

APPROVED AS TO FORM AND LEGALITY

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

City of Oakland, 2024, 14:30 PST

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 900493 C.M.S.

**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.**

**WHEREAS**, on May 2, 2019 City Council approved Resolution No. 87690 C.M.S. awarding a professional services agreement between the City of Oakland (City) and 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 for the building of a new recreation center and park improvements at the Mosswood Community Center (Project); and

**WHEREAS**, on June 30, 2020, City Council adopted Resolution No. 88192 C.M.S., awarding additional funding to LMSA for additional design services;

**WHEREAS**, since then, the Project experienced a 21-month delay to construction start, due to a funding shortfall; and

**WHEREAS**, the current construction schedule anticipates an additional 29 weeks to finish beyond the original construction duration of 14 months assumed in the Architect's professional services agreement; and

**WHEREAS**, additional fees for construction phase support 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; and

**WHEREAS**, architectural and engineering services are required to complete the Project; and

**WHEREAS**, funding for the additional design services of Mosswood Community Center Project (No. 1003625); is available from Measure U Bond (5340); Capital Projects Organization (#92270); Consultant Contract Account (54411); Award (24407); 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; and

**WHEREAS**, the findings of the California Environmental Quality Act Initial Study document confirm that the proposed Park Master Plan will have a less than significant impact on the environment; and

**WHEREAS**, the Initial Study and Negative Declaration reflect the City of Oakland's independent judgment and analysis; now, therefore be it

**RESOLVED:** That 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 is hereby authorized to execute and amend the remaining professional services agreement with LMSA for architectural and engineering services to complete the Project; and be it

**FURTHER RESOLVED:** That the professional services agreement with LMSA shall be increased from two million eight hundred thousand dollars (\$2,800,000.00) by an amount not-to-exceed three hundred and fifty thousand dollars (\$350,000.00) for a total contract maximum of three million one hundred and fifty thousand dollars (\$3,150,000.00); and

**FURTHER RESOLVED:** That LMSA shall comply with City's Local Business Enterprise Program as required prior to executing the amendment; and be it

**FURTHER RESOLVED:** That the City Administrator 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 the City Council Adopts the California Environmental Quality Act (CEQA) Negative Declaration; 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,

PASSED BY THE FOLLOWING VOTE: **DEC 19 2023**

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, ~~REID~~, AND  
PRESIDENT FORTUNATO BAS - 7

NOES ~~0~~  
ABSENT ~~0~~  
ABSTENTION ~~0~~

1 Excused - Reid

ATTEST:



ASHA REED

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