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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director, Planning and
Building

SUBJECT: On-Call Historic Preservation
Planning Services

DATE: August 30, 2019

City Administrator Approval

Date:

9/10/19

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To Award, Negotiate, And Execute A Professional Services Agreement With Environmental Science Associates (ESA) For A Not To Exceed Amount Of \$500,000 And Not To Exceed Term Of Five Years.

EXECUTIVE SUMMARY

The Bureau of Planning has had a Historic Preservation staff vacancy for more than a year and is unable to deliver required services in a timely manner. The professional services agreement discussed in this report is needed for the Bureau of Planning to successfully deliver required services, including but not limited to, the administration of preservation incentives and regulations under the Historic Preservation Element of the Oakland General Plan, and facilitation of timely entitlement review for both new and existing private development projects; and to be responsive to the high current volume of applications for such projects.

BACKGROUND / LEGISLATIVE HISTORY

On behalf of the City of Oakland, the Bureau of Planning administers preservation incentives and regulations under the Historic Preservation Element of the Oakland General Plan. Due to long-term staff vacancies and a high volume of development applications, the Bureau of Planning has not been able to deliver required Historic Preservation services in a timely manner.

On April 8, 2019, the Planning and Building Department (PBD) Bureau of Planning issued a Request for Qualifications (RFQ) to provide on-call (as-needed) Historic Preservation Planning services. One proposal was received in response to the RFQ. The one respondent was evaluated by Bureau of Planning staff and is qualified to perform the requested services.

Item: _____
CED Committee
September 24, 2019

ANALYSIS AND POLICY ALTERNATIVES

The selected consultant, ESA, will provide Historic Preservation Planning on-call services. ESA will support the Landmarks Preservation Advisory Board; conduct technical analyses of historic buildings for proposed demolition or alteration; prepare mandated documents for landmark designation; administer preservation incentives and regulations under the Historic Preservation Element of the Oakland General Plan; conduct and/or advise on design, development, and environmental review; prepare federal and state grant applications for historical and architectural surveys; conduct field surveys and historic research, make presentations to various groups; and perform related duties as assigned.

Adoption of the attached resolution will authorize the City to enter into or amend a contract with ESA to provide required Historic Preservation staff services and maintain acceptable turn-around times during periods with a high volume of activity.

Prior to the issuance of the RFQ, and in accordance with current Memorandums of Understanding (MOUs) terms, Contracts and Compliance Division issued formal notification to the International Federation of Professional and Technical Engineers (IFPTE) Local 21 and Service Employees International Union (SEIU) Local 1021. SEIU Local 1021 and IFPTE Local 21 did not object to the issuance of the RFQ.

Contracts Compliance Division received one proposal in response to the RFQ from ESA. ESA was evaluated by Bureau of Planning subject matter experts based on their relevant experience, qualifications, organization, approach, and fee structure. ESA was rated as well qualified.

The submittal also received a Compliance Analysis by the Contracts Compliance Division. ESA received credit (100 percent) for proposed Local and Small Local Business Enterprise (L/SLBE) participation. ESA would need to come into compliance with the Equal Benefits Ordinance (EBO) prior to full contract execution.

FISCAL IMPACT

The on-call services contract with ESA will be for an amount not to exceed \$500,000 over a five-year term and will be funded by revenue earned from the hourly review fee designated in the Master Fee Schedule, which covers staff costs. There are presently cost savings due to a vacant Planner III, Historic Preservation full-time position. Once this position is filled, the consultant will be utilized on an as-needed basis, and therefore will be funded by the fees incurred for the additional projects prompting the use of the consultant. Funding for the professional services agreement will be fully paid from the Development Service Fund (2415), the Zoning Organization (84229), Professional Services Account (54930), a project to be determined, and the Historic Preservation Program (IN08).

PUBLIC OUTREACH / INTEREST

The bidding, contracting, and purchasing processes were conducted in accordance with Oakland Municipal Code (OMC) 2.04.051 for professional services contracts. The City's procurement system, iSupplier was used for distribution of the RFQ and it was also formally advertised in the *Oakland Tribune* and the *San Francisco Chronicle*.

COORDINATION

This report and resolution were coordinated with PBD Bureau of Planning, and reviewed by the City Attorney's Office, and Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Timely delivery of mandatory services will result in quicker issuance of land use entitlements and subsequently, building permits and construction. New construction creates jobs during construction and new buildings result in new residences and/or businesses in Oakland.

Environmental: The contract would provide assistance for projects throughout Oakland that adhere to City environmental standards, and support compliance with historic preservation requirements at the local, state and federal level.

Social Equity: The contract would provide assistance for projects throughout Oakland that would positively impact Oakland and its citizens. Specifically, the contract would provide support for property owners and community members who seek to protect and preserve Oakland's rich and diverse cultural history through its architecture and important places.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To: Award, Negotiate, And Execute A Professional Services Agreement With Environmental Science Associates (ESA) For A Not To Exceed Amount Of \$500,000 And Not To Exceed Term Of Five Years.

For questions regarding this report, please contact Catherine Payne, Acting Development Planning Manager, at 510-238-6168.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Planning and Building Department

Prepared by:
Catherine Payne
Acting Development Planning Manager
Bureau of Planning

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OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD, NEGOTIATE, AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL SCIENCE ASSOCIATES (ESA) FOR A NOT TO EXCEED AMOUNT OF \$500,000 AND NOT TO EXCEED TERM OF FIVE YEARS.

WHEREAS, the Bureau of Planning in the Planning and Building Department assists builders, property owners, architects, engineers, realtors and community members in understanding and processing permits related to historic resources and preservation; and

WHEREAS, the Historic Preservation service of the Bureau of Planning includes the following functions: support staff to the Landmarks Preservation Advisory Board; conduct technical analyses of historic buildings for proposed demolition or alteration; prepare mandated documents for landmark designation; administer preservation incentives and regulations under the Historic Preservation Element of the Oakland General Plan; conduct and/or advise on design, development, and environmental review; prepare federal and state grant applications for historical and architectural surveys; conduct field surveys and historic research, and make presentations to various groups; and perform related duties as assigned; and

WHEREAS, the Historic Preservation service of the Bureau of Planning is a critical and required City function to ensure compliance with the Historic Preservation Element of the Oakland General Plan; and

WHEREAS, the Historic Preservation service of the Bureau of Planning reviews building proposals for code compliance to ensure that structures are built in accordance with all applicable historic preservation laws and regulations, including safety, accessibility, and energy conservation; and

WHEREAS, these duties must be completed within a reasonable timely manner; and

WHEREAS, similar to other departments within the City, the Bureau of Planning experienced substantial cuts to and vacancies of staff positions that remain unfilled. As such, the Bureau of Planning remains considerably understaffed; and

WHEREAS, professional on-call plan check services are necessary to assist Bureau of Planning staff to facilitate timely plan review for both existing projects in development, and increased new and redevelopment application activity; and

WHEREAS, Bureau of Planning staff anticipates that permit applications for private development projects of all sizes may benefit from on-call plan review; and

WHEREAS, on-call services will be funded by revenue received for application review fees per the Master Fee Schedule and the cost savings due to staff vacancies, and upon filling the vacancy, the on-call services will be funded by the additional fees incurred for the additional projects prompting the use of the on-call services; and

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

WHEREAS, in April 2019 through the City's competitive RFQ process in accordance with O.M.C. section 2.04.051 for Historic Preservation Planning On-Call Services, a proposal was submitted by ESA; and

WHEREAS, ESA earned 100 percent credit for Local and Small Local Business (LBE/SLBE) Program requirements during the qualifications submittal phase; and

WHEREAS, ESA was identified as responsive and qualified to provide the desired professional services described herein; and

WHEREAS, the Bureau of Planning desires to contract with ESA for Historic Preservation Planning On-Call Services; and

WHEREAS, the City Council finds that the services provided pursuant to the agreements authorized hereunder are of a professional, scientific or technical nature and are temporary in nature; and

WHEREAS, the City Council finds that the agreements directly or indirectly support the City Council's goal to "Develop a Sustainable City"; and

WHEREAS, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

RESOLVED, that the City Council authorizes the City Administrator to execute a Professional Services Agreement Contract for Historic Preservation Planning On-Call Services with ESA; and be it

FURTHER RESOLVED, that the total amount of the Agreement for ESA shall be for a not-to-exceed amount of \$500,000 for a not-to-exceed term of five years; and be it

FURTHER RESOLVED, that funds shall be deposited and appropriated in Development Services Fund (2415), Zoning Org (84229), Professional Contract Services Account (54930), Project to be determined, and Historic Preservation Program (IN08); and be it

FURTHER RESOLVED, that the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said Agreements excepting those resulting in an increase in total compensation in excess of \$500,000, and provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California