

APPROVED AS TO FORM AND LEGALITY


Celso Ortiz (Sep 2, 2022 16:18 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: 1) WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATION (RFP/Q) REQUIREMENT AND INCREASING THE ON-CALL ARCHITECTURAL SERVICES AGREEMENT WITH MURAKAMI NELSON ARCHITECTURAL CORPORATION FOR THE BROOKFIELD LIBRARY AND EAST OAKLAND SENIOR CENTER CAPITAL IMPROVEMENT PROJECTS BY AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00); AND 2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, the Brookfield Library Renovations and East Oakland Senior Center Renovations are independent capital improvement projects funded by Measure KK but are co-located in the same building; and

WHEREAS, Murakami Nelson Architectural Corporation (Murakami Nelson) was hired through a competitive process to provide full design and construction support services for the Brookfield Library Renovations through their On-Call Architectural Services agreement; and

WHEREAS, the initial project scope for the Brookfield Library Renovations consisted of interior layout changes to library's reading and circulation areas and has significantly expanded to include restroom and entry plaza/lobby renovations; comprehensive exterior upgrades (paint; siding, insulation and window replacements; roof repairs; site accessibility upgrades; landscaping); and various energy efficiency upgrades to meet the City's Equitable Climate Action Plan (ECAP) policy; and

WHEREAS, an amendment to Murakami Nelson's On-Call Architectural Services agreement is needed to complete the library project design and carry the project through construction because the library design scope has expanded significantly and increased in complexity; and

WHEREAS, the building that houses East Oakland Senior Center and Brookfield Library, designed in 1990 have shared exterior and interior accessibility features and interdependent building envelope, structural, mechanical, electrical, and plumbing systems; and

WHEREAS, a detailed building assessment report concluded that improvements to the building envelope, replacement of mechanical equipment, replacement of main electrical service, and other building and code changes are needed to extend the useful life of the building; and

WHEREAS, renovations affecting the building's shared features and systems will impact both facilities and must be coordinated to ensure a cohesive design, to minimize schedule delays, and to develop phasing strategies that will minimize construction phase impacts to building users; and

WHEREAS, the project scope for East Oakland Senior Center Renovation includes replacement of the commercial kitchen and public restrooms; creation of an adult-changing room; roof leak repairs; new siding and insulation; accessibility improvements; and ECAP-related upgrades to the mechanical, electrical, and plumbing systems; and

WHEREAS, it is recommended that Murakami Nelson be hired to provide design, construction support, and as-needed grant support services for the East Oakland Senior Center Renovation through an amendment to their On-Call Architectural Services agreement; and

WHEREAS, Murakami Nelson is best qualified to provide design services for the East Oakland Senior Center because of their knowledge of the extensive building challenges gained by designing the Brookfield Library renovations; and

WHEREAS, the existing on-call agreement lacks sufficient capacity to complete these two projects; and

WHEREAS, Murakami Nelson is a small, minority-owned business and is a certified Oakland Small Local Business Enterprise, and has had a presence in Oakland since 1954; and

WHEREAS, the existing on-call agreement lacks sufficient capacity to complete these two projects; and

WHEREAS, it is in the best interest of the City to continue utilizing Murakami Nelson to complete the full design and provide construction support services for the Brookfield Library project, and to hire Murakami Nelson to provide design, construction support, and as-needed grant support services for the East Oakland Senior Center project; and

WHEREAS, funding for professional services are available in Bond Measure KK Fund (5335), Projects (1003440 and 1004852); Capital Project Organization (92270), Consultant Services Account (54411), Award (23940); Program (IN06); 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 amendment to the professional services agreement is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of the critical schedule for project planning and implementation; and

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

WHEREAS, the City Council finds that services under the contract 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 complete the design and construction support services for the Brookfield Library Renovation project; to expedite the design and construction support services for the East Oakland Senior Center; to ensure a cohesive design; to minimize project schedule delays; and to develop phasing strategies to minimize construction impacts to facility users, and thus so waives these requirements; and be it

FURTHER RESOLVED: That the City Administrator, is hereby authorized to execute Amendment No. 1 to increase the agreement with Murakami Nelson Architectural Corporation by an amount not-to-exceed one million dollars (\$1,000,000.00), bringing the total contract amount from five hundred thousand dollars (\$500,000.00) to one million five hundred thousand dollars (\$1,500,000.00); and be it

FURTHER RESOLVED: That the amendment shall utilize funds from Bond Measure KK Fund (5335), Projects (1003440 and 1004852); Capital Project Organization (92270), Consultant Services Account (54411), Award (23940); Program (IN06); and be it

FURTHER RESOLVED: That the contracted firm shall comply with all City contracting and compliance program requirements that apply to this agreement, including the Local and Small Local Business Enterprise Program; and be it

FURTHER RESOLVED: That the Council finds that the amendment to the professional services agreement is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15301(c) (Existing Facilities, Highways and Streets), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Council directs the City's Environmental Review Officer to file a Notice of Exemption with the Alameda County Clerk's Office and appropriate agencies; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, excepting those related to increasing the amount of the contract above the amounts authorized under this Resolution, and be it

FURTHER RESOLVED: That the contract and any subsequent amendments or extensions shall be reviewed and approved by the Office of the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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