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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
Celso Ortiz (Nov 3, 2022 09:44 PDT)  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**

**RESOLUTION NO. 89491 C.M.S.**

**RESOLUTION: 1) AMENDING THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH SHAH KAWASAKI ARCHITECTS FOR THE LINCOLN RECREATION CENTER EXPANSION/RENOVATION PROJECT BY AN AMOUNT NOT-TO-EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM ONE MILLION FIVE HUNDRED TWENTY-EIGHT THOUSAND EIGHT HUNDRED FORTY-NINE DOLLARS (\$1,528,849.00) TO THREE MILLION TWENTY-EIGHT THOUSAND EIGHT HUNDRED FORTY-NINE DOLLARS (\$3,028,849.00); 2) WAIVING THE REQUEST FOR PROPOSAL COMPETITIVE SELECTION REQUIREMENT; AND 3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

**WHEREAS**, the Lincoln Recreation Center (Center), constructed in the 1970s, is operated by the Oakland Parks, Recreation and Youth Development Department (OPRYD) and has undergone only minor cosmetic improvements since then; and

**WHEREAS**, the Center needs to be expanded and modernized to accommodate programming needs of the community for present and future use from the existing small and outdated recreation center; and

**WHEREAS**, a professional services agreement to award Shah Kawasaki Architects (SKA) up to ninety-five percent (95%) design of the Lincoln Recreation Center Expansion/Renovation Project (Project) was adopted by Resolution No. 88541 CMS in March of 2021; and

**WHEREAS**, through the extensive collaborative community engagement effort, the need to upgrade original Lincoln Recreation Center function to serve as both the recreation center and as the City resiliency center was identified and supports many strategies of the City's 2030 Equitable Climate Action Plan (ECAP); and

**WHEREAS**, the upgrade of Lincoln Recreation Center's function has increased the design requirements of the facility from existing nine thousand square feet facility to twenty-two thousand square feet facility design; and

**WHEREAS**, an amendment to SKA's professional services agreement is needed to provide full design services for the Project, to carry the project through construction, and to provide as-needed grant support services to seek additional grant funding; 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); this proposed amendment is also exempt under CEQA, Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is also an organizational or administrative activity of government that will not result in direct or indirect physical changes to 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 amendment and performance of this contract is in the public interest because it allows continuation of current design effort into Detail Design Phase, and it allows the project to meet 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 request for proposal/qualification selection requirement of Section 2.04.051(A) of the Oakland Municipal Code to amend the existing SKA Professional Service Contract at the Lincoln Recreation Center Expansion/Renovation Project; and be it

**FURTHER RESOLVED:** That the City Administrator, is hereby authorized to execute an amendment to increase the agreement with SKA by an amount not-to-exceed one million five hundred thousand dollars (\$1,500,000.00), bringing the total contract amount from one million five hundred twenty-eight thousand eight hundred forty-nine dollars (\$1,528,849.00) to three million twenty-eight thousand eight hundred forty-nine dollars (\$3,028,849.00); and be it

**FURTHER RESOLVED:** That the amendment shall utilize funds from Bond Measure KK Fund (5335), Project (1004857); Capital Project Organization (92270), Consultant Services Account (54411), Award (23940); Program (IN06); and be it

**FURTHER RESOLVED:** That SKA 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); This proposed amendment is also exempt under CEQA, Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is also an organizational or administrative activity of government; 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, **DEC 6 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO ~~MINA~~ - 7

~~WARRANTY (COURT UNWARRANTED)~~

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Bas

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