


Celso Ortiz (Mar 5, 2024 12:50 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) AWARD AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES WITH DIALOG DESIGN, LP, FOR AN AMOUNT NOT-TO-EXCEED THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000.00) FOR PROGRAMMING, MASTER PLANNING, DESIGN, PROCUREMENT, AND CONSTRUCTION SUPPORT SERVICES FOR THE BROOKDALE RECREATION CENTER EXPANSION AND PARK IMPROVEMENTS PROJECT (NO. 1004849); AND 2) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, Brookdale Park, located at 2535 High Street, is a 3.2-acre public park established in 1922, and operated by the Oakland Parks, Recreation and Youth Development Department (OPRYD); and

WHEREAS, Brookdale Park amenities include a tot lot, baseball field, basketball court, tennis courts, a small garden, open space with large mature canopy trees, dilapidated picnic area and paved walkways, and a 2800 square foot former bus shelter and lodge repurposed in the 1970s as a recreation center; and

WHEREAS, the Discovery Science Center, located at 2521 High Street, is 804 square foot residence from the 1920s that was converted in the 1970s to provide science, technology, engineering, and mathematics educational opportunities; and

WHEREAS, both the Brookdale Recreation Center and the Discovery Science Center remain closed after the COVID-19 pandemic was declared; and

WHEREAS, a professional services Request for Proposals (RFP) was advertised on April 4, 2023, in accordance with Oakland Municipal Code (OMC) 2.04.051 and Administrative Instruction 150, five proposals were received by Capital Contracts Division (CCD) on June 14, 2023 for programming, master planning, design, procurement, and construction support services to develop a new 7,000 square foot science and recreation center by combining the two parcels at

2535 and 2521 High Street; and

WHEREAS, the Department of Workforce and Employment Standards completed Local/Small Local Business Enterprise (L/SLBE) Program compliance of five (5) proposals on July 17, 2023, and determined that two proposals failed to meet the minimum 50% L/SLBE participation requirements; and

WHEREAS, a three member panel from Public Works' Project and Grant Management Division and Watershed and Stormwater Management Division evaluated and ranked the proposals and conducted the interviews on September 15, 2023; and

WHEREAS, DIALOG Design, LP was selected as the most responsive and qualified firm to provide professional services in accordance with the RFP; and

WHEREAS, the City shall utilize \$200,000.00 of appropriated funds from Measure KK Series 2 (Fund 5332); Capital Projects Organization (92270); Project (1004849); Program (IN06); and

WHEREAS, the City shall utilize \$1,500,000.00 of appropriated funds from Measure KK Series 3 (Fund 5335); Capital Projects Organization (92270); Project (1004849); Program (IN06); and

WHEREAS, the City shall utilize \$1,400,000 from a \$4,500,000.00 FY 2024-2025 Measure U appropriation (Fund TBD) in accordance with the authority granted by Council Resolution 89840 C.M.S. to spend Measure U funds on a temporary basis prior to the issuance of general obligation funds; and be it

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the professional services contract approved hereunder is temporary in nature; and

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

WHEREAS, the City intends to award and execute the contract with DIALOG Design, LP to provide programming, master planning, full design from schematic design to construction documents, procurement, and construction support services; and

WHEREAS, the City Council finds that this contract 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 authorized to award and execute a professional services agreement for architectural and engineering design services with DIALOG Design, LP, for an amount not-to-exceed three million one hundred thousand dollars (\$3,100,000.00) for programming, master planning, design, procurement, and construction support services for the Brookdale Recreation Center Expansion And Park

Improvements Project (No. 1004849) in accordance with the RFP, firms' submittals and interviews; and be it

FURTHER RESOLVED: That the City shall utilize \$200,000.00 of appropriated funds from Measure KK Series 2 (Fund 5332); Capital Projects Organization (92270); Project (1004849); Program (IN06); and be it

FURTHER RESOLVED: That the City shall utilize \$1,500,000.00 of appropriated funds from Measure KK Series 3 (Fund 5335); Capital Projects Organization (92270); Project (1004849); Program (IN06); and be it

FURTHER RESOLVED: That the City shall utilize \$1,400,000 from a \$4,500,000.00 FY 2024-2025 Measure U appropriation (Fund TBD) in accordance with the authority granted by Council Resolution 89840 C.M.S. to spend Measure U funds on a temporary basis prior to the issuance of general obligation funds; and be it

FURTHER RESOLVED: That the contract with DIALOG Design, LP shall be a single procurement that is not-to-exceed \$3,100,000.00 with a non-renewable limit; and be it

FURTHER RESOLVED: That the contracted firm shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business and Small Local Business Enterprise participation; and be it

FURTHER RESOLVED: That the Council finds that the Project is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, and be it

FURTHER RESOLVED: That the contract and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____