

  
Office of the City Attorney

# OAKLAND CITY COUNCIL

## RESOLUTION No. 86302 C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL PLAN CHECK SERVICES IN AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000) EACH, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF TWO MILLION DOLLARS (\$2,000,000), FOR A TWO-YEAR TERM, WITH (1) CSG CONSULTANTS, INC., AND (2) TRB+ ASSOCIATES, INC.**

**WHEREAS**, the Bureau of Building in the Planning and Building Department and the Oakland Fire Prevention Bureau in the Oakland Fire Department assists builders, property owners, architects, engineers, and realtors in understanding and processing permits related to building construction; and

**WHEREAS**, one of the many functions of the Bureau of Building and Oakland Fire Prevention Bureau engineering plan check staff is to review and approve building proposals for compliance with the current edition of the California Building Standards Code (Title 24 of the California Code of Regulations) and the local amendments to the California Building Standards Code, which can be found in the Oakland Building Construction Code (Oakland Municipal Code (O.M.C.) Chapter 15.04) and the Oakland Building Maintenance Code (O.M.C. Chapter 15.08), and the Oakland Fire Code (O.M.C. Chapter 15.12); and

**WHEREAS**, engineering plan check staff's review of building proposals for code compliance is a critical component and a required step to ensure that structures are built in accordance with all applicable laws and regulations, including safety, accessibility, and energy conservation; and

**WHEREAS**, these plan check duties must be completed within a reasonably timely manner; and

**WHEREAS**, similar to other departments within the City, the Bureau of Building and Oakland Fire Prevention Bureau experienced substantial cuts to their staff and did not fill vacancies as they developed. As such, the Bureau of Building and Oakland Fire Prevention Bureau remain considerably understaffed; and

**WHEREAS**, professional on-call plan check services are necessary to assist Bureau of Building and Oakland Fire Prevention Bureau staff to facilitate timely plan check review for both existing projects in development, and increased new and redevelopment application activity; and

**WHEREAS**, Bureau of Building and Oakland Fire Prevention Bureau staff anticipate that permit applications for private development projects of all sizes may benefit from on-call plan check services; and

**WHEREAS**, on-call plan check services will be fully funded by applicants requesting these services; and

**WHEREAS**, the City Council finds that the City lacks qualified personnel to perform the necessary work and that the performance of these contracts are in the public interest because of economy or better performance; and

**WHEREAS**, through the City's competitive request for proposals process in accordance with O.M.C. section 2.04.051 for professional consulting services, the two firms named in the title were identified as the most responsive and qualified consultant team to provide the desired professional services described herein; and

**WHEREAS**, none of the responding firms, including the two firms named in the title, meet the City's 50% Local/Small Local Business Enterprises (LBE/SLBE) Program requirements; and

**WHEREAS**, both firms are required and agree to comply with the Equal Benefits Ordinance (O.M.C. Chapter 2.32) prior to contract award as compliance was not established during the proposal phase; and

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

**WHEREAS**, the City Council finds that the agreements directly or indirectly support the City Council's goal to "Develop a Sustainable City"; and

**WHEREAS**, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** That the City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution as findings and determinations of the City Council; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to negotiate and enter into a professional services agreement for on-call plan check services with (1) CSC Consultants, Inc. and (2) TRB+ Associates, Inc.; and be it

**FURTHER RESOLVED:** That the City Council hereby finds that a waiver of the City's 50% Local/Small Local Business Enterprises (LBE/SLBE) Program requirements is in the best interests of the City for the reasons set forth herein and in the staff report accompanying this Resolution, and hereby waives this requirement; and be it

**FURTHER RESOLVED:** That the work shall be assigned on an as-needed basis and the total amount of each contract shall not exceed One Million Dollars (\$1,000,000), for a total not to exceed amount of Two Million Dollars (\$2,000,000), and that each contract shall be for a two-year term; and be it

**FURTHER RESOLVED:** That funds shall be deposited and appropriated in Development Services Fund (2415), Admin: Engineering Org (84411), Permits: Construction Account (42211), Services: Contract Account (54911), Project to be determined, Engineering & Architectural Plan Approval Program (PS30); and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to approve any subsequent amendments to said agreements, provided that such amendments shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the agreements shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

**FURTHER RESOLVED:** That within ninety (90) days, the City Administrator or designee will return to the Community and Economic Development Committee to present a status update describing ways in which the City will advertise for on-call plan check services to provide opportunities for local and small local firms to compete in the selection process.

IN COUNCIL, OAKLAND, CALIFORNIA, July 19, 2014

**PASSED BY THE FOLLOWING VOTE:**

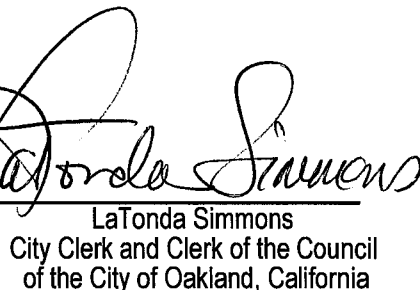
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON  
MCELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality  
*Alluach*  
Office of the City Attorney

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# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL BUILDING-PLAN CHECK SERVICES IN AN AMOUNT NOT-TO-EXCEED ONE MILLION DOLLARS (\$1,000,000) EACH, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF TWO MILLION DOLLARS (\$2,000,000), FOR A TWO-YEAR TERM, WITH THREE ONE-YEAR OPTIONS TO EXTEND, WITH (1) CSG CONSULTANTS, INC., AND (2) TRB+ ASSOCIATES, INC.**

**WHEREAS**, the Bureau of Building in the Planning and Building Department and the Oakland Fire Prevention Bureau in the Oakland Fire Department assists builders, property owners, architects, engineers, and realtors in understanding and processing permits related to building construction; and

**WHEREAS**, one of the many functions of the Bureau of Building and Oakland Fire Prevention Bureau engineering plan check staff is to review and approve building proposals for compliance with the current edition of the California Building Standards Code (Title 24 of the California Code of Regulations) and the local amendments to the California Building Standards Code, which can be found in the Oakland Building Construction Code (Oakland Municipal Code (O.M.C.) Chapter 15.04) and the Oakland Building Maintenance Code (O.M.C. Chapter 15.08), and the Oakland Fire Code (O.M.C. Chapter 15.12); and

**WHEREAS**, engineering plan check staff's review of building proposals for code compliance is a critical component and a required step to ensure that structures are built in accordance with all applicable laws and regulations, including safety, accessibility, and energy conservation; and

**WHEREAS**, these plan check duties must be completed within a reasonably timely manner; and

**WHEREAS**, similar to other departments within the City, the Bureau of Building and Oakland Fire Prevention Bureau experienced substantial cuts to their staff and did not fill vacancies as they developed. As such, the Bureau of Building and Oakland Fire Prevention Bureau remains considerably understaffed; and

**WHEREAS**, professional on-call building plan check services are necessary to assist Bureau of Building and Oakland Fire Prevention Bureau staff to facilitate timely plan check review for both existing projects in development, and increased new and redevelopment application activity; and

**WHEREAS**, Bureau of Building and Oakland Fire Prevention Bureau staff anticipates that permit applications for private development projects of all sizes may benefit from on-call plan check services; and

**WHEREAS**, on-call plan check services will be fully funded by applicants requesting these services; and

**WHEREAS**, the City Council finds that the City lacks qualified personnel to perform the necessary work and that the performance of these contracts are in the public interest because of economy or better performance; and

**WHEREAS**, through the City's competitive request for proposals process in accordance with O.M.C. section 2.04.051 for professional consulting services, the two firms named in the title were identified as the most responsive and qualified consultant team to provide the desired professional services described herein; and

**WHEREAS**, none of the responding firms, including the two firms named in the title, meet the City's 50% Local/Small Local Business Enterprises (LBE/SLBE) Program requirements; and

**WHEREAS**, both firms are required and agree to comply with the Equal Benefits Ordinance (O.M.C. Chapter 2.32) prior to contract award as compliance was not established during the proposal phase; and

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

**WHEREAS**, the City Council finds that the agreements directly or indirectly support the City Council's goal to "Develop a Sustainable City"; and

**WHEREAS**, the City Council finds that the agreements shall not result in the loss of employment or salary by any person having permanent status in the competitive service; now, therefore be it

**RESOLVED:** That the City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Resolution as findings and determinations of the City Council; and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to negotiate and enter into a professional services agreement for on-call ~~building~~-plan check services with (1) CSC Consultants, Inc. and (2) TRB+ Associates, Inc.; and be it

**FURTHER RESOLVED:** That the City Council hereby finds that a waiver of the City's 50% Local/Small Local Business Enterprises (LBE/SLBE) Program requirements is in the best interests of the City for the reasons set forth herein and in the staff report accompanying this Resolution, and hereby waives this requirement; and be it

**FURTHER RESOLVED:** That the work shall be assigned on an as-needed basis and the total amount of each contract shall not exceed One Million Dollars (\$1,000,000), for a total not to exceed amount of Two Million Dollars (\$2,000,000), and that each contract shall be for a two-year term with three optional two-year extensions; and be it

**FURTHER RESOLVED:** That funds shall be deposited and appropriated in Development Services Fund (2415), Admin: Engineering Org (84411), Permits: Construction Account (42211), Services: Contract Account (54911), Project to be determined, Engineering & Architectural Plan Approval Program (PS30); and be it

**FURTHER RESOLVED:** That the City Administrator or designee is hereby authorized to approve any subsequent amendments to ~~or extensions of said agreements including those related to an increase in total compensation, or the appropriation of funds contingent upon available funds,~~ 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; and be it

**FURTHER RESOLVED:** That the agreements shall be approved for form and legality by the City Attorney and a copy shall be kept on file with the City Clerk; and be it

**FURTHER RESOLVED:** That within ninety (90) days, the City Administrator or designee will return to the Community and Economic Development Committee to present a status update describing ways in which the City will advertise for on-call plan check services to provide opportunities for local and small local firms to compete in the selection process.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON  
MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California