

2024 MAY 16 PM 7:30 APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Brian Mulry

Brian Mulry | May 16, 2024 16:10 PDT

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90273 C.M.S.

RESOLUTION:

1. AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE, AWARD AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP IN AN AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) FOR ON-CALL PLANNING PERMIT SUPPORT SERVICES ON AN AS-NEEDED BASIS, FOR A PERIOD OF THREE YEARS, WITH AN OPTION FOR THE CITY ADMINISTRATOR TO ENTER INTO TWO ADDITIONAL ONE-YEAR CONTRACT EXTENSIONS WITHOUT RETURNING TO CITY COUNCIL, WHILE WAIVING THE CITY'S REQUEST FOR PROPOSAL REQUIREMENTS UNDER OAKLAND MUNICIPAL CODE ("OMC") SECTION 2.04.051(B); AND

2. APPROPRIATING THREE MILLION DOLLARS (\$3,000,000) FROM THE DEVELOPMENT SERVICES FUND (FUND 2415) BALANCE TO FINANCE THE CONTRACT AWARDED TO INTERWEST CONSULTING GROUP TO PROVIDE ON-CALL PLANNING PERMIT SUPPORT SERVICES ON AN AS-NEEDED BASIS; AND

3. MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, the Planning and Building Department (PBD) assists builders, property owners, architects, engineers, and realtors in understanding requirements of the Oakland Planning Code and processing planning-related development applications; and

WHEREAS, PBD is responsible for approving development plan submittals, performing technical reviews of Planning entitlement applications (including but not limited to design review permits, variances, tentative maps, and conditional use permits) under the Oakland Planning Code; and for performing administration and review of projects to comply with the California Environmental Quality Act (CEQA); and

WHEREAS, the review and process of a planning application for code compliance is a critical component and a required step to ensure that all development is consistent with the regulations of the Oakland Planning Code; and

WHEREAS, permit review and processing duties must be completed within a timely manner under several recently enacted Federal and State laws related to the processing of housing, telecommunications, and other projects; and

WHEREAS, PBD is experiencing a high volume of planning applications of all types, including residential development applications; and

WHEREAS, PBD is facing a staff shortage that makes it difficult to intake and process development applications within a desired reasonable timeline; and

WHEREAS, Oakland is experiencing a housing shortage, and especially affordable housing shortage; and

WHEREAS, any delay in housing permitting review and approval delays the production and exacerbates the shortage of housing, including much-needed affordable housing; and

WHEREAS, professional on-call permit processing support services are necessary to facilitate the timely completion of both existing projects, and increased new development application activity; and

WHEREAS, PBD anticipates that permit applications for private development projects of all sizes may benefit from on-call permit processing and support services agreements to provide the City the ability to efficiently review applications, respond to applicants, and approve projects; and

WHEREAS, on-call permit processing services will be fully funded by applicants requesting these services through the use of the Development Services Fund (Fund 2415); and

WHEREAS, on May 6, 2022, the City received one (1) responsive and qualified proposal submitted by Interwest Consulting Group, in response to a competitive Request For Proposal (RFP) process pursuant to the Oakland Municipal Code Section 2.04.051 for professional consulting services for as-needed on-call permit support services, specifically entitlement application review, project administration, and CEQA review; and

WHEREAS, the City's initial eighteen (18)-month contract with Interwest Consulting Group for on-call permit support services began on August 1, 2022, and ended on January 31, 2024; and

WHEREAS, the City's contract with Interwest Consulting Group for on-call permit support services was administratively extended in January 2024 with a six (6)-month extension, which ends on August 1, 2024; and

WHEREAS, PBD recognizes the need for augmented staffing capacity, which is in part the result of the Building Bureau currently being in professional services agreements with on-call consultants for Building-related plan review and permits approval;

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

WHEREAS, PBD requests that the City Council waive the City's RFP/Q requirements in order to execute the contract with Interwest Consulting Group because the waiver is in the best interest of the City; and

WHEREAS, the City Council finds that it is in the best interest of the City to waive the City's RFP/Q requirements to award the contract to Interwest Consulting Group for as-needed, on-call permit support services pursuant to OMC Section 2.04.051(B) because Interwest Consulting Group has demonstrated experience assisting PBD staff in conducting inspections, processing applications, and reducing permitting backlog, thus mitigating impacts to residents, business owners and City revenues; and

WHEREAS, if the City were to open up the competitive bidding process, the City would risk using another consultant who does not have the same familiarity with the City's General Plan and Planning Code, land use and CEQA processing rules, and specific, ongoing projects that Interwest Consulting Group has already been assisting the City in processing; and

WHEREAS, last time the City Administration conducted an RFP/Q process for the consultant services, Interwest was the only consultant who expressed interest; as such, it serves the City's and public's best interests to continue working with Interwest Consulting Group for On-call Planning support for projects; and

WHEREAS, PBD requests that the City Council appropriate Three Million Dollars (\$3,000,000) from the Development Service Fund (2415) balance to finance the contract awarded for the provision of as-needed on-call permit support services; and

WHEREAS, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to negotiate, award and execute a Professional Services Agreement with Interwest Consulting Group in an amount not to exceed Three Million Dollars (\$3,000,000) for on-call planning permit support services on an as-needed basis for up to three (3) years, with an option for the City Administrator to enter into a contract extension for two additional one-year periods without returning to City Council; and be it

FURTHER RESOLVED: That the City Council authorizes appropriating Three Million Dollars (\$3,000,000) from the Development Services Fund (2415) balance to finance the contract awarded to Interwest Consulting Group to provide on-call planning permit support services on an

as-needed basis for up to three years, with an option for the City Administrator to enter into a contract extension for two additional one-year periods without returning to City Council; and be it

FURTHER RESOLVED: The City Council hereby waives City's Request For Proposal requirement under OMC Section 2.04.051(B) because it is in the City best interest to continue contracting with Interwest Consulting Group. Interwest Consulting Group has demonstrated experience assisting PBD staff in conducting inspections, processing applications, and reducing permitting backlog, thus mitigating impacts to residents, business owners and City revenues. In addition, if the City were to open up the competitive bidding process, the City would risk using another consultant who does not have the same familiarity with the City's General Plan and Planning Code, land use and CEQA processing rules, and specific, ongoing projects that Interwest Consulting Group has already been assisting the City in processing. Further, last time the City Administration conducted an RFP/Q process for the consultant services, Interwest was the only consultant who expressed interest. As such, it serves the City's and public's best interest to continue working with Interwest Consulting Group for On-call Planning support for projects; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to execute any amendments or modifications to said contracts with the exception of those related to an increase in total compensation or the allocation of additional funds, and provided that such amendments or modifications shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the City Council finds that this action is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3) (common sense exemption) and 15306 (information collection).

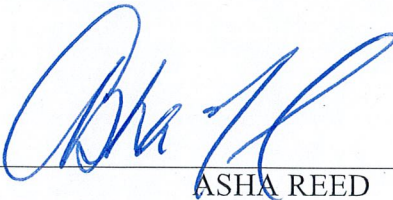
IN COUNCIL, OAKLAND, CALIFORNIA, JUN 4 2024

PASSED BY THE FOLLOWING VOTE:

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

NOES - 0
ABSENT - 0
ABSTENTION - 0

1 EXCUSED: FIFE

ATTEST: 
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California