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OFFICE OF THE CITY CLERK
OAKLAND
2008 NOV 13 PM 5:22

REVISED

Approved as to Form and Legality

Mark P. Wall
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 81677 C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. (PBS&J) FOR PREPARATION OF THE OAKLAND 2009 HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED THIRTY-NINE THOUSAND, EIGHT HUNDRED AND SEVEN DOLLARS (\$339,807), ~~AND PLUS ALLOCATING~~ TEN THOUSAND, ONE HUNDRED AND NINETY-THREE DOLLARS (\$10,193) FOR CONTRACT COMPLIANCE FEES, FOR A TOTAL PROJECT AMOUNT NOT TO EXCEED THREE HUNDRED, FIFTY THOUSAND DOLLARS (\$350,000)

WHEREAS, California law (Government Code Section 65583) requires that each city and county adopt a housing element to the General Plan, which determines the City's new housing construction need; and

WHEREAS, the Association of Bay Area Governments (ABAG) has determined, through a regional housing allocation process, that the City's housing need between the years 2009-2014 is 14,629 new units of market rate and affordable housing units; and

WHEREAS, cities are required to accommodate the housing needs of very low-income, low-income, moderate income and above-moderate income residents by providing sufficient sites for housing, with adequate zoning and infrastructure, to make possible the development of these housing units, including providing sites with sufficient density to make possible the development of housing for all income levels; and

WHEREAS, the City of Oakland is in the process of completing the administrative draft of the 2009-2014 Housing Element, prepared by staff of the Community and Economic Development Agency, in advance of the June 30, 2009 deadline established by the California Department of Housing and Community Development; and

WHEREAS, an Environmental Impact Report is the appropriate environmental document required for the 2009-2014 Housing Element under the California Environmental Quality Act;

WHEREAS, the firm of Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) was selected through a review of competitive proposals, professional qualifications and negotiations relative to providing a comprehensive fee and Scope of Work within the City's available budget and authorized Scope of Work for the project; and

WHEREAS, the City Council finds that this agreement is for services of a professional nature, the services under this agreement will be temporary and this agreement 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 Administrator is hereby authorized to negotiate and execute a professional services agreement and a scope of services, in substantial conformance with Attachment A to the City Council Agenda Report dated November 12, 2008, with PBS&J to prepare a Environmental Impact Report to the 2009-2014 Housing Element, in an amount for basic services not to exceed Two Hundred Sixty-Seven Thousand, Five-Hundred and Seventy-Six Dollars (\$267,576), plus an additional Seventy-Two Thousand, Two-Hundred Thirty-One-Dollars (\$72,231) for additional services, additional optional scope items, project contingencies or unforeseen conditions or sub-contracts, for a total not to exceed contract amount of Three-Hundred Thirty-Nine Thousand, Eight Hundred Seven Dollars (\$339,807), subject to the review and approval by the Office of the City Attorney; and be it

~~**FURTHER RESOLVED:** That the City Administrator is hereby authorized to exceed the contract amount for an additional 3% of the amount, or Ten Thousand, One Hundred and Ninety-Four Dollars (\$10,194) for contract compliance costs, for a total project cost of Three Hundred and Fifty Thousand Dollars (\$350,000); and be it~~

FURTHER RESOLVED: That the City Administrator is authorized to allocate Ten Thousand One Hundred Ninety-Three dollars (\$10,193) for contract compliance fees from the Development Services Fund (2415), Organization (88211), Account (54919), Project (P340+50), Program (SC09) to be paid into the General Purpose Fund (1010), Overhead Recovery Org (90271), Non-Project, Central Services Overhead Account (62214), for a total project cost of Three Hundred and Fifty Thousand Dollars (\$350,000); and be it

FURTHER RESOLVED: That the remaining \$339,806 for the contract are proposed to come from the Development Services Fund (2415), Major Projects Organization (88211), Miscellaneous Contract Services Account (54919), General Plan Surcharge Project (P34050), Major Projects and Strategic Planning Program (SC09); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to (a) approve any subsequent amendments to or extensions of said agreement, except those involving compensation or the allocation of additional funds, provided that such amendments or extensions shall be reviewed and approved by the Office of the City Attorney and filed with the City Clerk's Office, and (b) to take any other necessary steps to develop the Environmental Impact Report, consistent with the terms of this Resolution; and be it

FURTHER RESOLVED: That a copy of the agreement will be on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 18 2008, 20

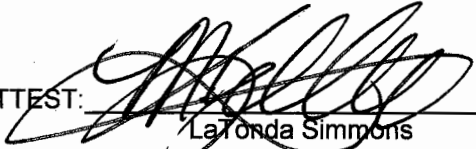
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN ~~RES~~, and PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

ATTEST: 

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California