

Brian Mulry
Brian Mulry (Jan 8, 2025 12:12 PST)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Authorizing The City Administrator To Extend The Following Professional Services Agreements For Additional Two-Year Terms While Also Continuing to Waive the City's Local/Small Local Business Enterprises (LBE/SLBE) Program and RFP/Q requirements for the firms not meeting the requirements, Provided the Authorized Contract Amounts Are Not Exceeded As Follows:

- 1. CSG Consultants, Inc., 4Leaf, Inc., And West Coast Code Consultants, Inc. For On-Call Plan Check, Inspections And Public Right Of Way Plan Review Services In The Amount Not To Exceed The Previously Authorized Contract Amounts Of Two Million Six Hundred And Fifty-Five Thousand Dollars (\$2,655,000) For Each Firm; And With TRB + Associates, Inc. And Bureau Veritas North America, Inc. For On-Call Plan Check And Inspections Services In The Amount Not To Exceed The Previously Authorized Contract Amounts Of Two Million Four Hundred And Sixty Thousand Dollars (\$2,460,000) For Each Firm; And**
- 2. CSG Consultants, Inc., 4Leaf, Inc., And West Coast Code Consultants, Inc. For Declared Emergency Response For Damage Assessment Report Review, Plan Check, Inspections And Public Right Of Way Plan Review Services In The Amount Not To Exceed The Previously Authorized Contract Amounts Of Six Hundred And Twenty Thousand Dollars (\$620,000) For Each Firm; And With TRB + Associates, Inc. And Bureau Veritas North America, Inc. For Damage Assessment Report Review, Plan Check And Inspections Not to Exceed The Previously Authorized Contract Amounts Of Hundred And Twenty Thousand Dollars (\$520,000) For Each Firm; And**
- 3. Making Appropriate California Environmental Quality Act (CEQA) Findings.**

WHEREAS, the Oakland Fire Prevention Bureau in the Oakland Fire Department (OFD), the Building Bureau in the Planning and Building Department (PBD), and the Division of Strategic Planning in the Oakland Department of Transportation (DOT) work cooperatively to assist builders, property owners, architects, engineers, and realtors in understanding and processing development permits related to building construction, including residential development projects that are subject to state-mandated streamlining timelines such as those set forth in the recently passed AB 2234; and

WHEREAS, one of the many functions of the PBD, OFD and DOT plan check staff is to review and approve building permit proposals for compliance with local Planning entitlements and the current edition of the California Building Standards Code (Title 24 of the California Code of Regulations), and the local amendments to the California Building Standards Code, which can be found in the Oakland Building Construction Code [Oakland Municipal Code (O.M.C.) Chapter 15.04], the Oakland Building Maintenance Code (O.M.C. Chapter 15.08), and the Oakland Fire Code (O.M.C. Chapter 15.12); and

WHEREAS, plan check and inspection staff's review of a building project proposals for code compliance is a critical component and a required step to ensure that structures are built in accordance with all applicable laws and regulations, including safety, accessibility, and energy conservation; and

WHEREAS, these plan check and inspection duties must be completed within a timely manner; and

WHEREAS, timely damage assessment report review, inspections, plan-check and public right of way plan review services are of the utmost importance after a declared emergency; and

WHEREAS, PBD, OFD and DOT cannot fill vacant plan check positions given the latest hiring freeze and other measures to address the City's latest budget shortfall. As such, the plan check staff in PBD, OFD and DOT remain, and will continue to remain for the foreseeable future, understaffed until the City's budget outlook improves; and

WHEREAS, professional on-call plan check, inspections, and public right of way plan review services are necessary to assist PBD, OFD and DOT staff to facilitate the timely completion of both existing projects in development, and increased new and redevelopment application activity; and

WHEREAS, PBD, OFD and DOT planning staff anticipates that permit applications for private development projects of all sizes may benefit from on-call plan check services agreements; and

WHEREAS, on-call plan check, inspections and public right of way plan check services will be fully funded by applicants requesting these services through their application fees paid into the Development Services Fund (Fund 2415); and

WHEREAS, after a declared emergency, damage assessment report review, plan check, inspections and public right of way plan review services will be initially funded by the fund balance from the Development Services Fund (Fund 2415), and later repaid by local, state or federal reimbursements and by fees paid by requesting applicants; and

WHEREAS, the City Council finds that the City lacks qualified personnel to perform the necessary work and that the performance of these contracts are in the public interest because of economy or better performance; and

WHEREAS, in 2018 through the City's Request for Proposals (RFQ) process as authorized by Resolution 87041 C.M.S., CSG Consultants, Inc., TRB + Associates, Inc., West Coast Code Consultants, Inc., and 4Leaf, Inc. are currently contracted with for on-call plan check services; and

WHEREAS, the City Council waived the City's Local/Small Local Business Enterprises (LBE/SLBE) Program requirements for CSG Consultants, Inc., TRB + Associates, Inc., and West Coast Code Consultants, Inc.; and

WHEREAS, in 2019 through the City's competitive RFQ process in accordance with O.M.C. section 2.04.051 for professional consulting services for as-needed plan check, inspections, and public right of way plan review inspections; and declared emergency response for damage assessment report review, plan check, inspections, and public right of way plan review services, proposals were submitted by 4Leaf, Inc., West Coast Code Consultants, Inc., TRB + Associates, Inc., CSG Consultants, Inc., and Bureau Veritas North America, Inc.; and

WHEREAS, two (4Leaf, Inc., and Bureau Veritas North America, Inc.) of the five firms responding to the 2019 RFQ earned credit (50 percent credit) for Local and Small Local Business (LBE/SLBE) Program requirements during the proposal phase; and

WHEREAS, one (Bureau Veritas North America, Inc.) of the firms responding to the 2019 RFQ must come into compliance with the Equal Benefits Ordinance (EBO) prior to contract award as compliance was not established during the proposal phase; and

WHEREAS, all five firms responding to the 2019 RFQ were identified as responsive and qualified to provide the desired professional services described herein by PBD and OFD; and

WHEREAS, three of the five firms responding to the 2019 RFQ (CSG Consultants, Inc., 4Leaf, Inc., and West Coast Code Consultants Inc.) were identified as responsive and qualified to provide the desired professional services described herein by the DOT; and

WHEREAS, on December 10, 2019, the City adopted Resolution No. 87962, which authorized the City Administrator to enter into Professional Services Agreements with: (A) CSG Consultants, Inc., 4Leaf, Inc., and to West Coast Code Consultants, Inc. for on-call plan check, inspections and public right of way plan review services for a three-year term in the amount not to exceed two million six hundred and fifty-five thousand dollars (\$2,655,000) each, with two one-year options to extend the contract in the amount of eight hundred and fifty-five thousand dollars (\$885,000) per year; and (B) TRB + Associates, Inc. and Bureau Veritas North America, Inc. for

on-call plan check and inspection services in the amount not to exceed two million four hundred and sixty thousand dollars (\$2,460,000) each, with two one-year options to extend the contract in the amount of eight hundred and twenty thousand dollars (\$820,000) per year; and (C) CSG Consultants, Inc., 4Leaf, Inc., And West Coast Code Consultants, Inc. for declared emergency response for damage assessment report review, plan check, inspections, and public right of way plan review services in the amount not to exceed six hundred and twenty thousand dollars (\$620,000) each; and (D) TRB + Associates, Inc. and Bureau Veritas North America, Inc. for damage assessment report review, plan check and inspections in the amount not to exceed five hundred and twenty thousand dollars (\$520,000) each, and

WHEREAS, the City Administrator requests that the City Council extend the term of the professional services agreements referenced in the above recital, which Council authorized through Resolution No. 87962, for a period of two years each; and

WHEREAS, the City Administrator is not requesting that the professional services agreements' compensation amounts change at this time, given the compensation limit for each Agreement has not been exceeded; and

WHEREAS, four of the five firms responding to the 2019 RFQ (TRB + Associates, Inc., CSG Consultants, Inc., 4Leaf, Inc., West Coast Code Consultants, Inc.) are currently contracted with the City for on-call plan check services; and

WHEREAS, PBD and OFD desire to continue contracting with all five of the qualified firms who responded to the 2019 RFQ as indicated in the above title; and

WHEREAS, DOT desires to contract with three of the five qualified firms who responded to the 2019 RFQ as indicated in the above title; and

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

RESOLVED: That the City Council authorizes the City Administrator to extend the existing Professional Services Agreements for on-call plan check, inspections and public right of way plan review Services with CSG Consultants, Inc., West Coast Code Consultants Inc., and 4Leaf, Inc.; and a Service Agreement Contract for on-call plan check and inspections with Bureau Veritas North America and TRB + Associates, Inc. for additional two (2) year terms subject to the continuation of satisfactory performance standards as outlined in the original contract;; and be it

FURTHER RESOLVED: That the total amount of the on-call plan check, inspections and public right of way plan review Services Agreements for CSG Consultants, Inc., West Coast Code Consultants Inc. and 4Leaf, Inc. shall be for a not-to-exceed amount of two million six hundred fifty-five thousand dollars (\$2,655,000) for each Agreement; and be it

FURTHER RESOLVED: That the total amount of the on-call plan check and inspections Agreements for TRB + Associates, Inc. and Bureau Veritas North America, Inc. shall be for a not-to-exceed amount of two million four hundred sixty thousand dollars (\$2,460,000) for each Agreement; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to extend the Professional Services Agreement contracts for a declared emergency response plan check, damage assessment report review, inspections and public right of way plan review services with CSG Consultants, Inc., West Coast Code Consultants Inc., 4Leaf, Inc.; and a Service Agreement Contract for declared emergency response for on-call plan check, damage assessment report review and inspections with Bureau Veritas North America and TRB + Associates, Inc. for additional two (2) year terms subject to the continuation of satisfactory performance standards as outlined in the original contract;; and be it

FURTHER RESOLVED: That the total amount of the declared emergency damage assessment report review, on-call plan check, inspection, and public right of way plan review services agreements for CSG Consultants, Inc., West Coast Code Consultants Inc., and 4Leaf, Inc., shall be for a not-to-exceed amount of six hundred and twenty thousand dollars (\$620,000) for each Agreement; and be it

FURTHER RESOLVED: That the total amount of the declared emergency on-call plan check and inspections services agreements for TRB + Associates, Inc. and Bureau Veritas North America, Inc. shall be for a not-to-exceed amount of five hundred and twenty thousand dollars (\$520,000) for each Agreement; and be it

FURTHER RESOLVED: That the City Council hereby finds that a waiver of the City's LBE/SLBE Program requirements for West Coast Code Consultants, Inc., TRB + Associates, Inc., and CSG Consultants, Inc., is in the best interest of the City; and be it

FURTHER RESOLVED: That Funds shall be deposited and appropriated in Development Services Fund (2415), Admin: Engineering Org (84411), Permits: Construction Account (42211), Services: Contract Account (54911), Project to be determined, Engineering & Architectural Plan Approval Program (PS30), and the General Purpose Fund (1010), Fire Marshall's Office Org (20311), Other Fees: Fire Plan Checking, Inspection and Testing Account (45414), Services: Contract Account (54911), Project to be determined, Fire Prevention Bureau Program (PS23), and Development Services Fund (2415), ROW Management Org (35217), and Services: Contract Account (54911), Project to be determined, Engineering Planning & Design Program (IN05) as was previously set forth in Resolution No. 87962; and be it

FURTHER RESOLVED: That contracts will conform with all required federal regulations so that they will be eligible for federal reimbursements in the event of declared disaster; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments to or extensions of said Professional Services Agreements including those related to an increase in total compensation, or the appropriation of funds contingent upon

available funds, and provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk.

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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section
303)

ABSTENTION –

ATTEST: _____

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