

  
Celso Ortiz (Oct 12, 2020 13:48 PDT)

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. 88353 C.M.S.

### RESOLUTION:

- 1) AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO APPLY FOR, ACCEPT, AND APPROPRIATE GRANT FUNDS FROM THE PROPOSITION 68 – CALIFORNIA STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT, EACH FOR AN AMOUNT NOT-TO-EXCEED EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000.00) FOR THE
  - LINCOLN SQUARE PARK RECREATION/ COMMUNITY CENTER RE-BUILD/EXPANSION PROJECT
  - MOSSWOOD PARK NEW COMMUNITY CENTER
  - VERDESE CARTER PARK RENOVATION IN PARTNERSHIP WITH THE TRUST FOR PUBLIC LAND, AND
  
- 2) WAIVING THE REQUEST FOR PROPOSAL/QUALIFICATIONS COMPETITIVE SELECTION REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH THE TRUST FOR PUBLIC LAND TO ASSIST THE CITY TO IMPLEMENT THE RESPECTIVE PROJECTS LISTED ABOVE, IN AN CONTRACT AMOUNT TO BE NEGOTIATED BY THE CITY ADMINISTRATOR, WITHOUT RETURN TO COUNCIL

**WHEREAS**, in October 2018, the Council adopted an updated prioritization process for Fiscal Year 2019-21 Capital Improvement Program (CIP) under Resolution 87376 C.M.S.; and

**WHEREAS**, the City of Oakland applied the updated CIP Prioritization process on public and department project requests and generated a list of priority park capital projects as a result; and

**WHEREAS**, the prioritization resulted in Lincoln Square Park Recreation/Community Center Re-build/Expansion project ranked the top parks facility project and that all of the projects meet the grant eligibility and criteria; and

**WHEREAS**, Mosswood Park New Community Center is an existing project to replace the former facility destroyed by a fire in 2017 and to provide a replacement facility for expanded programs; and

**WHEREAS**, a non-profit organizations –Trust for Public Land – in collaboration with the City of Oakland propose to raise funds to improve additional park projects through grant applications to the Statewide Parks Program Grant for Verdese Carter Park; and

**WHEREAS**, the non-profit organization wish to enter into a professional services agreement with the City of Oakland to perform project implementation services for the project described herein and in the report that accompanies this resolution; and

**WHEREAS**, Oakland Municipal Code (“OMC”) section 2.04.051 A requires a competitive Request For Proposals/Qualifications (“RFP/Q”) selection process for the purchase of professional services which exceed \$50,000.00; and

**WHEREAS**, Oakland Municipal Code Section 2.04.051 B. provides that the City Council may waive the Request for Proposal/Qualification (RFP/Q) competitive selection requirement upon a finding and determination by the City Council that it is in the best interests to do so

**WHEREAS**, the City Council finds and determines based on the representations set forth in the City Administrator’s report accompanying this Resolution that the professional services contracts approved hereunder is temporary in nature; and

**WHEREAS**, the City Council finds that the services provided pursuant to the Agreements authorized hereunder are of a professional, scientific, or technical nature and are temporary in nature; and

**WHEREAS**, the City Council finds that these contracts shall not result in the loss of employment or salary by any person having permanent status in the competitive service;

**WHEREAS**, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

**WHEREAS**, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

**WHEREAS**, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project; now, therefore, be it

**RESOLVED:** That That the City Administrator, or designee, is hereby authorized to apply for, accept, and appropriate grant funds from the Statewide Park Development and Community Revitalization Grant Program each for an amount not-to-exceed eight million five hundred thousand dollars (\$8,500,000.00) for

- Lincoln Square Park Recreation/ Community Center Rebuild/Expansion Project
- Mosswood Park New Community Center
- Verdese Carter Park Renovation in Partnership with the Trust for Public Land; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that it is in the best interest of the City to waive Request for Proposal/Qualification (RFP/Q) requirements pursuant to Oakland Municipal Code Section 2.04.051 because the projects are a collaborative partnership developed through the community organization with City's support and thus so waives this requirement; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to negotiate and enter into a professional services agreement with the Trust for Public Land for the associated projects, in an amount to be determined through negotiations between the City and the two non-profit organizations, without return to Council; and be it

**FURTHER RESOLVED:** That the City Council hereby approves the filing of an application for each of the following projects: Mosswood Park new Community Center, Lincoln Square Park Recreation Center Rebuild/Expansion, and Verdese Carter Park Renovation; and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

2. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

4. Delegates the authority to Public Works Department – Bureau of Design & Construction Assistant Director to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G); and be it

**FURTHER RESOLVED:** That the reimbursable grant fund for the Projects listed, if awarded, will be appropriated in a new Award (number to be determined) for the California Parks & Recreation Fund (2134), Capital Projects - Project Management Organization (92270) in a separate new project number for each project; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to take all necessary actions with respect to the projects listed above

consistent with this Resolution and its basic purpose except with respect to any increase in the negotiated rates of compensation or total contract amounts; and be it

**FURTHER RESOLVED:** That all agreements will be reviewed and approved for form and legality by the Office of the City Attorney and that a copy of the agreements will be on file with the City Clerk, and be it

**FURTHER RESOLVED:** That a copy of this Resolution will be transmitted to the State of California Department of Parks & Recreation and placed on file with the City Clerk

IN COUNCIL, OAKLAND, CALIFORNIA,

**NOV 10 2020**

PASSED BY THE FOLLOWING VOTE:

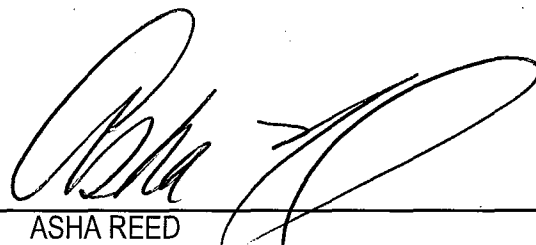
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN — 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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