



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** David Ferguson  
Interim Director, OPW

**SUBJECT:** Professional Services Agreement  
Amendment for Mosswood  
Community Center Project

**DATE:** June 8, 2020

City Administrator Approval 

Date: June 18, 2020

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator, Or Designee, To (1) Amend The Professional Services Agreement With Leddy Maytum Stacy Architects For Architectural And Engineering Services And Increase The Agreement By An Additional Two Million Thirty-Five Thousand Dollars (\$2,035,000.00) From Seven Hundred Sixty-Five Thousand Dollars (\$765,000.00) To A Total Contract Amount Not-To-Exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000.00) For The New Mosswood Park Community Center Project (No. 1003625), And (2) Waive The Competitive Request For Proposals/Qualifications Requirement.**

## EXECUTIVE SUMMARY

In May 2019, City Council approved Resolution No. 87690 C.M.S., authorizing the City Administrator to execute a contract with Leddy Maytum Stacy Architects (LMSA) for planning through schematics design phases of the Mosswood Community Center project in the amount of \$765,000.00. In the same resolution, City Council approved the option to exercise remaining design services upon completion of schematic design and obtaining additional funding through future Council approval. Approval of this resolution will authorize the City Administrator or designee to execute the remaining professional service agreement with LMSA, to perform design development phase through construction support services and amend the existing agreement by an amount not-to-exceed \$2,035,000.00 for a total contract maximum of \$2,800,000.00 to provide the remaining design and construction support services to complete the Mosswood Community Center Project.

Mosswood Park is located in Council District 3, but is at the border of District 1; and is used daily by residents from both Districts (see **Attachment A – Project Location Map**).

## **BACKGROUND / LEGISLATIVE HISTORY**

Established in 1910, Mosswood Park is an eleven-acre public park operated by the Oakland Parks, Recreation, and Youth Development Department (OPRYD). The former Mosswood Recreation Center building was constructed circa 1953 and was an 8,235-gross square foot (GSF) structure. The recreation center hosted programs and classes year-round, and a thriving summer camp program. After-school programs featured cooking, computer lab, and homework help for children 5 to 11 years of age. In November 2016, the Mosswood Recreation Center suffered significant damage from a fire, requiring the City to tear down the original structure. Temporary facilities to house programs at the center have been installed to restore on-site programming until the new community center is built.

City Council authorized the City Administrator to enter into a professional services agreement with LMSA by Resolution No. 87690 C.M.S., approved on May 2, 2019. LMSA was selected through a competitive, qualification-based process to provide consulting and engineering services for the project. The professional services agreement was authorized for Visioning, Programming, Master Planning, and Concept Design through Schematic Design Phases until additional funding was secured to execute the remaining agreement for Design Development through Construction Support services.

The Mosswood Community Center project was awarded a State Proposition 68 grant funding through the California Natural Resources Agency (CNRA) in the amount of two million two hundred one thousand one hundred dollars (\$2,201,100.00). City Council authorized the City Administrator to accept these grant funds by Resolution No. 87781 C.M.S., approved on June 13, 2019. Mosswood Community Center Project was also allocated \$4,000,000 in Measure KK Infrastructure and Affordable Housing Bond funds in the FY 2019-21 Capital Improvement Program Budget approved in June 2019.

## **ANALYSIS AND POLICY ALTERNATIVES**

The City's project manager and consultant conducted extensive community and internal staff meetings to refine the project scope between September 2019 and March 2020, in accordance with the City's Department of Race and Equity (DRE) Inclusive Public Engagement Guide, which seeks to strengthen outreach and inclusion methods in project design. Staff from Oakland Public Works (OPW) and OPRYD met with DRE at the start of the project to define the equity goals for the project and review the project plan for inclusive engagement.

During the initial park master planning, programming, and public engagement phase, it was determined that to meet the needs of the community, the programs for Oakland Parks, Recreation & Youth Development (OPRYD), and to maximize recreational benefits for the Public, the project was envisioned to include a community center, indoor gym, and therapeutic indoor pool buildings. Through meetings with OPRYD, it was determined that providing a fully functional facility is in the best interest of the City.

The Project Concept Design (**Attachment B – Project Design Plan**) includes a three-phase project with a community center (Phase 1), an indoor gym (Phase 2), and a therapeutic indoor pool (Phase 3). The buildings provide a 24,000 – 25,000 GSF facility. The original consultant

contract anticipated a one-story 12,000 GSF facility. The project's increase in twice the square footage due to City and the community's defined needs, and the added complexity of a two-story building, has attributed to the increased consultant fee. Phase 1 scope elements that are triggered by the project expansion include:

- structural and seismic design of a two-story community center building complete with vertical circulation such as American's with Disabilities Act (ADA) accessible elevator;
- additional geotechnical investigation for the larger three-phase project footprint;
- acoustical engineer design to accommodate proposed performance stage area and acoustical separation of gym and community center;
- a utilities consultant to design and coordinate upgrade electrical service; and
- schematic-level design of both new indoor gymnasium building with bleachers, ADA-accessible stage and audio-visual equipment, and indoor therapeutic pool with locker rooms.

The scope will necessitate the preparation of a larger and more complex bid package. The architect is reaching out to Oakland firms for the additional special consultant services needed. The consultant team is currently verified for Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) participation by the Social Equity Division of the Department of Contracting and Purchasing based on the original contract agreement. The Contract Compliance Department will review LMSA's LBE/SLBE amended proposal once the consultant additions are complete to ensure compliance before the amendment is executed.

To meet the current State CNRA grant funding expenditure deadline of March 2022, construction must begin in January 2021; therefore, the project must run on a fast track design schedule. To adequately design and coordinate all three phases of building, the architecture team will create Schematic Design-level drawings for all three buildings with priority to complete construction documents for the Phase 1 Community Center building.

As a result of the complexity of the expanded scope and grant schedule impacts, an amendment to the consultant team's fee is necessary to carry the project through construction. Since the preliminary professional service agreement was executed, \$6.5 million in additional funding has been secured, providing adequate funding to award the remaining professional services contract and amend the contract to reflect the increase in design services scope.

Construction of Phase 1 is anticipated to cost between \$12-14 million dollars. During design, opportunities to value-engineer and reduce the construction cost of the project will be carefully considered. The total project cost is anticipated to be between \$18-20 million. Currently, the project must raise an additional \$8 – 10 million to complete Phase 1. Additional funds are actively being sought, and potential fund sources include State Proposition 68, private or corporate donations, and other future funding opportunities.

#### **WAIVER OF COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENT**

Oakland Municipal Code (OMC) Section 2.04.051 A. requires a competitive request for proposals/qualifications ("RFP/Q") proposal solicitation process. However, OMC Section 2.04.051 B. permits the Council to waive this RFP/Q requirement upon a finding and determination that it is in the best interests of the City to do so. As the consultant selection

process in 2019 adhered to City's OMC for competitive process and the solicitation notice stated that the selected consultant team will provide planning through construction support services, the proposed amendment adheres to the original intent. To continue the services as originally specified and avoid any project disruption or delay to complete the scope outlined in the analysis above, staff recommend that it is in the City's best interest to waive the competitive RFP/Q requirement and amend the City's agreement with LMSA.

### **FISCAL IMPACT**

The project currently is funded by the following sources:

<b>Fund Description</b>	<b>Fund/Award #</b>	<b>Award Amount</b>
Insurance Replacement Funds	1010 / 23289	\$3,720,000
Measure KK Series 2 Funds (FY19-21)	5322 / 23687	\$4,000,000
Prop. 68 -- CCNR Grant	2159 / 23801	\$2,201,100
Development impact fees and donations	To be determined	\$304,000
<b>Total Appropriated Funds</b>		<b>\$10,225,100</b>

Approval of this Resolution will authorize the City Administrator to award the remaining professional services agreement and increase the agreement amount per the table below:

Contract Amendment Summary:

<b>Cost Description</b>	<b>Total Amount</b>
Original approved Leddy Maytum Stacy Professional Architectural Design Services Agreement from Planning through Schematic Design	\$765,000.00
Recommended increased amendment for LMSA agreement	\$2,035,000.00
<b>Total Revised Professional Services Agreement: Not-to-Exceed</b>	<b>\$2,800,000.00</b>

Sources of Fund for the Amendment:

<b>Funding Source</b>	<b>Amount</b>
General Fund (1010); Capital Projects Organization (#92270); Consultant Contract Account (54411); Project (1003625); Award (23289); Program (IN06) – <b>Insurance Replacement Funds</b>	\$1,000,000.00
Measure KK Bond (5332)*; Capital Projects Organization (#92270); Consultant Contract Account (54411); Project (1003625); Award (23687); Program (IN06) – <b>Measure KK Series 2 Funds (FY19-20)</b>	\$1,035,000.00

\*Measure KK Series 2 funds are approved over two fiscal years with \$1,000,000.00 currently in place. Second-year funding of \$3,000,000.00 will be available in July 2020.

### **PUBLIC OUTREACH / INTEREST**

Between September 2019 and March 2020, the City's project manager and consultant team conducted extensive community outreach and engagement to define the Vision, Program, and Concept Design for the new Mosswood Community Center. The City's Department of Race and Equity was consulted early in the process, and in accordance with its Inclusive Public Engagement guidelines, many strategies and means were employed to reach and engage a diverse audience. A total of twenty-four outreach events were held over a six-month period:

- Six community workshops
- Five focus-group listening sessions
- Thirteen local community events

In addition, the team had numerous learning conversations with community organizations and facilities, met regularly with the Mosswood Recreation Advisory Committee (MRAC), and the local Beat 8x Neighborhood Crime Prevention Council (NCPC) group. Oakland Parks and Recreation Foundation and the Oakland Heritage Alliance were key project community stakeholders.

Community workshops and project information notices were widely distributed through printed mailers, posters, and flyers at local businesses, schools, libraries, recreation centers, and other community-serving facilities, and a large banner hung at the park.

Online presence included a project website with links to meeting presentation materials, social media sites, and email notifications. An online survey yielded over 300 responses, providing detailed input on demographics, community center, and park usage patterns. The project received a very favorable article in the Oakland Post.

### **COORDINATION**

The work to be done under this contract has been coordinated with OPRYD, Contracts and Compliance Department, and appropriate divisions within OPW.

This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** This project replaces damaged and aged City infrastructure. The consultant is verified for LBE/SLBE participation by the Social Equity Division of the Department of Contracting and Purchasing. The projects will generate business tax, sales tax, and other revenues for the City by those firms who work on the project. Local businesses will be utilized on the projects and will benefit directly. The new Mosswood Community Center design will

strategically incorporate opportunities for revenue generation for the City utilizing the new facilities.

***Environmental:*** The consultant will be required to incorporate the City's environmental and sustainability design requirements and guidelines into the project, which will continue to support the City's objective for a sustainable Oakland. The new building targets Leadership in Energy and Environmental Design (LEED) Silver as a minimum and LEED Gold as the target sustainability certification level. As the design proceeds, consideration to address City resiliency will also be reviewed and implemented where applicable.

***Race & Equity:*** The City's project manager and consultant conducted extensive community and internal staff meetings to refine the project scope between September 2019 and March 2020 in consultation with City's Department of Race and Equity and in accordance with its Inclusive Public Engagement Guide. The proposed architecture design services contract will enhance Mosswood Park and provide new facilities to support increased recreational opportunities for Oaklanders citywide. The resulting project will comply with the Americans with Disabilities Act (ADA) and enhance the enjoyment of Mosswood Park for all ages, socio-economic backgrounds and abilities.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The California Environmental Quality Act (CEQA) determination will be completed as part of the project implementation.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt a Resolution Authorizing the City Administrator, or Designee, To (1) Amend The Professional Services Agreement with Leddy Maytum Stacy Architects For Architectural and Engineering Services and Increase the Agreement By An Additional Two Million Thirty-Five Thousand Dollars (\$2,035,000.00) From Seven Hundred Sixty-Five Thousand Dollars (\$765,000.00) To A Total Contract Amount Not-To-Exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000.00) For The New Mosswood Park Community Center Project (No. 1003625) and (2) Waive the Competitive RFP/Q Requirement.

For questions regarding this report, please contact Christine Reed, CIP Coordinator at (510-238-6540).

Respectfully submitted,

*David Ferguson*

David Ferguson (Jun 15, 2020 21:30 PDT)

DAVID FERGUSON

Interim Director, Oakland Public Works

Reviewed by:

Matthew Lee, P.E., Assistant Director  
Bureau of Design & Construction

Prepared by:

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Project & Grant Management Division

Attachments (3):

A: Project Location Map

B: Project Concept Design Plan

C: Resolution No. 87690 C.M.S.