


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION:

- 1. AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE CLEAN CALIFORNIA FUNDS TOTALING NINE MILLION NINE HUNDRED TWENTY-ONE THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$9,921,587) TO IMPLEMENT THE INTERNATIONAL BOULEVARD PEDESTRIAN LIGHTING AND SIDEWALK IMPROVEMENT PROJECT;**
- 2. WAIVING THE REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENTS AND THE CITY'S LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM (L/SLBE) TO AWARD A PROFESSIONAL SERVICE AGREEMENT TO FEHR AND PEERS IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000); AND**
- 3. ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

WHEREAS, in late 2021, Caltrans staff approached the City regarding the opportunity to use Clean California State enhancement funds allocated to Caltrans District 4, which includes Oakland, on state routes; and

WHEREAS, Oakland staff proposed funding the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project since the project aligned with Clean California goals, scored highly in the City's Capital Improvement Program, and overlaps with state right-of-way as International Boulevard east of 42nd Avenue is considered a state route; and

WHEREAS, the City of Oakland will receive funding for this proposal for this proposal, totaling Nine Million Nine Hundred Twenty-One Thousand Five Hundred Eighty-Seven Dollars (\$9,921,587), which includes Two Hundred Seventy-Five Thousand Dollars (\$275,000) for solar-powered litter containers along the corridor; and

WHEREAS, the City will also be installing trash capture devices along the corridor using Measure Q funding; and

WHEREAS, the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project will install pedestrian-scale lighting and repair sidewalks and

Americans with Disability Act (ADA) compliant curb ramps to provide safer pedestrian conditions for people along International Boulevard; and

WHEREAS, these improvements will ensure the project meets complete streets and universal design standards, enhances pedestrian travel, encourages bus rapid transit ridership, and provide health and environmental; and

WHEREAS, the design of International Boulevard Pedestrian Lighting and Sidewalk Improvement Project was completed in 2018, and Fehr and Peers was the Engineer-of-Record for the design of pedestrian lighting; and

WHEREAS, it is within the best interest of the City to have Fehr and Peers to provide engineering support during construction of the project to ensure continuity of work; and

WHEREAS, the engineering service to be provided by Fehr and Peers is estimated to be \$400,000 which is approximately 4% of the construction cost of the project; and

WHEREAS, the Clean California funds will fund the professional service agreement with funds to be allocated in the following project account: California Department of Transportation (2140), Complete Streets Design Organization (35212), Architectural and Engineering Services Account (54411); Project number to be determined; and

WHEREAS, Oakland Municipal Code (OMC) section 2.04.051.A requires the City Administrator to conduct a request for proposals/qualifications (RFP/Q) process for professional services contracts, and OMC section 2.04.051.B allows Council to waive the RFP/Q requirements upon a finding by the Council that it is in the best interest for the City to do so; and

WHEREAS. Fehr and Peers does not meet either Local Business Enterprise (LBE) or the Small Local Business Enterprise (SLBE) requirement, and a waiver of the City's LBE and SLBE requirements is requested in order to execute a professional service agreement with Fehr and Peers; and

WHEREAS, the City lacks the qualified personnel to perform the necessary work and the City Council finds and determines that the performance of this contract is in the public interest; and

WHEREAS, the City Council has determined that this contract is of a professional, scientific or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the proposed improvements are exempt under CEQA; and

WHEREAS, by improving pedestrian infrastructure, lighting, access to high quality public transit, and improved waste management, this project will advance two

Citywide priorities: (1) holistic community safety; and (2) vibrant, sustainable infrastructure; and

WHEREAS, by improving pedestrian infrastructure, lighting, access to high quality public transit, and improved waste management, this project will advance two Citywide priorities: (1) holistic community safety; and (2) vibrant, sustainable infrastructure;

WHEREAS, the International Pedestrian Lighting and Sidewalk Improvements Project is in Caltrans Right-of-Way, and therefore requires that the City obtain encroachment permits from Caltrans; and

WHEREAS, Caltrans encroachment permits in turn, require that the City to execute a maintenance agreement to accept, operate and maintain responsibilities of these improvements; now therefore be it

RESOLVED, That the City Council authorizes the City Administrator to accept and appropriate Clean California funds totaling Nine Million Nine Hundred Twenty-One Thousand Five Hundred Eighty-Seven Dollars (\$9,921,587) for the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project; and be it

FURTHER RESOLVED, That the City Council authorizes the City Administrator to negotiate and enter into a cooperative agreement with Caltrans to implement the project; and be it

FURTHER RESOLVED, That said Clean California funds will be deposited and appropriated in the California Department of Transportation Fund 2140, Complete Streets Planning and Project Development (35212), and in a project number to be established; and be it

FURTHER RESOLVED, That City Council will waive the proposal/qualifications requirements and the City's Local And Small Local Business Enterprise Program (L/SLBE) requirements to award a professional service agreement to Fehr and Peers to provide engineering services for the International Boulevard Pedestrian Lighting and Sidewalk Improvement Project during construction of the project; and be it

FURTHER RESOLVED, That the City Administrator, or designee, is authorized to execute a professional service agreement with Fehr and Peers in an amount not to exceed Four Hundred Thousand Dollars (\$400,000); and be it

FURTHER RESOLVED, That the City Administrator, or designee, is 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 Office of the City Clerk; and be it

FURTHER RESOLVED, That the contract shall be reviewed and approved by the City Attorney for form and legality and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED, That the proposed International Boulevard Pedestrian Lighting and Sidewalk Improvements project is exempt under CEQA (Section 15301, Class 1: Existing Facilities); and be it

FURTHER RESOLVED, That the City Administrator shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda and the Office of Planning and Research on relevant aspects of this project; and be it

FURTHER RESOLVED, that the City Administrator is hereby authorized to finalize and execute the proposed maintenance agreement between the City and Caltrans for the International Pedestrian Lighting and Sidewalk Improvements Project; and be it

FURTHER RESOLVED, that the City Administrator is hereby authorized to approve any subsequent amendments of the maintenance agreement provided that such amendments shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED, that the City Administrator is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO, AND PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California