

APPROVED AS TO FORM AND LEGALITY

2023 DEC 22 PM 2: 20

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90052 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT, SUBJECT TO FUND AVAILABILITY, WITH PARSONS TRANSPORTATION GROUP, INC. FOR AN AMOUNT NOT TO EXCEED TWENTY-FIVE MILLION DOLLARS (\$25,000,000) WITH AN ADDITIONAL 10% CONTINGENCY OVER A SEVEN-YEAR PERIOD TO PROVIDE ENGINEERING SERVICES FOR THE EMBARCADERO WEST RAIL SAFETY AND ACCESS IMPROVEMENTS; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATIONS

WHEREAS, the Embarcadero West corridor from Oak Street to the intersection of Adeline Street and Middle Harbor Road accommodates approximately 80 freight and passenger trains daily, motor vehicles, bicyclists, and pedestrians with no physical separation between rail and other modes along the majority of the corridor; and

WHEREAS, the Embarcadero West Rail Safety and Access Improvements (the "Project") will significantly improve multi-modal safety and accessibility along the corridor and to surrounding neighborhoods and businesses, reduce travel times for freight and passenger rail, reconstruct an overweight truck route connection between Adeline/Middle Harbor Road and Embarcadero West and Market Street to divert heavy truck traffic and related emissions away from residential areas, and conduct a feasibility study for future grade separations; and

WHEREAS, the Project includes at-grade improvements along the corridor between Oak Street and Market Street that will install fencing adjacent to the railroad tracks, a multi-use trail in what is presently the eastbound vehicle direction, local-only vehicle access in the westbound direction, American with Disability Act accessible infrastructure, gate arms and enhancements at the rail crossings, and lighting, landscaping, and urban design elements throughout the corridor, a feasibility study of grade separation, and optional tasks to develop the designs required to implement the structural overcrossing(s) if desired by the City and subject to funding availability and appropriation; and

WHEREAS, on December 6, 2022, City Council authorized the City Administrator to accept and appropriate grant funds for the Project through Council Resolution Numbers C.M.S. 89518 and C.M.S. 89519; and

WHEREAS, the City Council accepted and appropriated up to two hundred and fifty nine million five hundred thousand dollars (\$259,500,000) in California State Transportation Agency (“CalSTA”) grant funds, which includes the Embarcadero West Rail Safety and Access Improvements, and the work will be funded by Grant Fund(s) to be determined, and project number(s) to be determined, with the optional tasks contingent on funds available; and

WHEREAS, on August 4, 2023, the City issued a Request for Proposals (“RFP”) in accordance with Oakland Municipal Code (“O.M.C.”) Section 2.04.051 and Administrative Instruction No. 150; and

WHEREAS, on September 28, 2023, three (3) proposals were received by the City and evaluated by City staff through a rigorous and transparent process; and

WHEREAS, Parsons Transportation Group, Inc. was the highest scoring firm and selected to be awarded a Professional Services Agreement to provide engineering services for the Project; and

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 Agreement hereunder is temporary in nature; and

WHEREAS, the City has determined that the actions described in this resolution have both been adequately studied under the California Environmental Quality Act (“CEQA”) in previous environmental documents and at public hearings, and are also exempt from CEQA for the reasons set forth in this Resolution; 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 services; now, therefore, be it

RESOLVED: That the City Administrator is authorized to negotiate and enter into a Professional Services Agreement with Parsons Transportation Group, Inc. for an amount not-to-exceed twenty-five million dollars (\$25,000,000) with an additional 10% contingency to provide engineering services for the Embarcadero West Rail Safety and Access Improvements, including without limitation the design of at-grade rail safety improvements, an overweight corridor, a grade separation feasibility study, optional tasks to develop the designs required to implement the structural overcrossing(s) if desired by the City and subject to funding availability and appropriation; and be it

FURTHER RESOLVED: That the said Professional Services Agreement will not result in the loss of employment or salary by any person having permanent status in the competitive services; and be it

FURTHER RESOLVED: That the said Professional Services Agreement will be executed for a seven-year period; and be it

FURTHER RESOLVED: That the contracted firm(s) shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Workplace and Employment Standards Department; and be it

FURTHER RESOLVED: That said CalSTA grant funds will be deposited and appropriated in Grant Fund(s) to be determined, and project number(s) to be determined; and be it

FURTHER RESOLVED: That the City Administrator, is hereby authorized to conduct all negotiations and approve any subsequent amendments, modifications, or extensions of said Professional Services Agreement, excepting those related to increasing the amount of the contract above the amount authorized under this Resolution; and be it

FURTHER RESOLVED: That the Professional Services Agreement 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; and be it

FURTHER RESOLVED: That the Council hereby finds and determines that the Project is exempt from the California Environmental Quality Act (“CEQA”) on the basis of the following exemptions: Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities); Public Resources Code Section 21080.20 (bicycle, pedestrian, and transit facilities); CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); CEQA Guidelines Section 15302 (Replacement or Reconstruction); CEQA Guidelines Section 15303 (Small Structures), CEQA Guidelines Section 15304(h) (minor alterations to land); and/or CEQA Guidelines Section 15061(b)(3) (No Significant Effect on the Environment). As a result, the City Council directs the City Administrator to promptly file a Notice of Exemption (NOE) with

the Clerk of the County of Alameda. In addition, it is noted that the Project was analyzed in previous environmental review documents under CEQA including: the West Oakland Specific Plan Environmental Impact Report (“EIR”) (2014); the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Master Bicycle Plan EIR (2007) and the updated Let’s Bike Oakland Bicycle Plan Addendum (2019); and the Oakland Waterfront Ballpark District at Howard Terminal EIR (2022). Under Public Resources Code section 21166 and CEQA Guidelines Sections 15162, 15163 and 15164, no new significant information or possibility for impacts exist that were not already studied by the aforementioned documents. Each of the aforementioned provides a separate and independent basis for CEQA compliance.

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 **1**
Excused - Reid

ATTEST: _____



ASHA REED

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