



AGENDA REPORT

TO: Jestin D. Johnson
City Administrator

FROM: G. Harold Duffey
Director, Oakland Public
Works

SUBJECT: Consultant Contract Amendment for
Mosswood Community Center Project

DATE: November 13, 2023

City Administrator Approval


Jestin Johnson (Nov 30, 2023 22:02 PST)

Date: Nov 30, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Amend The Professional Services Agreement With Leddy Maytum Stacy Architects For Architectural And Engineering Services And Increase The Agreement By An Additional Three Hundred Fifty Thousand Dollars (\$350,000.00) To A Total Contract Amount Not-To-Exceed Three Million One Hundred And Fifty Thousand Dollars (\$3,150,000.00) For The Mosswood Community Center Project (No. 1003625), And (2) Waive The Competitive Request For Proposals/Qualifications Requirement; And 3) Adopt Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Approval of the proposed resolution will authorize the City Administrator to increase the existing agreement between the City of Oakland (City) and Leddy Maytum Stacy Architects (LMSA) by an amount not-to-exceed \$350,000.00 for a total contract maximum of \$3,150,000.00 to provide construction support services to complete the building of a new recreation center and park improvements at the Mosswood Community Center (Project).

The Project is located at 3612 Webster Street, in Mosswood Park in Council District 3, at the border of District 1 (see **Attachment A** – Project Location Map) and is currently in the construction phase.

BACKGROUND / LEGISLATIVE HISTORY

Established in 1910, Mosswood Park is an eleven-acre public park managed by the Oakland Parks, Recreation and Youth Development Department (OPRYD). Current park amenities include a playground and tot lot, community garden, dog run, basketball courts, tennis courts, baseball field, a small outdoor amphitheater, a carriage house storage building, and the historic J. Mora Moss House (now closed). The park has a large, open lawn bowl with many stands of large-canopy mature trees, and hosts many events, including music, art and cultural festivals.

The park is located in Council District 3, at the border of District 1, and is used daily by residents from both Districts. Special events draw visitors from the greater Bay Area and beyond.

The former Mosswood Recreation Center building was an 8,235-square-foot structure constructed circa 1953. The recreation center hosted programs and classes year-round, and a thriving summer camp program. After-school programs featured cooking, computer lab, and homework help for children 5 to 11 years of age. In November 2016, the Mosswood Recreation Center suffered major damage from a fire, requiring the City to tear down the original structure. Temporary facilities to house programs at the park have been installed to restore on-site programming until the new community center is built.

On May 2, 2019, the City Council passed Resolution No. [87690](#) C.M.S. granting authorization to the City Administrator to enter into a professional services agreement with LMSA. LMSA was selected through a competitive, qualification-based process to provide consulting and engineering services for the Project. The professional services agreement was authorized for Visioning, Programming, Master Planning, and Concept Design through Schematic Design Phases until additional funding was secured to execute the remaining agreement for Design Development through Construction Support services.

Subsequently, on June 30, 2020, the City Council, through Resolution No. [88192](#) C.M.S., approved an amendment to the professional services agreement with LMSA. This amendment resulted in an increase in the contract amount to a total of two million eight hundred thousand dollars (\$2,800,000.00), demonstrating the City's commitment to the Project.

The Mosswood Park Master Plan was adopted through Council Resolution No. [88516](#) C.M.S. on February 11, 2021. The Master Plan is the result of a year of community engagement, analysis, and recommendations guided by an equity framework; it also provides the overall vision for the park and guidance for incremental phasing of projects.

The new Mosswood Community Center is Phase 1 and will greatly expand and improve recreational amenities and services at the park. The Project will construct a new two-story 12,193 square-foot recreation center building and park improvements. The work includes, but is not limited to, demolition of structures and existing park elements, construction of the new recreation center which will include a social hall, kitchen, classrooms, computer lab and maker space, offices, support spaces, elevator, restrooms, and an outdoor terrace. The Project also includes improvements to plantings, pathways and lighting at the southern portion of the park property, existing parking lot, a new fire access road at the north side of the building, modifications to existing and new fence enclosures, and improvements on and off property to facilitate new utilities.

In November 2016, Oakland's voters approved the \$600 million Measure KK infrastructure bond. Following this, on June 19, 2017, the City Council furthered these efforts by approving Resolution No. [86773](#) C.M.S. This approval encompassed a spectrum of capital improvement projects, including the Mosswood project.

Moreover, on November 8, 2022, Oakland voters approved the 2022 Affordable Housing and Infrastructure Bond (Measure U), which authorized the issuance of up to \$850 million in general obligation bonds to fund various City infrastructure and affordable housing projects. Funding for

the construction phase of the Project is identified in the fiscal year (FY) 23-25 Capital Improvement Program Budget and will be provided by Measure U from First Series bond proceeds.

ANALYSIS AND POLICY ALTERNATIVES

This significant Project will advance the Citywide priorities of **holistic community safety** and **vibrant, sustainable infrastructure** by replacing damaged infrastructure and expanding community access to recreational facilities.

Due to an extended project timeline and longer duration of the construction phase, increased services for the architectural design team are necessary. The design team's fees for Design through Construction Phase Services were developed in November 2018 and were based on an anticipated construction start of Fall 2021. However, due to a funding shortfall, the bid advertisement was postponed until after the successful passage of the 2022 Affordable Housing Infrastructure Bond, known as Measure U, which provided the necessary funds to bridge the construction budget gap. After a 21-month delay, the Construction Notice to Proceed was issued in July 2023.

Additional consultant fees for construction phase services due to escalation are allowed by the terms of the professional services agreement, as defined in the Architect's proposal under Section E, Additional Services, item 14. The proposed 11.66% escalation for construction administration fees is based on the Consumer Price Index (CPI) for the 21-month delay in the start of construction. Additionally, the current construction schedule anticipates an additional 29 weeks to finish beyond the original estimated construction duration of 14 months assumed in the Architect's proposal. Additional fees for extended duration have been negotiated based on the anticipated additional work for the consultant and their sub-consultants, to be compensated for additional work incurred toward completion.

Furthermore, additional fees for services which were unaccounted for in the original scope of services are also being requested for arborist and dry utilities consultant services during construction. The project arborist reviews and advises on work around existing trees to be protected during construction. The dry utilities consultant advises on the joint trench carrying 'dry' utilities including electrical (PG&E), data and telephone (Comcast) for utilities service applications and construction.

Waiver Of Competitive Request For Proposal/Qualifications Requirement

Oakland Municipal Code (OMC) Section 2.04.051 A. requires a competitive request for proposals/qualifications (RFP/Q) proposal solicitation process. However, OMC Section 2.04.051 B. permits the Council to waive this RFP/Q requirement upon a finding and determination that it is in the best interests of the City to do so. As the consultant selection process 2019 adhered to the City's OMC for competitive process and the solicitation notice stated that the selected consultant team will provide planning through construction support services, the proposed amendment adheres to the original intent. To continue the services as originally specified and avoid any project disruption or delay to complete the scope outlined in

the analysis above, staff recommend that it is in the City's best interest to waive the competitive RFP/Q requirement and amend the City's agreement with LMSA.

FISCAL IMPACT

Funding for this consultant agreement amendment is available in the funding sources shown in **Table 2** below.

Table 2:

FUNDING	Amount
Measure U Bond (5340); Award (24407); Capital Projects Organization (92270); Consultant Account (54411); Mosswood Project (1003625); Project Delivery Program (IN06)	\$350,000.00

PUBLIC OUTREACH / INTEREST

Since the former recreation center burned in 2016, community members and groups have actively participated in developing the vision for the future community center. A community workshop, 'Rebuild Mosswood: Envisioning the Future – A Community Engagement Event', was held on Saturday, December 10th, 2016 from 12:30 – 2:30 pm at Mosswood Park, shortly after the former recreation center burned. A survey/questionnaire was simultaneously circulated. The intent of both the event and questionnaire was to solicit community ideas and engage the community in the planning and vision for the new community center and potential improvements to Mosswood Park.

The Mosswood Park Master Plan community engagement process gave voice to the older generation of Mosswood residents and their families, particularly the Black or African American community, that have a deep connection to the park, but many of whom have been displaced over recent years to other parts of Oakland. To preserve the local history and ensure the new Community Center continues to be welcoming to those residents, this sector of the community was a key stakeholder in the Master Plan's engagement effort. Additionally, families and children who are active users of the park – from Oakland Unified School District (OUSD), OPRYD's Town Camp, the Mosswood Community Center's Inclusion Program, and the surrounding neighborhoods – were also important stakeholders of the engagement process.

An inclusive engagement plan was developed at the outset of the Project with input from the Department of Race and Equity (DRE). After identifying key stakeholders and engaging park users and community leaders, the design team used a variety of methods to ensure equity and respect for the community's history. In addition to six in-person workshops, the design team went to many events in Oakland, hosted an online survey, and conducted stakeholder interviews. In addition to targeted outreach to community organizations, groups and leaders; the team distributed print flyers, posted banners and posters, tabled at local events, and took out a full spread advertisement in the East Bay Express, in order to increase visibility and awareness of the Project.

COORDINATION

The work to be done under this contract has been coordinated between OPRYD, OPW – Bureau of the Environment, Environmental Services and Capital Contracts Divisions, and the Department of Workplace and Employment Standards.

The Project team has worked closely with OPRYD to ensure that the Project supports the mission to expand recreational opportunities for underserved communities of Oakland. OPRYD has provided key demographic data on existing program and rental users to support the project Racial Equity Impact Analysis (REIA) and contributed their experience and expertise to identify opportunities for closing racial disparities and goals for improving outcomes for the Oakland community through the park renovation. The REIA and goals have informed the development of the Mosswood Park Master Plan and park program.

The Finance Department has reviewed this report, and the resolution has been reviewed for form and legality by the Office of the City Attorney.

SUSTAINABLE OPPORTUNITIES

Economic: Businesses associated with the implementation of the Project will receive economic opportunities through contracting for services, construction, materials, and supplies. Completion of the capital improvements can also contribute to economic opportunities for those who utilize the improved facility.

Environmental: As part of the City's policies and mandates, all capital projects must meet various environmental and sustainable programs such as the Green Building Ordinance, Bay Friendly Landscaping, and Equitable Climate Action Plan objectives. The Project will be implemented in accordance with various City's programs to protect and conserve natural resources, address climate change impacts and build resiliency, meeting requirements of the City's Equitable Climate Action Plan.

Race & Equity: Based on evidence that the Mosswood Park community includes many residents originally from East and West Oakland, and the documented disparities in those communities, the Project has aspired to improve equity outcomes for the disadvantaged communities that it serves; and maintain and support engagement with those communities into the future. Mosswood Park and Community Center have the potential to positively impact three key sectors of the City's Racial Equity Indicators through physical design and programmatic activation – Education, Public Health, and Neighborhood and Civic Life.

The completion of the physical construction of a Community Center and park improvement project is only the first step. Ongoing programming and stewardship of the park by OPRYD has the potential to achieve the targeted equity outcomes, and OPRYD is committed to advancing racial equity through its programs and partnerships to achieve equity and improve outcomes for disadvantaged communities. OPRYD will continue to track past and current enrollment statistics for Alameda County and the City of Oakland census, providing a roadmap of target audience and proportionate improvements to programming. OPRYD will measure success by comparing

data of enrollments including age, race/ethnicity, gender, and geographic area against this baseline, and adjust outreach strategies and programming to encourage diverse participation.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study has been prepared under the requirements of the California Environmental Quality Act (CEQA). The Initial Study evaluated the potential environmental impacts of the proposed Project. Based on the results of the Initial Study, it has been determined that the Project will not have a significant effect on the environment. Therefore, a Negative Declaration was adopted in Resolution No. [88516](#) C.M.S. on February 16, 2021. The Project will be subject to the City's Standard Conditions of Approval that will reduce any potential environmental impact to a less-than-significant level.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To (1) Amend The Professional Services Agreement With Leddy Maytum Stacy Architects For Architectural And Engineering Services And Increase The Agreement By An Additional Three Hundred Fifty Thousand Dollars (\$350,000.00) To A Total Contract Amount Not-To-Exceed Three Million One Hundred and Fifty Thousand Dollars (\$3,150,000.00) For the Mosswood Community Center Project (No. 1003625), And (2) Waive The Competitive Request For Proposals/Qualifications Requirement.

For questions regarding this report, please contact Christine Reed, Project Manager, at (510) 238-6540.

Respectfully submitted,


Harold (Glen) Duffey (Nov 29, 2023 12:28 PST)

G. HAROLD DUFFEY
Director, Public Works

Reviewed by:
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Bureau of Design & Construction

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Attachments (3):
Attachment A – Project Location Map