



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** RPR Architects and Dialog Design  
On-Call Contract Increase For Main  
Library / Fire Stations Renovations  
and Downtown Facility Asset  
Inventory

**DATE:** October 18, 2021

City Administrator Approval

Date:

Nov 4, 2021

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification (RFP/Q) Requirement And Authorizing The City Administrator To Increase The On-Call Architectural Services Agreement With: 1) RPR Architects By An Amount Not-To-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To Six Hundred Fifty Thousand Dollars (\$650,000.00) And, 2) Dialog Design (Formerly Byrens Kim Designworks) By An Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To Five Hundred Fifty Thousand Dollars (\$550,000.00).**

## EXECUTIVE SUMMARY

Approval of this resolution will authorize the City Administrator to execute an amendment to increase two On-Call Architectural Services Agreement with RPR Architects by an amount not-to-exceed \$150,000, bringing the total contract amount from \$500,000 to \$650,000 and with Dialog Design (formerly Byrens Kim Designworks) by an amount not-to-exceed \$50,000, bringing the total contract amount from \$500,000 to \$550,000.

RPR Architects is a 30-year Oakland-based, Woman-owned, Small Local Business Enterprise. Dialog Design, formerly Byrens Kim Designworks, is a 40-year Oakland-based, Small Local Business Enterprise.

RPR Architects has been working on the Main Library Phase 2 Building Renovation, Fire Station 16, and Fire Station 10 Dormitory Renovation Projects since 2019. During the course of design, the scope of each project increased due to a decision during the design to implement critical energy efficiency upgrades to meet the City's new Equitable Climate Action Plan (ECAP) goals.

City Council  
November 16, 2021

Dialogue Design has been working on the Downtown Facility Asset Inventory for the three buildings in Civic Center Plaza: 250 Frank Ogawa, 150 Frank Ogawa, and 1 City Hall. The scope of this project increased during design due to lack of complete as-built information on the buildings and discovery of an additional 250 additional valve boxes to be assessed in each building at 250 and 150 Frank Ogawa buildings in addition to testing controllers that may not be functional.

To prevent economic waste and timing delays and reduce risk, as further discussed below, staff finds it is in the City's best interest to retain the architects of record to (1) complete design and construction support services at the Main Library and Fire Stations and (2) complete the Downtown Facility Asset Inventory and waive the competitive Request for Proposals/Request for Qualifications (RFP/Q) selection requirement of Section 2.04.051A of the Oakland Municipal Code.

### **BACKGROUND / LEGISLATIVE HISTORY**

The 2018 On-call Architectural Services contract was awarded to both RPR Architects and Dialog Design (formerly Byrens Kim Designworks) on March 28, 2019, through Resolution No. 87618 C.M.S. for an amount not-to-exceed \$500,000. Under these on-call contracts, task orders were issued to RPR Architects and Dialog Design to complete design services for the Main Library, Fire Stations, and Downtown Facility Asset Inventory projects, respectively. Those projects are nearing completion, but an increase in contract capacity is needed to finish the work.

Measure KK Funding was approved for the Main Library and Fire Stations 10 and 16 Projects through the Fiscal Year (FY) 2017-19 Budget process, and again through the Fiscal Year (FY) 2019-21 Budget. The Downtown Facility Asset Inventory project is a Deferred Maintenance Project utilizing funding from the Public Works' operating budget.

The architects' proposals were evaluated and selected based on the completeness of their qualifications and demonstrated experience in performing the projects. As a result of their preliminary design work, additional scope was deemed necessary to be added to the projects, and the project schedules were extended to meet the new scope needs of the project sponsors.

- Main Library Task Order issued: August 10, 2020  
Initial Project scope: exterior lighting and security system, upgrade electrical and data infrastructure to meet code requirements and data device needs; and other minor improvements such as flooring and painting.  
Added project scope: lighting controls, electrical, heating, ventilation, and air-conditioning (HVAC) upgrades to improve energy efficiency to meet the City's Equitable Climate Action Plan (ECAP) goals; HVAC upgrades to improve air quality for patrons and staff for daily use and use as a respite center; conceptual design and graphic renderings for Teen Zone renovation for use in fundraising; energy analysis for use in obtaining potential Pacific Gas & Electric (PG&E) On-Bill financing to implement ECAP energy improvements.
- Fire Stations 10&16 Task Order issued: July 14, 2020

Initial Project Scope: dormitory and restroom upgrades, mechanical improvements to the HVAC system to meet code requirements, electrical upgrades to include lighting, outlets, and power for the equipment, and other minor improvements such as flooring and painting.

Added project scope: upgrades to the Alerting System, relocation of required Americans with Disabilities Act (ADA)-compliant restroom from the 2<sup>nd</sup> floor to the 1<sup>st</sup> floor, and added electrical requirements and amenities in the dormitories.

- Downtown Facility Asset Inventory Task Order Issued: May 20, 2021  
Initial project scope: Inventory of the three buildings in Civic Center Plaza: 250 Frank Ogawa, 150 Frank Ogawa, and 1 City Hall.  
Added project scope: additional 250 additional valve boxes to be assessed in each building at 250 and 150 Frank Ogawa buildings and testing controllers.

The City Administrator's Office, Contracts and Compliance Division conducted a compliance analysis for the On-Call Architectural Services RFQ, as shown in **Attachment A**: Contract Compliance Analysis Memo, March 4, 2019. RPR Architects shows 80% L/SLBE participation, exceeding the minimum requirement. RPR Architects is a small, local/Oakland, woman-owned business. Dialog Design (formerly Byrens Kim Designworks) shows 100% L/SLBE participation, exceeding the minimum requirement. Dialog Design is a small, local/Oakland-owned business.

## **ANALYSIS AND POLICY ALTERNATIVES**

To complete critical renovation projects underway for Main Library, Fire Stations 10 and 16, as well as the Downtown Facility Asset Inventory of three buildings at Civic Center Plaza, City staff recommends that Council approve an amendment to increase the On-Call Architectural Services Agreement with RPR Architects by an amount not-to-exceed \$150,000, bringing the total contract amount from \$500,000 to \$650,000, and with Dialog Design (formerly Byrens Kim Designworks) by an amount not-to-exceed \$50,000, bringing the total contract amount from \$500,000 to \$550,000.

These essential community projects will advance citywide priorities of holistic community safety and vibrant, sustainable infrastructure.

Once the task orders for RPR Architects and Dialog Design were underway, opportunities to further improve City facilities were discovered that were determined to be of benefit to the City to implement as part of these existing projects, such as ECAP-related design improvements and additional work related to the Downtown Facility Asset Inventory. The projects have funding available to realize these important improvements. The contract capacity increase will not impact the project budgets or require additional funding. The 2018 contract capacity amount of \$500,000 was issued at a lower amount than was issued in the previous 2012 on-call contract for the same discipline at \$750,000.

The remaining capacity of the 2018 On-call Architectural Services contract with RPR Architects has been reserved for preliminary planning and design through 95 percent construction

documentation services for Main Library, 95 percent design for Fire Station 16, and bid and construction documents for Fire Station 10. An additional \$150,000 is required to complete the added scope design and construction administration services for the renovation projects. The remaining capacity in the 2018 On-call Architectural Services contract with Dialog Design has been reserved to complete the Downtown Facility Asset Inventory; however, an additional \$50,000 is required to complete the work due to additional work discovered.

Additional contract capacity would solely be utilized to complete existing projects currently underway, and neither RPR Architects nor Dialog Design would be invited to participate in any future/new On-call Requests for Proposals for the remainder of the 2018 On-call Architectural Services duration.

The design of renovation projects requires an in-depth understanding of complex existing conditions and many meetings with project stakeholders in the Client Departments and Building Facilities maintenance division to define and document the scope of work. RPR Architects has devoted over three years to understanding these complex problems and developing construction documentation for renovation. It would be economically inefficient and delay the completion schedule for a new firm to become familiar with and understand the project's history.

Renovation of the Main Library and Fire Stations 10 and 16 are a top priority for the Library Department and Fire Services as the buildings have exceeded their operational lifespan and need improvements to meet ADA requirements, provide micro-climatic comfort for staff and patrons and implement critical energy efficiency upgrades to meet the City's ECAP goals, which have been identified as a priority by Council's approval of ECAP in July 2020.

The Downtown Asset Inventory Project is an essential first step in planning for the future maintenance of the City's assets as it is the first step to an asset inventory program that can inform a citywide capital plan. As the aging facilities for the City's downtown offices serve as a hub for internal and public use, Building Maintenance and Internal Services and Public Works Capital Improvement Program staff must begin planning for the replacements of the HVAC, which requires assessing 250 additional valve boxes and testing controllers.

Section 2.04.051B of the Oakland Municipal Code authorizes the City Council to waive RFP/Q selection requirement of Section 2.04.051A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so.

Architectural firms are required to meet the City's requirements for liability insurance coverage for their construction documentation. The RPR Architects and its team of sub-consultant engineers of record signs and stamps the construction documents and become liable for the accuracy and completeness of the documents. It is in the City's best interest to retain RPR Architects as the architect of record to complete design, provide bid and construction support.

Similarly, it is not in the City's best interest to turn over the downtown Facility Asset Inventory to another firm, as many man-hours have already been invested into the understanding of the existing system and collection of data. Dialog Design is responsible for providing coordination with their sub-consultants and providing recommendations to the City.

Edward D. Reiskin, City Administrator

Subject: RPR Architects and Dialog Design On-Call Contract Increase For Main Library / Fire Stations Renovations and Downtown Facility Asset Inventory

Date: October 18, 2021

Page 5

---

Alternatively, City Council could direct staff to proceed with an RFQ/RFP process. Transfer of the design and liability would require enormous time and additional money for another team to come up to speed and provide design services. It is also not guaranteed that the City could find a willing team to assume another firm's design.

### **FISCAL IMPACT**

Approval of this resolution will authorize the City Administrator to increase the 2018 On-Call Architectural Services Agreement with RPR Architects by an amount not-to-exceed \$150,000, bringing the total contract amount from \$500,000 to \$650,000 and with Dialog Design by an amount not-to-exceed \$50,000 bringing the total contract amount from \$500,000 to \$550,000.

All funding to support these task order increases against the existing on-call contract have already been allocated, budgeted, and funded by City Council through the Capital Improvement Program Budget process. Measure KK Funding was approved for the Main Library and Fire Stations 10 and 16 Projects through the Fiscal Year (FY) 2017-19 Budget process, and again through the Fiscal Year (FY) 2019-21 Budget. The Downtown Facility Asset Inventory project is a Deferred Maintenance Project utilizing funding from the Public Works' operating budget. The source of funding is identified in the chart below, and no new funding is required. Authorization from City Council to increase the contract capacity ceiling is being requested.

Measure KK funds will be used for the Main Library and Fire Station Renovation projects, and Deferred Maintenance Funds will be used for the Downtown Facility Asset Inventory projects, as noted above. The remaining contract capacity will be available as contingency to complete the existing projects, if needed.

**Table 1: Recommended Contract Capacity Increase**

<b>Contract Capacity Increase</b>	<b>Total Amount</b>
RPR Architects	\$150,000
Dialog Design	\$50,000

**Table 2: Funding Sources**

<b>Funding Source</b>	<b>Amount</b>
<b>Professional Services – RPR Architects:</b> Measure KK (Fund 5332); Capital Projects Organization (92270); Professional Services Account (54411); Main Library Project (1004859); and	\$75,000.00
Measure KK (Fund 5330); Capital Projects Organization (92270); Professional Services Account (54411/57211); Fire Stations 16 and 10 Project (1003439)	\$75,000.00
<b><u>TOTAL RPR Architects</u></b>	<b>\$150,000</b>
<b>Professional Services – Dialog Design:</b> City Facilities (Fund 4400); Facilities Administration Organization (30551); Professional Services Account (54411); Deferred Maintenance Fund (1004234); and	\$30,000
7760 (Grant Clearing); Facilities Planning and Development Organization (30234); Services: Miscellaneous Contract Account (54919); PWA Overhead and Clearing (1001288)	\$20,000
<b><u>TOTAL Dialog Design</u></b>	<b>\$50,000</b>

There is no fiscal impact. No new funding is required.

### **PUBLIC OUTREACH / INTEREST**

On October 1, 2018, Oakland Public Works (OPW) held a professional services outreach meeting to expand and diversify the professional services consultants working with the City. OPW reached out to various local, ethnic, minority, and disadvantaged communities in Oakland, including the Vietnamese Chamber of Commerce, the Oakland African American Chamber of Commerce, the Hispanic Chamber of Commerce of Alameda County, and the East Bay National Organization of Minority Architects. The meeting included presentations from Contract Compliance staff, OPW Contract Services staff, and Projects and Grants Management Division staff. OPW staff described the types of projects and services that typically utilize the on-call

contracts and contracting procedures. Contract Compliance staff explained the City Local Business program requirements and objectives. Capital Contracts Services distributed outreach materials to community-based organizations and businesses and encouraged them to participate in the RFQ process. Capital Contracts Services database includes contacts for various local, ethnic, minority, and disadvantaged communities in Oakland.

The RFQ was formally advertised in a total of four (4) newspapers in various languages, including the East Bay Times, Oakland Post, El Mundo, and World Journal. The City's web-based procurement system, iSupplier, and CIPlist.com were utilized to distribute the RFQ with documents available free of charge online.

Staff provided notice to labor representatives, per the terms and conditions of the current Memorandums of Understanding with Local 21, Service Employee International (SEIU) 1021, and International Brotherhood of Electrical Workers (IBEW) prior to the formal issuance of the RFQ. A legal advertisement for the RFQ was posted on October 26, 2018. Additionally, on November 7, 2018, staff, Contract Services, and Contract Compliance staff held a pre-proposal meeting to further promote participation and answer questions related to the RFQ.

The Department of Race and Equity (DRE) has confirmed that the previous On-Call process should be retooled to improve equitable outcomes. Staff are currently working with the Support Contracting Opportunities committee led by the Mayor's office, DRE, and Councilmember Taylor to improve on the City's RFP process.

### **COORDINATION**

The work to be done under this contract has been coordinated with Oakland Public Library, Oakland Fire Department, OPW – Capital Contracts and Building Maintenance and Infrastructure Services Divisions, Department of Workplace and Employment Standards-Contract Compliance Divisions.

This report and the resolutions have been reviewed for form and legality by the Office of the City Attorney and have been reviewed by the Controller's Bureau.

DRE was consulted to ensure consideration for best practices in achieving equitable outcomes through the completion of these facility improvements.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** These projects replace damaged and aged City infrastructure, and will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. RPR Architects is a certified Small Local Business Enterprise and is a woman-owned, Oakland-based firm.

**Environmental:** The Main Library renovation work will help the City meet its ECAP goals for improved energy efficiency in City buildings and will include interior micro-climatic improvements to improve environmental comfort for staff and patrons. Fire Stations 16 and 10 projects will incorporate the City's environmental and sustainable design requirements and guidelines to meet the City's ECAP goals for improved energy efficiency in City buildings.

**Race & Equity:** The Main Library project will improve educational facilities and lifetime opportunities through programming for diverse patrons, including students, families, and young adults city-wide. The Main Library Phase 2 Building Renovation Project was prioritized using the new equity-based project prioritization process for the FY 2019-21 City Budget process and received a score of 55.2. The Fire Stations Citywide - Renovations were prioritized during the FY 2017-19 City Budget process guided by the principles of the Bond Measure language regarding improvement of public safety and investment in neighborhoods.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Waiving The Competitive Request For Proposal/Qualification (RFP/Q" Requirement And Authorizing The City Administrator To Increase The On-Call Architectural Services Agreement With: 1) RPR Architects By An Amount Not-To-Exceed One Hundred Fifty Thousand Dollars (\$150,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To Six Hundred Fifty Thousand Dollars (\$650,000.00.) And, 2) Dialog Design (Formerly Byrens Kim Designworks) By An Amount Not-To-Exceed Fifty Thousand Dollars (\$50,000.00), Bringing The Total Contract Amount From Five Hundred Thousand Dollars (\$500,000.00) To Five Hundred Fifty Thousand Dollars (\$550,000.00).

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

Respectfully submitted,



---

G. Harold Duffey  
Director, Public Works

Reviewed by:

Matthew Lee, Assistant Director  
Bureau of Design & Construction

Reviewed by:

Calvin Hao, Acting Division Manager  
Project and Grant Management Division

Denise Louie, Project Manager  
Project and Grant Management Division

Prepared by:

Christine Reed, CIP Coordinator  
Project and Grant Management Division

Attachments (1):

A: Contract Compliance Analysis Memo, March 4, 2019

