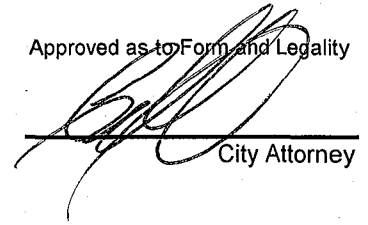


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved as to Form and Legality



City Attorney

2019 MAY 16 PM 5:49  
**OAKLAND CITY COUNCIL**

RESOLUTION No. 87720 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO AWARD AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FLOWWEST, LLC FOR AN AMOUNT NOT-TO-EXCEED FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00) TO COMPLETE INITIAL DESIGN SERVICES (PHASE I) FOR THE COURTLAND CREEK RESTORATION PROJECT, WITH THE OPTION TO COMPLETE REMAINING DESIGN, CONSTRUCTION, AND POST-CONSTRUCTION SUPPORT SERVICES (PHASE II) UPON IDENTIFICATION AND RECEIPT OF ADDITIONAL FUNDING AND FUTURE COUNCIL APPROVAL**

**WHEREAS**, on November 5, 2002 Oakland voters passed Measure DD, the Oakland Trust for Clean Water and Safe Parks, a \$198,250,000 general obligation bond; and

**WHEREAS**, the Courtland Creek Restoration Project in Courtland Creek Park (Project), is a prioritized project on the list of Council-adopted Measure DD Creek Restoration Projects; and

**WHEREAS**, the Project will stabilize and restore approximately 750 linear feet of open creek channel to improve water quality, flood control, habitat, safety, and community benefit features; and

**WHEREAS**, funds are available in Measure DD Fund (5322); Capital Projects Organization (92245); Professional Services Account (54919); Project (1001190); Program (IN14); and

**WHEREAS**, a Professional Services Request for Proposals for the Project was advertised on February 15, 2019, in accordance with Administrative Instruction 150 and two (2) responses were received by Public Works Contract Services on March 14, 2019; and

**WHEREAS**, the proposal evaluation panel ranked FlowWest, LLC (FlowWest) as the most experienced, qualified, and responsive based on their proposal; and

**WHEREAS**, the Project Scope of Services advertised was for full Project design services from technical studies and initial design through construction and post-construction administration; and

**WHEREAS**, the City does not currently have adequate funding to complete full design and construction of the Project; and

**WHEREAS**, utilizing one design consultant team to complete the entire project will be economical, and time efficient, and will reduce project errors and duplication of effort; and

**WHEREAS**, structuring the consultant contract in two phases including the funded Phase I that includes technical studies, initial design, community outreach, and grant support services, and the unfunded Phase II that includes complete design, construction support and post-construction support services will allow the City to develop a schematic design and competitive grant proposal to raise additional funds to complete the project; and

**WHEREAS**, the City Administrator's Contract Compliance analysis of the submitted proposals was completed on April 10, 2019; 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**, staff will have the option to return to Council to request amending the professional services contract with FlowWest for final design, construction support and post-construction administration services to complete Phase II of the Project should additional funding be received; 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 service; now, therefore, be it

**RESOLVED:** That the City Administrator, or designee, is authorized to award and execute a Professional Services Agreement (Agreement) with FlowWest for an amount not-to-exceed four hundred thousand dollars (\$400,000.00) to complete initial design services (Phase I) for the Courtland Creek Restoration Project, with the option to complete remaining design, construction, and post-construction support services (Phase II) upon receipt of additional funding and future Council approval and; and be it

**FURTHER RESOLVED:** That the agreement shall utilize funds from Measure DD Creek Restoration Fund (5322); Capital Projects Organization (92245); Professional Services Account (54919); Project (1001190); Award (23146); Program (IN14); 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 Contracts and Compliance Department; 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, JUN 04 2019

**PASSED BY THE FOLLOWING VOTE:**

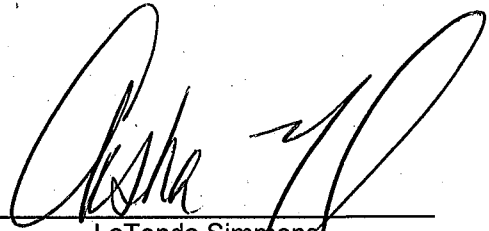
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~WILLIAMS~~ TAYLOR, THAO, and PRESIDENT KAPLAN **-7**

NOES - **0**

ABSENT - **0**

ABSTENTION - **0**

**Excused - 1 Reid**

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