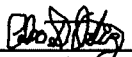


2022 OCT 18 PM 3: 06

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
Celso Ortiz (Sep 21, 2022 21:11 PDT)  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89395 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN FOR AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED FORTY-NINE THOUSAND SIX HUNDRED AND TWENTY DOLLARS (\$2,549,620.00) TO PROVIDE ENGINEERING SERVICES FOR THE 73<sup>RD</sup> AVENUE ACTIVE CONNECTIONS TO TRANSIT PROJECT; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, 73<sup>rd</sup> Avenue is a major transit corridor for the City of Oakland (City) that provides connection between the Coliseum BART and East Oakland Communities; and

**WHEREAS**, the 73<sup>rd</sup> Avenue Action Connections To Transit Project (Project) is one of the priority projects in the City's adopted Fiscal Year 2021-2023 Capital Improvement Program (CIP); and

**WHEREAS**, the Project will implement pedestrian, bicycle, and transit enhancements that aims to improve connections between the Coliseum Bay Area Rapid Transit (BART) station, the International Blvd Bus Rapid Transit (BRT), the Coliseum Amtrak station, Oakland Airport, East Bay Greenway, and the Eastmont Transit Center; and

**WHEREAS**, on October 8, 2021, the City issued a Request for Proposal (RFP) in accordance with Oakland Municipal Code (OMC) 2.04.051 and Administrative Instruction 150; and

**WHEREAS**, on November 18, 2021, two (2) proposals were received; and

**WHEREAS**, Kimley-Horn was selected to be awarded professional services agreement to provide engineering services for the 73<sup>rd</sup> Avenue Active Connections to Transit Project; and

**WHEREAS**, the work will be funded by the following funding source: Measure KK (5335); Complete Streets Design Organization (35212); Consultant Contract Account (54411); Project (1006119); and

**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 contract approved hereunder is temporary in nature; and

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

**WHEREAS**, the City Council finds that this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

**WHEREAS**, the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5(a) (restriping of streets for bicycle lanes); and pursuant to CEQA Guidelines Sections 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; therefore, be it

**RESOLVED:** That the City Administrator is authorized to enter into a professional services agreement with Kimley-Horn for an amount not-to-exceed two million five hundred forty-nine thousand six hundred and twenty dollars (\$2,549,620.00) to provide engineering services for the 73<sup>rd</sup> Avenue Active Connections to Transit Project; and be it

**FURTHER RESOLVED:** That the said agreement will be executed for a three-year period; and be it

**FURTHER RESOLVED:** That the contracted firm(s) shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Workplace and Employment Standards Department; and be it

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

**FURTHER RESOLVED:** That the agreement 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; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that the Project is exempt from CEQA pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities) and Public Resources Code Section 21080.20.5(a) (restriping of streets for bicycle lanes); and pursuant to CEQA Guidelines Sections 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.

IN COUNCIL, OAKLAND, CALIFORNIA,

**SEP 20 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - ~~AAAA~~ GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS - 7

NOES - Five

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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