


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION:

- 1. AMENDING RESOLUTION NO. 88379 C.M.S. TO INCREASE THE PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES WITH K2A - MARY MCGRATH ASSOCIATED ARCHITECTS FOR THE FIRE STATION 29 PROJECT BY AN AMOUNT NOT-TO-EXCEED SEVEN HUNDRED THOUSAND DOLLARS (\$700,000.00), BRINGING THE TOTAL CONTRACT AMOUNT FROM ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000.00) TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00);**
- 2. WAIVING THE COMPETITIVE REQUEST FOR PROPOSAL/QUALIFICATIONS REQUIREMENTS; AND**
- 3. ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.**

WHEREAS, Fire Station 29, located at 1016 66th Avenue within District 6, is a severely outdated, undersized building originally built as a temporary 3,900 square foot station after the second World War that lacks adequately sized apparatus bays, training areas, modern life-safety systems, fails to comply with current National Fire Protection Association, accessibility requirements and essential-services seismic standards, and has deteriorated building systems and safety hazards that compromise response readiness in one of Oakland's most disadvantaged neighborhoods; and

WHEREAS, a feasibility study was prioritized and adopted through the Capital Improvement Program Budget process during Fiscal Year (FY) 2017-2019, and in January 2020, the City issued a Request for Proposals (RFP) seeking qualified consultants to provide design and site feasibility assessment for Fire Station 29 to be relocated to the City owned, 6.5 acre parcel at 905 66th Avenue (Project Site) to accommodate a new fire station and other facilities including community resources and urban search/rescue training facilities; and

WHEREAS, on November 10, 2020, City Council passed Resolution No. 88379 C.M.S. granting authorization for the City Administrator to enter into a professional services agreement in an amount of \$1,800,000.00 via Measure KK Series II funds with K2A - Mary McGrath Associated Architects (K2A); and

WHEREAS, K2A was selected through a competitive, qualification-based process to provide consulting and engineering services for the Project including community engagement, site analysis at the Project Site, master planning, facility design of a modern, 16,000 square foot fire station from schematic to the construction documents phase and design support during construction; and

WHEREAS, since the City's authorization for K2A to proceed with planning and design in June 2021, the Fire Station 29 Project (Project) has undergone several extensions to its schedule and scope, with construction completion extended from November 2025 to November 2028 due to multiple City-directed tasks, community engagement efforts, evolving code requirements, supplemental community programming and outreach, site easement issues, poor soil conditions, added planning submittals and coordination meetings, design revisions for an all-electric building, escalation in professional service rates, and extended consultant support; and

WHEREAS, the 2026 California Building Code cycle requires extensive redesign of mechanical, electrical, and structural systems, preparation of plats and legal descriptions for six easements with coordination among EBMUD, PG&E, AC Transit, and City departments, and accommodation of a State-required fiber optic distribution hub approved by Council under Resolution No. 90407 C.M.S. on September 3, 2024, which resulted in temporary design suspension and reallocation of original contingency funds to additional City-directed tasks; and

WHEREAS, the proposed amendment to increase K2A's contract by \$700,000.00 is needed to replenish the budget for design support during construction, contingency and reimbursables, ensure compliance with the 2026 code cycle, complete easement documentation, and cover escalation costs due to the extended Project schedule and scope; and

WHEREAS, funding for the additional design services is available within the following funding code: Measure KK: Infrastructure Series 2022C-1 Fund(5335); Engineering Design: Project Management Organization (92270); Fire Station 29 – New Station Project (1004854); Project Delivery Program (IN06); and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.051(B), authorizes the City Council to waive the competitive Request for Proposals/Request for Qualifications (RFP/Q) selection requirement of Section 2.04.051(A) upon a finding and determination that it is in the best interests of the City to do so; and

WHEREAS, as the consultant selection process in 2020 adhered to the City's required competitive process and the solicitation notice stated that the selected consultant team will provide planning, design and construction administration support services, the proposed amendment adheres to the original intent; and

WHEREAS, the amendment to the professional services agreement is exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (minor alterations to land), and/or 15061(b)(3) (No Significant Effect on the Environment); this proposed amendment is also exempt under CEQA, Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is also an organizational or administrative

activity of government that will not result in direct or indirect physical changes to the environment; each of the aforementioned provides a separate and independent basis for CEQA compliance; and

WHEREAS, the City Council finds that this contract is for services of a professional, scientific or technical nature; and

WHEREAS, the City Council finds that services under the contract will be temporary in nature shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

RESOLVED: That the City Council amends Resolution No. 88379 C.M.S. to increase the amount of the authorized professional services agreement for architectural and engineering design services with K2A/Mary McGrath Associated Architects by an amount not-to-exceed seven hundred thousand dollars (\$700,000.00), bringing the total contract amount authorized from one million eight hundred thousand dollars (\$1,800,000.00) to two million five hundred thousand dollars (\$2,500,000.00); and

FURTHER RESOLVED: That pursuant to OMC Section 2.04.051(B), the City Council finds that it is in the best interests of the City to waive the competitive request for proposal/qualifications selection requirement of OMC Section 2.04.051(A) to amend the existing professional services contract with K2A - Mary McGrath Associated Architects for the Project; and be it

FURTHER RESOLVED: That this proposed amendment to the professional services agreement is exempt under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b)(4) and (5), as they involve government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant impact on the environment, and it is also an organizational or administrative activity of the government that will not result in direct or indirect physical changes to the environment. The amendment is also exempt from CEQA pursuant to CEQA Guidelines Sections 15268 (Ministerial Projects), 15183 (Projects Consistent with a Community Plan, General Plan or Zoning), 15302 (Replacement or Reconstruction), 15303 (Small Structures), 15304(h) (Minor Alterations to Land), and/or 15061(b)(3) (No Significant Effect on the Environment) given the Fire Station 29 project it supports has already been determined to be exempt under these CEQA exemptions. Each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement consistent with the purpose of this Resolution, excepting those related to increasing the amount of the contract above the amounts authorized herein.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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