

Approval as to Form and Legality FILED
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OAKLAND
Oakland City Attorney's Office
2009
P8 PM 12:4

OAKLAND CITY COUNCIL

RESOLUTION No. 82425 C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION PROCESS AND AUTHORIZING AMENDMENT NO. 4 TO INCREASE THE PROFESSIONAL SERVICES AGREEMENT WITH ELS ARCHITECTURE AND URBAN DESIGN FOR CONSTRUCTION SUPPORT SERVICES FOR THE EAST OAKLAND SPORTS CENTER PROJECT FOR AN AMOUNT NOT TO EXCEED TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000.00), BRINGING THE TOTAL CONTRACT AMOUNT TO TWO MILLION SIX HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED EIGHTY-NINE DOLLARS (\$2,697,989.00)

WHEREAS, ELS Architecture and Urban Design was chosen through the City's Request-for-Proposal process as the top-rated and most qualified firm to provide comprehensive professional services associated with design and construction of the East Oakland Sports Center at Bill Patterson Park (formerly named Brookfield Park); and

WHEREAS, on February 13, 2001, the City Council approved Resolution No. 76278 C.M.S. awarding a professional services contract to ELS to provide pre-programming/planning and concept design of the East Oakland Sports Center for an amount not to exceed \$236,997.00; and

WHEREAS, on April 23, 2002, the City Council approved Resolution No. 77071 C.M.S. to execute Amendment No. 1 of the professional services contract with ELS to provide schematic design of the East Oakland Sports Center for an amount not to exceed \$585,992.00; and

WHEREAS, on April 1, 2004, Amendment No. 2 to the professional services contract with ELS was issued to extend the time of performance; and

WHEREAS, on July 3, 2007, the City Council approved Resolution No. 77071 C.M.S. to execute Amendment No. 3 to the professional services contract with ELS for the preparation of construction documents for an amount not to exceed \$1,600,000.00; and

WHEREAS, the City Council has expressed its intent and direction to utilize ELS for the full design services throughout the entire project; and

WHEREAS, ELS is inherently familiar with the project, provides continuity, and can provide the necessary design services in an efficient and timely manner; and

WHEREAS, funding of \$275,000 for Amendment No. 4 with ELS is available from Measure I, Fund 5010, Organization 92270, Project No. C83213; and

WHEREAS, additional construction services from ELS are required so that the construction of the East Oakland Sports Center project may be completed in a timely fashion; and

WHEREAS, this professional services cost increase is due to an increase in the overall scope of the project over what was covered in the initial cost proposal, added design costs associated the Major Conditional Use Permit, development of contingency plans in the event that Regional Bond Measure WW was not approved and the resolution of major utility relocation issues; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific or technical nature and will be temporary; and

WHEREAS, the City Council finds and determines that the performance of 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 pursuant to Section 2.04.051B of the Oakland Municipal Code, the City Council finds that it is in the best interest of the City to waive the competitive Request for Proposals/Qualifications selection requirement of Section 2.04.051A of the Oakland Municipal Code in order to expedite the construction support services of the East Oakland Sports Center Project, and so waives the requirement; and, be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is hereby authorized to waive the competitive Request for Proposals process for professional services and to execute Amendment No. 4 to the professional services agreement with ELS Architecture and Urban Design, to provide construction support services for the East Oakland Sports Center project at Bill Patterson Park in an amount not to exceed \$275,000.00, bringing the total contract amount to \$2,697,989.00; and, be it

FURTHER RESOLVED: That the City Administrator or the City Administrator's designee, 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, provided that such amendments or extensions shall be filed with the City Clerk's Office; 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, DEC 8 2009, 2009

PASSED BY THE FOLLOWING VOTE:

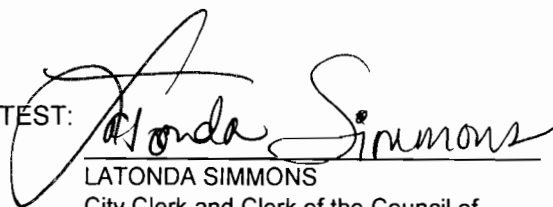
AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND
PRESIDENT BRUNNER — 8

NOES - 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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