

OAKLAND CITY COUNCIL

RESOLUTION No. 80686 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

Resolution Authorizing The City Administrator, Or Her Designee, To Waive The Competitive Request-for-Proposal Process for Professional Services And To Execute Amendment No. 3 To The Professional Services Agreement With ELS Architecture And Urban Design To Revise And Develop A Phased Master Plan And To Provide Full Design And Construction Support Services For Phase One of The East Oakland Sports Complex Project At Ira Jinkins Park In An Amount Not To Exceed One Million Six Hundred Thousand Dollars (\$1,600,000.00), Bringing The Total Not To Exceed Contract Amount To Two Million Four Hundred Twenty Two Thousand And Nine Hundred Ninety-Two Dollars (\$2,422,992.00)

WHEREAS, ELS Architecture and Urban Design (“ELS”) was chosen through the City’s Request-for-Proposal process as the top-rated and most qualified firm to provide comprehensive professional services associated with design and construction of the East Oakland Sports Complex at Ira Jinkins Park; and

WHEREAS, on February 13, 2001, the City Council approved Resolution No.76278 C.M.S. awarding a professional services contract to ELS to provide pre-programming/planning and concept design of the East Oakland Sports Complex at Ira Jinkins Park for an amount not to exceed \$236,997; and

WHEREAS, on April 23, 2002, the City Council approved Resolution No. 77071 C.M.S. to execute Amendment No. 1 of the professional services contract with ELS to provide schematic design of the East Oakland Sports Complex for an amount not to exceed \$585,992; and

WHEREAS, on April 1, 2004, Amendment No. 2 to the professional services contract with ELS was issued to extend the time of performance; and

WHEREAS, the City Council has expressed its intent and direction to utilize ELS for the full design services throughout the entire project; and

WHEREAS, ELS is inherently familiar with the project, provides continuity, and can provide the necessary design services in an efficient and timely manner; and

WHEREAS, funding of \$1,600,000.00 for Amendment No. 3 with ELS is available within the following sources: Measure I, Fund 5010, Organization 92110, Project No. C83210; State Proposition 40 Grant from the 2002 Resources Bond Act, Fund 2134, Organization 30234, Project No. C268010; and Measure DD Series A and B, Fund 5320, Organization 92110, Project No. C244610; and

WHEREAS, the State Proposition 40 Grant (2002 Resource Bond Act) in the amount of \$3 million, expires in 2010 and final reimbursement for a completed project must be submitted to the State by March 2010;

WHEREAS, additional services from ELS is required to proceed with the necessary design work so that the Phase One construction of the East Oakland Sports Complex project may be completed by March 2010; and

WHEREAS, use of an additional Request-for-proposal process to select another consultant would not allow the project to be completed by the State Grant deadline of March 2010; and

WHEREAS, the City Council finds that the professional design services are exempt from competitive bidding pursuant to Section 2.04.050 I of the Oakland Municipal code; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under contract will be temporary; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Administrator, or her designee, is hereby authorized to waive the competitive Request-for-Proposal process for professional services and to execute Amendment No. 3 to the professional services agreement with ELS Architecture and Urban Design (“ELS”), to revise and develop a phased Master Plan, and to provide full design and construction support services for the Phase One of the East Oakland Sports Complex project at Ira Jinkins Park in an amount not to exceed \$1,600,000.00, bringing the total contract amount to \$2,422,992; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of those related to an increase in the total dollar amount of the agreement, provided that such amendments or extensions shall be filed with the City Clerk's Office; and, be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the City Clerk's Office and will be reviewed and approved for form and legality by the Office of the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 3 2007, 2007

PASSED BY THE FOLLOWING VOTE:

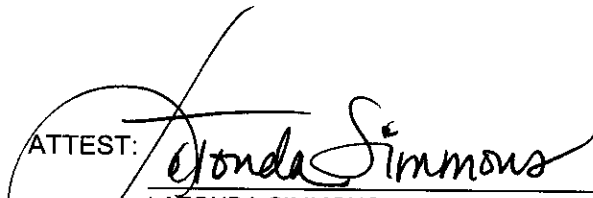
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California