\$ Amount	% of Project	\$ Amount	% of Project
1) Maritime Camera System Enhancements	\$164,555	13.6%	\$55,822	4.6%	\$58,872	4.9%
Description	a) Pan-tilt-zoom cameras and mounts b) Camera and computer hardware (switches, video encoders, uninterruptable power supplies, and server storage archivers) c) Software licenses		a) Configuration of camera and computer hardware b) Integration of new cameras and camera/computer hardware into existing video management system software c) Training d) Record project drawings		a) Installation of new mounts and cameras to existing poles (Cat-5 internet cable and low voltage power (24V AC) connect via cord/plug to existing panels on poles) b) Boom lift rental	
2) Emergency Operations Center Enhancements	\$609,343	50.4%	\$120,746	10.0%	\$3,200	0.3%
Description	a) Video wall and system management software b) Computer workstations and video displays c) Computer network equipment d) Computer servers and racks		a) Configuration of video wall and system management software b) Configuration of computer workstations/displays, servers/racks, and network equipment onto existing computer networks c) Network configuration to route multiple, existing computer network feeds to video wall and monitoring locations d) Training e) Record project drawings		a) Minor wall preparation for video wall and monitor installation	
3) Emergency Radio Communications System	\$140,761	11.6%	\$51,209	4.2%	\$5,000	0.4%
Description	a) Fixed and handheld radio units b) Communications antennas		a) Configuration of radio units and specialized communication antennas b) Programming of radio units to communicate with existing police, fire, marine terminal operator communications systems c) Training d) Project record drawings		a) Installation of communication cable (450' of LMR400) in existing cable runs from antenna to fixed radio units	
Total	\$914,659	75.6%	\$227,777	18.8%	\$67,072	5.5%

February 13, 2014
Item No.: 6.5
MCR/jev 

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION FINDING AND DETERMINING THAT A PROPOSED AGREEMENT WITH SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC. FOR CONSULTING SERVICES IN CONNECTION WITH THE IMPLEMENTATION OF THE MARITIME DOMAIN AWARENESS (MDA) ENHANCEMENT PROJECT AT A MAXIMUM COMPENSATION OF \$1,210,000 CONSTITUTES PROFESSIONAL, TECHNICAL AND SPECIALIZED SERVICES THAT ARE TEMPORARY IN NATURE AND AUTHORIZING EXECUTION OF AGREEMENT.

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item No. 6.5 dated February 13, 2014 ("Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that an agreement with **SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC.** will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from **SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC.**

SECTION 2. The Board authorizes the Executive Director to:

A. Execute a professional services agreement with **SCHNEIDER ELECTRIC BUILDINGS AMERICAS, INC.** for the implementation of the Maritime Domain Awareness Enhancement Project for a term that will not exceed August 31, 2014 and for a total contract amount that will not exceed \$1,210,000, subject to additional material terms and conditions as further described in the Agenda Report.

SECTION 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

DRAFT