


Farah Hussein (Jun 9, 2026 16:20:45 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH KW ENGINEERING FOR ENERGY ASSESSMENT AND CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SIXTY-FOUR THOUSAND SIX HUNDRED EIGHTY-FIVE DOLLARS (\$364,685) FOR THE MUNICIPAL FACILITY ENERGY ASSESSMENTS PROJECT (NO. 1008000), AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (City) owns and operates municipal facilities across the city, many of which were constructed in the mid-twentieth century and have been in continuous use for 40 to 60 years or more, with aging mechanical, electrical, and building envelope systems that consume significant amounts of energy, and many of these facilities have not undergone comprehensive energy assessments, limiting the City's ability to prioritize capital improvements and pursue energy efficiency incentives; and

WHEREAS, in July 2020, the City Council unanimously adopted the 2030 Equitable Climate Action Plan (ECAP), which sets a target of reducing greenhouse gas emissions 56 percent below 2005 levels by 2030 and reaching carbon neutrality by 2045, and includes building-sector actions calling for all major retrofits of City facilities to be all-electric and for developing a plan to electrify all existing buildings in the city by 2040, and acting on those building-sector actions requires facility-level energy performance data that the City does not currently have; and

WHEREAS, Congress created the Energy Efficiency and Conservation Block Grant (EECBG) Program in 2007 as part of the Energy Independence and Security Act (EISA), Title V, Subtitle E (Public Law 110-140), to provide formula-based grants to local governments to reduce fossil fuel emissions, reduce total energy use, and improve energy efficiency, and in 2021, the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law) appropriated \$550 million to recapitalize the EECBG Program, making formula-based grants available to eligible local governments for the first time since 2009; and

WHEREAS, on August 1, 2024, the U.S. Department of Energy (DOE) awarded the City EECBG grant funding in the amount of Four Hundred Five Thousand Seven Hundred Ten Dollars (\$405,710) under DOE Award No. DE-SE0000418.0000, administered on a reimbursement basis

with no local match requirement, and on December 3, 2024, the City Council adopted Resolution No. 90527 C.M.S., authorizing the City Administrator to accept and appropriate the EECBG funds and adopting appropriate California Environmental Act (CEQA) findings; and

WHEREAS, the facilities for assessment are drawn from the City’s Capital Improvement Program (CIP) list of unfunded projects for FY 2025–2027, which includes parks and recreation centers, senior centers, aquatic facilities, and civic buildings managed by Oakland Public Works (OPW) and the Oakland Parks, Recreation and Youth Development Department (OPRYD), with a complete list and map of the 20 facilities identified for assessment, ranging in size from approximately 1,800 to 30,000 square feet is provided in Attachment B to the accompanying agenda report; and

WHEREAS, the 20 facilities selected for energy assessment serve seniors, youth, and low-income residents who depend on these parks, recreation centers, senior centers, and aquatic facilities for essential social, recreational, and educational services. Many of these facilities have not received consistent capital reinvestment, and improving their energy performance will reduce operating costs and meaningfully improve the conditions experienced by the residents who use them most; and

WHEREAS, the facilities were selected through the City of Oakland’s CIP prioritization process, which scores capital project requests on nine criteria adopted by City Council in 2018: Equity, Health and Safety, Economy, Environment, Improvement, Existing Conditions, Shovel Readiness, Collaboration and Required Work with Equity carrying the highest point value at 16 out of 100 points, ensuring that projects serving underserved communities receive priority consideration; and

WHEREAS, from the CIP unfunded projects list, OPW staff identified locations in greatest need of significant infrastructure upgrades that have historically been energy inefficient, and the energy audits and roadmaps produced through this project will serve as the foundation for future funding pursuits to implement the recommended energy improvements at these locations; and

WHEREAS, in accordance with OMC Section 2.04.051(A) and the provisions of Administrative Instruction 150 for Professional Services Contracts, OPW issued a Request for Proposals (RFP) on December 19, 2025, seeking qualified firms to perform energy assessments and audits for City-owned facilities; and

WHEREAS, Oakland Municipal Code section 2.04.050 generally requires formal advertising and competitive bidding for purchases of services, supplies, or a combination thereof exceeding Fifty Thousand Dollars (\$50,000), but section 2.04.050(I)(1) provides an exception for contracts involving professional or specialized services, including services rendered by architects, engineers, and other specialized professional consultants, upon a finding by the City Council; and

WHEREAS, because the agreement exceeds Fifty Thousand Dollars (\$50,000), Oakland Municipal Code section 2.04.051(A) required the City to conduct a competitive request for proposals or qualifications process, and the City Council finds and determines that the City conducted such process in accordance with Oakland Municipal Code section 2.04.051(A), Administrative Instruction 150, and applicable procurement requirements; and

WHEREAS, based on the competitive proposal review process and interviews, the evaluation panel recommended kW Engineering (kW) and their consultant team as the most qualified and responsive to the RFP, having demonstrated experience conducting American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Level 2 energy assessments for municipal and public facilities, developing energy roadmaps, and meeting federal grant program requirements; and

WHEREAS, this project is funded through the federal Energy Efficiency and Conservation Block Grant (EECBG) program and is subject to applicable federal procurement requirements; and

WHEREAS, the City did not apply local geographic preferences, set-asides, or mandatory Local/Small Local Business Enterprise (L/SLBE) participation requirements to the evaluation or award of this federally funded agreement to the extent such requirements would conflict with federal procurement requirements or the terms of the EECBG award; and

WHEREAS, accordingly, the Department of Workplace and Employment Standards (DWES) did not review the consultant proposals for L/SLBE compliance, but staff conducted broad public advertisement of the RFP, used a competitive proposal and selection process, and performed targeted outreach through publications serving Black, Latino, Asian, and other communities, including the Oakland Post, El Mundo, World Journal, and Korea Times; and

WHEREAS, the contract amount of Three Hundred Sixty-Four Thousand Six Hundred Eighty-Five Dollars (\$364,685) is fully funded by the U.S. Department of Energy's EECBG Program, which is funded within the following funding code: Department of Energy Fund (2122), Engineer Design: Project Management (92270), EECBG AWARD #DE-SE0000418 Project (1008000), Trees Program (NB09); and

WHEREAS, the Project advances multiple City goals and aligns with the Oakland 2045 General Plan – Safety Element, the Local Hazard Mitigation Plan (2021 – 2026), and the 2030 Equitable Climate Action Plan by producing the facility-level energy data these plans require to advance sustainability, resilience, and equitable infrastructure investment across the City's building portfolio; and

WHEREAS, That the City Council finds and determines that this action is not a “project” under the California Environmental Quality Act (CEQA), Public Resources Code section 21065 and CEQA Guidelines section 15378(b)(4) and (5), because it is a government fiscal, organizational, and administrative activity that does not commit the City to any specific project

that may result in a potentially significant environmental impact and will not result in direct or indirect physical changes in the environment; and

WHEREAS, That the City Council finds and determines that, even if this action were deemed a project under CEQA, it is exempt under CEQA Guidelines sections 15306 and 15061(b)(3) because the scope is limited to information collection, research, analysis, and report preparation, does not authorize construction, demolition, retrofit, equipment installation, physical alteration, or other ground-disturbing or physical work, and it can be seen with certainty that the action will not have a significant effect on the environment; 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 and 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 hereby authorizes the City Administrator to award and execute a Professional Services Agreement for energy assessment and consulting services with kW Engineering, for an amount not-to-exceed Three Hundred Sixty-Four Thousand Six Hundred Eighty-Five Dollars (\$364,685), for municipal facility energy assessments, technical analysis, roadmap development, and collaboration support services for the City of Oakland Municipal Facility Energy Assessments Project (No. 1008000); and be it

FURTHER RESOLVED: That the City Council finds and determines that, pursuant to Oakland Municipal Code section 2.04.050(I)(1), the competitive bidding requirements of Oakland Municipal Code section 2.04.050 do not apply to this agreement because the agreement is for professional and specialized services, including engineering, technical analysis, energy assessment, and related professional consulting services; and be it

FURTHER RESOLVED: the City Council hereby finds and determines that the services to be provided by kW Engineering are professional, scientific, technical, and specialized services within the meaning of Oakland Municipal Code sections 2.04.050(I)(1) and 2.04.051 because the work requires specialized expertise in energy engineering, ASHRAE Level 2 energy assessments, technical analysis, facility energy roadmaps, and federal grant compliance support; and

FURTHER RESOLVED: That all deliverables under this agreement must be completed prior to the EECSBG grant deadline of July 31, 2027, to allow the City to complete required reporting to the U.S. Department of Energy, and the contract term shall be one (1) year from the date of execution, not to extend beyond July 31, 2027; and be it

FURTHER RESOLVED: That the City Council finds and determines that this action is not a “project” under the California Environmental Quality Act (CEQA), Public Resources Code section 21065 and CEQA Guidelines section 15378(b)(4) and (5), because it is a government fiscal, organizational, and administrative activity that does not commit the City to any specific project that may result in a potentially significant environmental impact and will not result in direct or indirect physical changes in the environment; and be it

FURTHER RESOLVED: That the City Council finds and determines that, even if this action were deemed a project under CEQA, it is exempt under CEQA Guidelines sections 15306 and 15061(b)(3) because the scope is limited to information collection, research, analysis, and report preparation, does not authorize construction, demolition, retrofit, equipment installation, physical alteration, or other ground-disturbing or physical work, and it can be seen with certainty that the action will not have a significant effect on the environment; and be it

FURTHER RESOLVED: That all contracts executed under this resolution shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk; 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