


Celso Ortiz (Feb 6, 2025 19:50 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO (1) AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH WOOD RODGERS, INC. AND INCREASE THE AGREEMENT BY AN ADDITIONAL NINE HUNDRED SEVENTY-ONE THOUSAND FIVE HUNDRED SEVENTY DOLLARS (\$971,570.00) TO A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED FOUR MILLION SEVENTY-ONE THOUSAND FOUR HUNDRED FIFTY-TWO DOLLARS (\$4,071,452.00) FOR THE STORM DRAINAGE MASTER PLAN PROJECT (PROJECT NO. 1005274); (2) APPROPRIATE THIRTY-FOUR THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS (\$34,332.00) FROM DEVELOPMENT SERVICE FUND 2415 FUND BALANCE; (3) WAIVE THE COMPETITIVE REQUEST FOR PROPOSALS/QUALIFICATIONS REQUIREMENT; (4) ENTER INTO A USER DISCLAIMER OF LIABILITY AND WARRANTIES AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR MODELING DATA SHARING; AND (5) ADOPT APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR PROJECT NO. 1005274

WHEREAS, the City of Oakland (City) needs a comprehensive Storm Drainage Master Plan (SDMP) to provide technical guidance for how to best manage, improve, and extend the life of the 400 miles of storm drainage pipes, 80 miles of creeks and waterways, 18,000 structures, 11 pump stations, and other drainage appurtenances; and

WHEREAS, the SDMP will include an inventory and condition assessment of the City's storm drainage facilities, a recommended capital improvement program for the storm drainage system to prevent flooding, erosion, and water quality impacts, a maintenance and operation plan to support the longevity of the City's storm drain assets, and identification of opportunities for system improvement through projects that achieve multiple benefits, including meeting water quality goals and regulations, and helping the City achieve climate change resiliency and equity goals; and

WHEREAS, on November 10, 2020, the City Council authorized the City Administrator to enter into a professional services agreement with Wood Rodgers per Council Resolution No. 88355 C.M.S. for a total contract amount not to exceed Three Million Three Hundred Ninety-One Thousand Dollars (\$3,391,000.00); and

WHEREAS, on April 13, 2021, the SDMP agreement was executed for an amount not to exceed Three Million Ninety-Nine Thousand Eight Hundred Eighty-Two Dollars (\$3,099,882.00); and

WHEREAS, additional professional support services are necessary to address flooding incidents during the winter storms in 2022 and 2023, update the City's inlet inventory to reduce flood risks further, expand the Capital Improvement Program (CIP) developments to adapt to the effects of climate change, and complete the update of the Federal Emergency Management Agency's (FEMA) flood insurance rate maps (FIRM); and

WHEREAS, to improve the performance of the modeling analyses and provide the most cost-effective recommendations for the CIP, the City must enter into a user disclaimer of liability and warranties agreement with the Alameda County Flood Control and Water Conservation District (District) to obtain official permission to use and publish the refined data; and

WHEREAS, the department requests the City Council to appropriate Thirty-Four Thousand Three Hundred Thirty-Two Dollars (\$34,332) from the Development Services Fund (2415) Fund Balance to cover the Planning and Building Department's (PBD) proportionate share of the contract; and

WHEREAS, funding for the Project will be made available in the following accounts: 1) Measure Q - Parks & Recreation Preservation, Litter Reduction, and Homelessness Support Act (2244), Organization (92245), Project (1005274); 2) Capital Improvements Impact Fee Fund (2421), Organization (92245), Project (1005274); 3) Sewer Service Fund (3100), Organization (92245), Project (1005274), and 4) Development Service Fund (2415), Organization (92245), Project (1005274); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051 A, requires a competitive request for proposals/qualifications ("RFP/Q") process for the award of professional services contracts in excess of \$50,000; and

WHEREAS, OMC Section 2.04.051 B, permits the Council to waive the RFP/Q solicitation process requirement upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, Wood Rodgers has extensive technical and project expertise having developed a nearly complete citywide hydraulic model for the SDMP, and switching to a new consultant would cause additional delay and disruption to the SDMP; and

WHEREAS, staff recommends that the Council find and determine that it is in the City's best interest to waive the competitive RFP/Q solicitation requirement of OMC Section 2.04.051A and amend the agreement with Wood Rodgers; and

WHEREAS, the Department of Workforce and Employment Standards (DWES) completed the review and determined that Wood Rodgers had complied with the L/SLBE requirement at a participation rate of 96%; 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 service is temporary and professional, scientific or technical in nature; and

WHEREAS, the City Council finds and determines that the performance of 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 California Environmental Quality Act (CEQA) review has been completed for the Project and as such is not; and now, therefore be it

RESOLVED: That the Council hereby finds and determines that pursuant to OMC Section 2.04.051 B that it is in the best interest of the City to waive the RFP/Q solicitation requirement, and so does hereby waive this requirement; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to amend the professional services agreement with Wood Rodgers to perform additional services, addressing storm flooding incidents due to the extreme weather events in 2022 and 2023, including the City's storm drainage inlet inventory to minimize flood risks further, extending the extreme precipitation study and incorporating it in the recommended CIP, updating the hydraulic model as needed to support the comprehensive SDMP, and complete the update of the Federal Emergency Management Agency's (FEMA) flood insurance rate maps (FIRM); and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to execute and enter into a User Disclaimer of Liability and Warranties Agreement with the District for modeling data sharing; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to adopt appropriate CEQA findings for the Project; and be it

FURTHER RESOLVED: That the professional services agreement with Wood Rodgers shall be increased from Three Million Ninety-Nine Thousand Eight Hundred Eighty-Two Dollars (\$3,099,882.00) by an amount of Nine Hundred Seventy-One Thousand Five Hundred Seventy Dollars (\$971,570.00) for a total contract amount not to exceed Four Million Seventy-One Thousand Four Hundred Fifty-Two Dollars (\$4,071,452.00); and be it

FURTHER RESOLVED: That the City Council approves the appropriation of Thirty-Four Thousand Three Hundred and Thirty-Two Dollars (\$34,332) from the Development Services Fund (2415) to cover PBD's proportionate share of the contract; and be it

FURTHER RESOLVED: That Wood Rodgers shall comply with the City's Compliance Programs as required prior to executing the amendment; and be it

FURTHER RESOLVED: That the City Council has already found and determined, on a separate and independent basis, that this Project will not result in a direct or indirect physical change in the environment; and be it

FURTHER RESOLVED: If it was previously found that the Project was deemed to be a Project under CEQA, the “common-sense” exemption (CEQA Guidelines 15061(b)(3)) applies to the Project since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and be it

FURTHER RESOLVED: If the Project was deemed a “project” and the common-sense exemption were not to apply, the requirements of CEQA Guidelines Section 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning – have been met since the Project is consistent with the City’s General Plan; and be it

FURTHER RESOLVED: That each of the above findings represents justification, whether taken individually or collectively, for CEQA clearance; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments to or extensions of said agreement with the exception of any increases in compensation, provided that such amendments or extensions shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section
303)

ABSTENTION –

ATTEST: _____

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