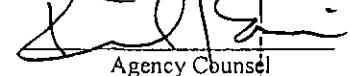


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUL -8 . PH 2: 52

Approved as to form and legality:

  
Agency Counsel

*for Dignee n/unc*

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

RESOLUTION No. \_\_\_\_\_ C.M.S

**RESOLUTION AUTHORIZING**

**(A) AN AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT WITH AMB PROPERTY CORPORATION/CALIFORNIA CAPITAL GROUP (AMB/CCG) TO REFLECT THAT THE AGENCY, THROUGH ITS JOINT INFRASTRUCTURE DEVELOPMENT FUND ESTABLISHED FOR THE DEVELOPMENT OF THE FORMER OAKLAND ARMY BASE, SHALL CONTRIBUTE UP TO A MAXIMUM AMOUNT OF \$240,000 FOR REQUIRED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEWS AND REPORTS FOR THE CONSTRUCTION OF INFRASTRUCTURE, PUBLIC UTILITIES, AND PUBLIC STREETS ON THE FORMER ARMY BASE AND**

**(B) A WAIVER OF THE ADVERTISING AND REQUEST FOR PROPOSAL/QUALIFICATIONS PROCESS AND AN AWARD OF A CONTRACT TO LSA ASSOCIATES, INC. (LSA) FOR THE PROVISION OF REQUIRED CEQA AND NEPA REVIEWS AND REPORTS IN AN AMOUNT NOT-TO-EXCEED \$360,000**

**WHEREAS**, the Oakland Army Base Reuse Plan and 2002 Environmental Impact Report document the need to install all new public utilities and streets to serve new development of the former Oakland Army Base; and

**WHEREAS**, the National Environmental Policy Act's (NEPA) 2001 Environmental Impact Statement and the 2002 California Environmental Quality Act's (CEQA) Environmental Impact Report and subsequent Supplement Environmental Impact Reports in 2006 and 2007 must be updated prior to obtaining final approval for the redevelopment of former Oakland Army Base; and

**WHEREAS**, the Agency has previously executed an Exclusive Negotiating Agreement (ENA) with AMB Property Corporation/California Capital Group

(AMB/CCG) regarding potential redevelopment of a portion of the former Army Base; and

**WHEREAS**, the ENA requires AMB/CCG to pay all costs of environmental compliance, including compliance with CEQA and NEPA, regarding its development proposal; and

**WHEREAS**, although CEQA and NEPA reviews were performed in 2001 and 2002, additional CEQA and NEPA reviews are necessary; and

**WHEREAS**, the Agency's ability to attract federal funding for the Army Base project depends on having the required NEPA review, which typically takes six to nine months, or more, to complete; and

**WHEREAS**, the estimated costs associated with constructing public infrastructure improvements (e.g., public utilities, streets and other infrastructure improvements on the Army Base; herein called "horizontal development") currently is estimated as two-thirds of the total construction costs of the project, with the remaining estimated one-third of costs attributable to the construction of actual buildings, other development structures, and related improvements (e.g., the "vertical development") for the project; and

**WHEREAS**, the Agency has determined that the best approach for obtaining CEQA and NEPA clearance to expedite development at this phase of the project is to amend the ENA to provide that the Agency cover two-thirds of estimated environmental reviews costs for LSA's work on the horizontal development, up to a maximum amount of \$240,000; and

**WHEREAS**, AMB/CCG will continue to be responsible for all other costs of CEQA/NEPA review and shall make timely reimbursement payment to the Agency after receiving documentation and invoices from the Agency of the CEQA and NEPA work performed by LSA; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.A requires staff to conduct an advertised request for proposal/qualifications (RFP) process to purchase professional services in excess of \$25,000; and

**WHEREAS**, Oakland Municipal Code section 2.04.051.B permits the Agency Board to waive advertising and the request for proposal/qualifications process upon a finding that it is in the best interests of the Agency to do so; and

**WHEREAS**, the Agency conducted an informal, competitive RFP process through the City of Oakland Environmental Review Officer (ERO) and a representative from AMB/CCG, who invited firms with past successful experience in preparing CEQA and NEPA documents in the City of Oakland to submit written proposals and interviewed

the top responding firms, which resulted in LSA being selected as the most qualified, responsive and most price competitive bidder to conduct the work; and

**WHEREAS**, it is in the Agency's best interests to waive advertising and the request for proposals/qualifications process for this work and award the work to LSA Associates, Inc. because they are the most qualified firm to respond the informal RFP and time is of the essence to complete the required CEQA and NEPA reviews and reports to be eligible for state and federal funding for the development of infrastructure and public improvements; and

**WHEREAS**, the Agency Administrator has determined that services to be provided are professional, scientific or technical and temporary in nature and 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 Agency Administrator is authorized to execute an amendment to the ENA:

(1) which requires the Agency contribute two-thirds of the estimated environmental reviews costs for LSA's work on the horizontal development, up to a maximum amount of \$240,000; and

(2) which requires AMB/CCG to continue to be responsible for all other costs of CEQA/NEPA review (including without limitation one-third of LSA's work up to the Agency's maximum contribution, then 100% of the LSA's work thereafter, and any and all other costs of CEQA/NEPA review), and to make timely reimbursement payment to the Agency after receiving documentation and invoices from the Agency of the CEQA and NEPA work performed by LSA; and be it

**FURTHER RESOLVED:** That any Agency contribution must be funded from the Agency's Joint Infrastructure Development Fund previously established for the development of the former Oakland Army Base; and be it

**FURTHER RESOLVED:** That based on the reasons provided above and in the agenda report accompanying this Resolution and pursuant to Oakland Municipal Code section 2.04.051.B, the Agency Board finds that it is in the Agency's best interests to waive the advertising and request for proposals/qualifications required under Oakland Municipal Code section 2.04.051.A for the purchase of professional services and so waives the requirements; and be it

**FURTHER RESOLVED:** That the Agency Board authorizes waiving advertising and the request for proposals/qualifications process and awarding a contract to LSA for the provision of required CEQA and NEPA reviews and reports in an amount not-to-exceed \$360,000; and be it

**FURTHER RESOLVED:** This action is exempt from the requirements of the California Environmental Quality Act (CEQA) for the reasons stated in the Agency Board Agenda Report and the Environmental Review Officer shall cause to be filed appropriate Notices of Exemption/Determination; and be it

**FURTHER RESOLVED:** That the Agency Administrator is authorized to take whatever other action is necessary to implement the ENA amendment and contract with LSA, consistent with the intent of this Resolution.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES – KERNIGHAN, NADEL, QUAN, DE LA FUENTE, BROOKS, REID,  
KAPLAN AND CHAIRPERSON BRUNNER

NOES –

ABSENT –

ABSTENTION –

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland, California