


Celso D. Ortiz (Jun 2 2019 09:53 PDT)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88192 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO (1) AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH LEDDY MAYTUM STACY ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING SERVICES AND INCREASE THE AGREEMENT BY TWO MILLION THIRTY-FIVE THOUSAND DOLLARS (\$2,035,000.00) FROM SEVEN HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$765,000.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000.00) FOR THE NEW MOSSWOOD PARK COMMUNITY CENTER PROJECT (NO. 1003625) AND (2) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATION PROCESS ("RFP/Q") REQUIREMENT

WHEREAS, on May 2, 2019 City Council approved Resolution No. 87690 C.M.S. awarding a professional services agreement with Leddy Maytum Stacy Architects (LMSA) for Visioning, Programming, Master Planning, Concept Design through Schematic Design phase and allowed the option to complete remaining design services upon available additional funding with future Council approval; and

WHEREAS, City staff and the consultant team conducted extensive community outreach and internal staff meetings to refine the project scope during the initial park Master Planning, Programming and Concept Design phases; and

WHEREAS, through community engagement process and meetings with Oakland Parks and Recreation and Youth Development, it was determined that in order to meet the needs of the community, Oakland Parks & Recreation programs, and maximize recreational benefits for the Public, the project was envisioned to include a community center, indoor gym, and therapeutic indoor pool buildings; and that providing a fully functional facility is in the best interest of the City; and

WHEREAS, architectural and engineering services is required to continue the design to complete the project; and

WHEREAS, since the initial professional service agreement was executed, additional \$6.5 million in funding has been secured, providing adequate funds to award the remaining professional services contract and amend the contract to complete the remaining design services for the identified scope; and

WHEREAS, the project fund includes a grant through Proposition 68 Community, Cultural and Natural Resources Grant with funding expenditure deadline of March 2022; and

WHEREAS, funding for the design services of Mosswood Community Center Project (No. 1003625); is available from General Fund (1010); Capital Projects Organization (#92270); Consultant Contract Account (54411); Award (23289); Program (IN06), and Measure KK Bond (5332); Capital Projects Organization (#92270); Consultant Contract Account (54411); Award (23687); Program (IN06); and

WHEREAS, LMSA was originally selected through a competitive, qualification-based process to provide consulting and engineering services for the Project; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051 A requires a competitive request for proposals/qualifications ("RFP/Q") process for the award of professional services contracts in excess of \$50,000; and

WHEREAS, OMC Section 2.04.051 B permits the Council to waive the RFP/Q solicitation process requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, staff recommends that the Council finds and determines that it is in the City's best interest to waive the competitive RFP/Q solicitation requirement of OMC Section 2.04.051A and amend the agreement with LMSA ; now, therefore be it

RESOLVED: The Council hereby finds and determines that pursuant to OMC Section 2.04.051 B that it is in the best interest of the City to waive the RFP/Q for the reasons stated in this Resolution and the staff report that accompanies it, and so does hereby waive this requirement, and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute and amend the remaining professional services agreement with Leddy Maytum Stacy Architects for architectural and engineering services to complete the Mosswood Community Center Project; and be it

FURTHER RESOLVED: That the professional services agreement with LMSA shall be increased from seven hundred sixty-five thousand dollars (\$765,000.00) by an amount not-to-exceed two million thirty-five thousand dollars (\$2,035,000.00), bringing the total contract amount not-to-exceed two million eight hundred thousand dollars (\$2,800,000.00); and be it

FURTHER RESOLVED: That LMSA shall comply with City's Compliance Programs as required prior to executing the amendment; and be it

FURTHER RESOLVED: That the City Administrator, or 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; 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,

JUN 3 0 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN *—8*

NOES - *0*

ABSENT - *0*

ABSTENTION - *0*

ATTEST:



ASHA REED

Acting City Clerk and Clerk of the Council of
the City of Oakland, California