



CITY OF OAKLAND

AGENDA REPORT

TO: Edward D. Reskin
City Administrator

FROM: Alexa Jeffress
Director, EWD

SUBJECT: Increase to AnewAmerica Contract for
BRT Business Technical Assistance

DATE: July 28, 2020

City Administrator Approval

Date: July 22, 2020

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution Amending Resolution No. 86444 C.M.S. To Increase The Not-To-Exceed Amount By \$24,508.61 From \$965,000.00 To A Total Contract Amount Of \$989,508.61 And Authorizing the City Administrator, or Designee, to Make Final Payment For Services Rendered By AnewAmerica Community Corporation (ANA) For Providing Technical Assistance For Businesses Along The Bus Rapid Transit Route (BRT) In Oakland During The Effective Date Of An Extended Contract.

EXECUTIVE SUMMARY

Approval of the proposed resolution will amend Resolution No. 86444 C.M.S. to increase the not-to-exceed amount from \$965,000 to \$989,508.61 and authorize the City Administrator or Designee to make final payment for professional services rendered by AnewAmerica Community Corporation (ANA), which provided technical assistance for businesses along the Bus Rapid Transit (BRT) Route and to close out ANA's final contract billing. This additional amount will be used to pay for previously submitted invoices for necessary activities to transition technical assistance services from ANA to the City, rendered during the contract term to ensure a continuity of service to businesses along the BRT corridor.

BACKGROUND / LEGISLATIVE HISTORY

The BRT project has involved 12 years of planning and faced opposition from community and business leaders who remain concerned about business and resident impacts and displacement due to the project. The Oakland City Council listened to the concerns raised by the community and, with staff, worked with Alameda-Contra Costa Transit District (AC Transit) to develop a comprehensive Business Sustainability Program (BSP).

In 2013, AC Transit and the City entered into a Master Cooperation Agreement (MCA), which included \$22,700,000 for implementing the Condition of Approval for Business and Parking Impact Mitigation activities and roadway, bicycle and pedestrian improvements. Resolution No.

City Council
July 28, 2020

84570 C.M.S. urged AC Transit to set aside sufficient dollars to implement a comprehensive BRT – Business Impact Mitigation Fund, which ultimately resulted in a \$2,000,000 grant to the City from AC Transit as part of a BSP. In November 2014, the City Council unanimously adopted Resolution No. 85284 C.M.S. to accept and appropriate AC Transit's contribution for the development and implementation of the City's BRT project BSP.

During its November 18, 2014 meeting, the City Council adopted five BRT-related Resolutions (No. 85282 through No. 85286) for the following purposes: 1) to appropriate AC Transit funding for the City to support final design and construction phase activities; 2) to approve the Business Impact Mitigation Plan for the Fruitvale by-pass and off-street parking loss construction; 3) to appropriate up to \$2,500,000 from AC Transit to support the BSP; 4) to approve a \$500,000 business technical assistance start-up phase contract with Oakland Business Development Corporation (OBDC); and 5) to allocate \$1,000,000 in fiscal year (FY) 2015-2016 Community Development Block Grant (CDBG) funding for the Business Assistance and Sustainability Fund (BAF). These City Council actions were interwoven and established the City's commitment to support existing businesses along the BRT route before, during and after construction, with AC Transit's assistance.

On October 11, 2016, staff presented to the Community and Economic Development (CED) Committee a recommendation to enter into contracts with ANA and Mason Tillman Associates, Ltd. (MTA) to provide technical assistance for businesses along the BRT route. The CED Committee approved staff's recommendation and contracts for \$965,000 each were awarded to both ANA and MTA. The contracts for both organizations were extended until December 31, 2019.

ANALYSIS AND POLICY ALTERNATIVES

ANA exhausted the funds from their contract by August 31, 2019. However, in order to transition technical assistance activities to the City, additional assistance from ANA was needed during the transition period. ANA billed the City for two additional months in which technical assistance was provided, after waiving the cost of a third month in which services were also provided. These additional months of service were necessary in order to ensure that businesses along the BRT corridor received a continuity of service. ANA seeks payment for the total balance of their two unpaid invoices of \$23,508.61 for services rendered during the effective date of the extended contract. The two unpaid invoices are included as **Attachment A**. Staff recommends authorizing up to an additional \$1,000, for a total of \$24,508.61, to allow ANA to pay an invoice of \$487.50 issued to ANA by subcontractor Fehr & Peers (**Attachment B**) for BRT-Related Parking and Traffic Analysis, as well as other outstanding administrative costs rendered during the effective date of the extended contract.

FISCAL IMPACT

The additional funding needed for the contract extension is \$24,508.61, which will be taken from Miscellaneous Grants Fund (2999), Housing and Community Development Admin Organization (89919), Professional Services Account (54930), LS&R AC Transit BRT Project (1001615), Administration to be Allocated Program (AD01). Prior payments to ANA were reimbursed

through the grant from AC Transit, and any payments in excess of the previously approved contract amount will be subject to reimbursement.

PUBLIC OUTREACH / INTEREST

No public outreach or coordination was deemed necessary for this report and legislation other than the required posting on the City's website.

COORDINATION

The BRT project's BSP is a joint effort among the following entities:

- AC Transit
- The Oakland Public Works Department
- The Department of Housing and Community Development
- The Department of Economic and Workforce Development
- The Office of Contracts and Compliance

This report and legislation were prepared in coordination with the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The sustainability of small businesses is essential for Oakland's economic health. While the BRT project offers hope for a vibrant transit-oriented commercial corridor, its construction and permanent infrastructure will disrupt some business operations. The Business Sustainability Program (BSP), including the technical assistance element, provides critically needed services and resources to businesses along the BRT route that will experience permanent adverse impacts as a result of the BRT infrastructure changes.

Environmental: The BRT will reduce greenhouse gas emissions by significantly improving access to mass transportation using buses with advanced energy-efficient technology.

Race & Equity. The businesses that will receive services represent the ethnic diversity of Oakland. The majority of the businesses along the BRT route are very small, with annual gross receipts of less than \$100,000. Business Sustainability Program services and resources are designed and aligned to assist all businesses, with added emphasis on small emerging businesses with ownership that reflects the rich diversity of Oakland.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Adopt A Resolution Amending Resolution No. 86444 C.M.S. To Increase The Not-To-Exceed Amount By \$24,508.61 From \$965,000.00 To A Total Contract Amount Of \$989,508.61 And Authorizing the City Administrator, or Designee, to Make Final Payment For Services Rendered By AnewAmerica Community Corporation (ANA) For Providing Technical Assistance For Businesses Along The Bus Rapid Transit Route (BRT) In Oakland During The Effective Date Of An Extended Contract.

For questions regarding this report, please contact Eric Simundza, Urban Economic Analyst III, Business Development Division, at (510) 238-6249.

Respectfully submitted,



ALEXA JEFFRESS

Director, Office of Economic and
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Attachments (2):

A: Two ANA Invoices

B: Fehr & Peers Invoice