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Approved as to Form and Legality


Celso Ortiz (Jul 7, 2022 18:33 PDT)

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 89327 C.M.S.

RESOLUTION WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION (RFP/Q) REQUIREMENT AND AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THE LANDSCAPE ARCHITECTURAL SERVICES AGREEMENT WITH WRT, LLC, BY AN AMOUNT NOT TO EXCEED THIRTY-EIGHT THOUSAND DOLLARS (\$38,000.00) FOR GRANT APPLICATION SUPPORT, BRINGING THE TOTAL CONTRACT AMOUNT FROM ONE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$1,400,000.00) TO ONE MILLION FOUR HUNDRED THIRTY-EIGHT THOUSAND DOLLARS (\$1,438,000.00).

WHEREAS, the renovation and expansion of Estuary Park is a critical part of Oakland's mission to restore and enhance the ecological health of and improve public access to its shoreline, and the existing site requires careful planning and design to develop a vision for shoreline improvements that accommodate future sea level rise; and

WHEREAS, additional design and construction funds are needed to further develop the resilient shoreline approach and create a living shoreline that supports intertidal and subtidal habitats, while also encouraging public access to the waterfront; and

WHEREAS, State Coastal Conservancy Proposition 68 San Francisco Bay Area Conservancy Program Climate Adaptation Funds current grant round (Design Grant) will award competitive grants for projects that plan, develop, and implement climate adaption and resiliency projects, and after review of a preproposal application the grant representatives have encouraged the City to apply for a grant for Estuary Park shoreline design; and

WHEREAS, the State Coastal Conservancy has approximately \$11.5 million of Proposition 68 San Francisco Bay Climate Funds - \$5.7 million is available now, with the remainder available in the coming three years, and if awarded, the Design Grant would provide the City an opportunity to design a resilient living shoreline for Estuary Park and be positioned to apply for a future round of the grant for construction funding; and

WHEREAS, if the Design Grant is awarded, the City of Oakland (City) will complete design of the resilient living shoreline and intends to apply for a future round of grant funding for construction; and

WHEREAS, funding for professional grant application services are currently budgeted from the Measure DD Bond Fund (5322) Capital Project Management Organization (92270), Consultant Services Account (54411), Project (1000858); and

WHEREAS, Section 2.04.051 B of the Oakland Municipal Code authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications (RFP/Q) selection requirement of Section 2.04.051 A of the Oakland Municipal Code upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, the City Council finds and determines that the performance of these contracts are in the public's best interest because of the deep knowledge of the project and site conditions accrued to date by the consultant and the critical schedule that must be sustained for project planning and implementation; and

WHEREAS, the City Council finds that these contracts are for services of a professional, scientific or technical nature; and that services under the contracts will be temporary in nature 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 2.04.051 B of the Oakland Municipal Code, the City Council finds that it is in the best interests of the City to waive the competitive RFP/Q selection requirement of Section 2.04.051(A) of the Oakland Municipal Code in order to apply for the State Coastal Conservancy Proposition 68 San Francisco Bay Area Conservancy Program Climate Adaptation Grant for Estuary Park shoreline design, and based on the reasons and circumstances set forth in the report that accompanies this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby finds that it is in the best interest of the City to waive the competitive RFP/Q requirement and approves the amendment of the landscape architectural services agreement with WRT, LLC, to increase the contract in an amount not to exceed thirty-eight thousand dollars (\$38,000.00) for the purposes of grant application support, utilizing funds from the Measure DD Bond Fund (5322) Capital Project Management Organization (92270), Consultant Services Account (54411), Project (1000858), bringing the total contract amount from one million four hundred thousand dollars (\$1,400,000.00) to one million four hundred thirty-eight thousand dollars (\$1,438,000.00); and be it

FURTHER RESOLVED: That the City Administrator 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; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to delegate the grant application submission authorization to either the Director of Public Works or Assistant Director of Public Works-Bureau of Design and Construction; and be it

FURTHER RESOLVED: That a copy of the agreements 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, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~10~~ GALLO, KALB, ~~10~~ REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS - 10
NOES - 0
ABSENT - 0
ABSTENTION - 0

2 Excused - ~~10~~ *File of Kaye*

ATTEST:


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