

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO:

- (1) AWARD A CONTRACT TO PARSONS TRANSPORTATION GROUP, INC. UTILIZING A COOPERATIVE AGREEMENT IN THE AMOUNT NOT TO EXCEED FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000) TO DESIGN THE BROADWAY STREETScape PROJECT PER THE FEDERAL REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY GRANT; AND,**
- (2) AWARD A CONTRACT TO WOOD RODGERS INC. UTILIZING A COOPERATIVE AGREEMENT IN THE AMOUNT NOT TO EXCEED SIX MILLION SEVEN HUNDRED AND SEVENTY FIVE THOUSAND DOLLARS (\$6,775,000) TO DESIGN THE MARTIN LUTHER KING, JR. WAY STREETScape IMPROVEMENTS PER THE FEDERAL REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY GRANT AND TO PROVIDE BASELINE DESIGN AND PROJECT MANAGEMENT TASKS ASSOCIATED WITH CALIFORNIA STATE TRANSPORTATION AGENCY FUNDING; AND,**
- (3) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.**

WHEREAS, the Broadway Streetscape Project will help transform the City of Oakland (City) “Main Street” into a modern thoroughfare that encourages and accommodates pedestrians and public transit riders as well as motorist by extending the red bus only lane, improving traffic signals, installing new Americans with Disabilities Act (ADA) accessible curb ramps and intersection crossings, upgrading lighting and placemaking, installing fiber optics to expand OakWiFi, and making other improvements to make the Interstate-880 (I-880) underpass more welcoming to non-motorists in a high priority equity community; and

WHEREAS, the Martin Luther King (MLK), Jr. Way Streetscape Improvements will provide a parallel bicycle facility to the Broadway Streetscape Project, and make similar improvements to pedestrian safety, ADA accessibility, AC Transit access, I-880 freeway underpass improvements, and OakWiFi expansion in a high priority equity community; and

WHEREAS the improvement projects are on the City's Capital Improvement Program with high ranking scores of 87 (Broadway) and 82.25 (MLK Jr. Way) and will help reconnect West Oakland, Chinatown, and Downtown Oakland to the Jack London Square waterfront area, the Amtrak station with access to regional, inter-regional, and long-distance passenger rail connections, and the ferry terminal with access to San Francisco and Alameda; and

WHEREAS, the improvement projects are part of a broader effort to sustainably accommodate the City and Port's planned growth to minimize impacts and support each agencies' shared goals; and

WHEREAS, the California State Transportation Agency (CalSTA) set aside \$279.5 million in funds for improvements that facilitate enhanced freight and passenger access in and around the seaport and waterfront and to promote the efficient and safe movement of goods and people, and \$259.5 million are expected to be used for the aforementioned projects to sustainably accommodate the City and Port's planned growth; and

WHEREAS, the CalSTA funds are available for encumbrance until June 30, 2024, and available for spending until June 30, 2027; and

WHEREAS, the City was awarded a \$14,507,075 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for the Broadway and MLK Jr. Way Streetscape Improvement Projects described above; and

WHEREAS, the City must submit Broadway and MLK, Jr. Way Streetscape Improvement design plans by March 31, 2024 to meet the deadline established by statute in order to retain RAISE grant funds; and

WHEREAS, the development of designs for Broadway and MLK Jr. Way Streetscape Improvements typically require twenty-four months, and if this contract is executed staff and consultants would have approximately nine months to complete these tasks; and

WHEREAS, numerous challenges, including staffing shortages within the City's Department of Transportation and Oakland Public Works' Capital Contracts Division, winter storms, the ransomware attack, and prolonged grant agreements involving the RAISE grant and CalSTA funding, contributed to the delayed hiring of consultants to conduct this work; and

WHEREAS, under Oakland Municipal Code (OMC) Section 2.04.080, the City Administrator may utilize a cooperative agreement based upon a comparable and competitive legal contract of another governmental jurisdiction or public agency without further contracting, solicitation, or formal bidding; and

WHEREAS, such comparable and competitive contracts containing aligned scopes of work were identified, positioning the City to be in the best position to retain the RAISE Grant and CalSTA funds; and

WHEREAS, two firms with availability, capacity, and expertise were selected through cooperative agreements that can perform the work and help the city comply with the stringent grant deadlines and both firms; and

WHEREAS, while the City’s Local and Small Local Business Enterprise (L/SLBE) program does not apply to cooperative agreements, both firms, under the direction of the Department of Workplace and Employment Standards, agree to utilize Oakland-certified small and local business enterprise firms and be subject to a penalty of one and one half times the amount that should have been awarded to small and local businesses if participation is not achieved; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and the City Council finds and determines that the performance of this contract is in the public interest of the City because of economy or better performance; and

WHEREAS, the City Council has determined that this contract is professional, scientific, or technical and temporary in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (CEQA), prepared and certified an Environmental Impact Report (EIR) for the Oakland Waterfront Ballpark District Project and made applicable findings under CEQA, which are applicable to this Resolution to the extent actions herein are considered a “project” under CEQA; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to award a contract to Parsons Transportation Group, Inc. utilizing a cooperative agreement in the amount not to exceed five million five hundred thousand dollars (\$5,500,000) to design the Broadway Streetscape Project per the Federal Rebuilding American Infrastructure with Sustainability and Equity Grant; and be it

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

FURTHER RESOLVED: That the City Council authorizes the City Administrator to award a contract to Wood Rodgers Inc. utilizing a cooperative agreement in the amount not to exceed six million seven hundred and seventy-five thousand dollars (\$6,775,000) to design the Martin Luther King, Jr. Way Streetscape Improvements per the Federal RAISE grant and to provide baseline design and project management tasks associated with CalSTA funding; and be it

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

FURTHER RESOLVED: That the City, as lead agency under CEQA, prepared and certified an EIR for the Oakland Waterfront Ballpark District that reviewed actions by the City to be funded by the grants described in this Resolution. As such, the City has determined that any potential environmental impacts of the actions in this Resolution were adequately studied by the certified EIR and that no further environmental review is required pursuant to CEQA Guidelines Section 15162. In addition, the actions in this Resolution are also exempt from environmental review under CEQA Guidelines Section 15061(b)(3) or are not considered projects defined by CEQA Section 21065 and CEQA Guidelines Section 15378(b)(4), and/or excluded under the National Environmental Policy Act (NEPA) since these are fiscal and organizational activities that cannot possibly result in direct or indirect physical changes to the environment, and that the City

will conform to state and federal statutes, regulations, and procedures, as required by CEQA and/or NEPA; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Exemption with the Clerk of the County of Alameda; and be it

FURTHER RESOLVED: That the City Administrator is authorized to conduct all negotiations and execute all documents which may be necessary and consistent with the basic intent and purpose of this Resolution, including without limitation, to approve any subsequent amendments, modifications to or extensions of said agreement, or issue any notices, and take any related actions provided that any such amendments or extensions shall be reviewed by the City Attorney and filed with the City Clerk's Office; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the City Attorney for form and legality and a copy of this resolution will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions consistent with the authorizations set forth in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES –

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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