



Office of the City Manager

09

CONSENT CALENDAR  
December 3, 2019

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Phillip L. Harrington, Director, Public Works  
Subject: Contract No. 31900082 Amendment: Silva Business Consulting Agreement for Provision of Real Property Management Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 31900082 with David L. Silva d.b.a. Silva Business Consulting for provision of various real property management services, increasing the contract by \$220,000 for a total not to exceed \$270,000. If approved, the amended contract will terminate January 31, 2022 or when funding limit is reached.

FISCAL IMPACTS OF RECOMMENDATION

The proposed contract amendment will allow Silva Business Consulting (SBC) to continue to provide real property management services to the Department of Public Works. Funding will be subject to appropriation in the specific fiscal year (covered in the contract term) and project or facility for which SBC is assigned to provide services. Funding sources that are currently available for use are the General Fund (011), Off-Street Parking Fund (627), Building Purchases and Management Fund (636), and Building Maintenance Fund (673).

Current contract not-to-exceed amount.....	\$50,000
Proposed increase to total not-to-exceed amount.....	\$220,000
<b>Total not-to-exceed amount.....</b>	<b>\$270,000</b>

This contract amendment has been assigned CMS No. QRE5G

Funding will be identified and appropriated as projects arise.

CURRENT SITUATION AND ITS EFFECTS

Silva Business Consulting's (SBC's) real property management service continue to be needed by Public Works. Public Works is responsible for property management at several facilities owned and/or operated by the City. Public Works' Real Property team consists of 1.20 FTE positions to manage lease agreements at City parking facilities, office buildings and other locations as assigned. SBC brings nearly 30 years of real

property management experience to work for the City of Berkeley. SBC charges \$85.00 per hour less than Contra Costa with no pass through charges (mileage, travel time, etc.,) for the same scope of real property management support services. SBC works all hours on-site providing direct support for Public Works Real Property staff up to 20 hours per week. Hiring another person/organization to take over this work would require a significant financial investment with no guarantee the selected recipient would attain the level of understanding and experience SBC has with this City, its Departments and processes. Work in progress for several City facilities would have to be put on hold for a minimum of six months to one year in order to bring a new person/organization up to speed.

The provided services will support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained facilities.

#### BACKGROUND

The City of Berkeley has an on-call contract with County of Contra Costa Public Works Department Real Property/Real Estate Services. That contract is used Citywide. David L. Silva began working with the City of Berkeley Public Works Real Property staff when he was the Supervising Real Property Agent for Contra Costa Public Works. Mr. Silva retired from his Contra Costa position in January 2019 after providing more than two years of services to Berkeley's Public Works, Health, Housing & Community Services, Parks, Recreation and the Waterfront and Finance Departments as well as the City Manager's Office. In order to prevent delays to work already in progress a six month contract was offered to and accepted by Mr. Silva d.b.a., Silva Business Consulting (SBC). The original contract included a Request for Waiver of Competitive Solicitation and based on Mr. Silva's specialized knowledge of the City, its processes, and work already in progress for Public Works, the waiver was approved by the City Manager. The term of the original contract was February 1, 2019 to June 30, 2019 for \$35,000. The City Manager extended the term to December 31, 2019 and added \$15,000 for a not-to-exceed amount of \$50,000 (the limit of the City Manger's authority).

#### ENVIRONMENTAL SUSTAINABILITY

There are no anticipated negative environmental effects of this action.

#### RATIONALE FOR RECOMMENDATION

The recommended amendment will enable Public Works Real Property team to have continued access to the real property management services from an experienced individual familiar with the City of Berkeley, its properties, and processes.

#### 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

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

CONTRACT NO. 31900082 AMENDMENT: SILVA BUSINESS CONSULTING AGREEMENT FOR PROVISION OF REAL PROPERTY MANAGEMENT CONSULTING SERVICES

WHEREAS, the Department of Public Works is tasked with maintaining, operating and managing leases for office buildings, parking garages, waste management facilities, public safety buildings and other real property owned by the City of Berkeley; and

WHEREAS, the current Contract No. 31900082 Amendment: Silva Business Consulting, CMS No. QRE5G, with David L. Silva d.b.a. Silva Business Consulting is for a not-to-exceed amount for \$50,000 and expires on December 31, 2019; 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 Public Works Department is in need of those particular real property management services provided by Silva Business Consulting; and

WHEREAS, failure to enter into a contract with Silva Business Consulting for real property management services may result in the City of Berkeley becoming unable to perform negotiations, relocations, supervision of independent contractors providing services, or management of all leasing and administration of City property; and

WHEREAS, the current contract is insufficiently funded to support ongoing real property management support services; and

WHEREAS, funding of \$270,000 will be allocated by the requesting department as projects arise citywide until contract termination on January 31, 2022 or the not-to-exceed contract limit is reached.

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. 31900082 with David L. Silva d.b.a. Silva Business Consulting (CMS No. QRE5G) for a total amount not to exceed \$270,000. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.