

REQUEST FOR PROPOSALS

for

PREPARATION OF THE BROADWAY RETAIL CORRIDOR SPECIFIC PLAN AND RELATED ENVIRONMENTAL ASSESSMENT

Pre-proposal Conference: August 6, 2008 @ 11 a.m.
250 Frank Ogawa Plaza, 3rd Floor, Dimond Conference Room

PROPOSAL DUE DATE: August 27, 2008 @ 2 p.m.

**CITY OF OAKLAND
COMMUNITY AND ECONOMIC DEVELOPMENT
AGENCY**

Strategic Planning Division

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I. Introduction

Qualified landscape architects, urban planners, architects and environmental consultants are invited to submit proposals for forming and leading an interdisciplinary team approach to preparing a Specific Plan, an associated implementation and financing program, and a legally adequate environmental assessment of the study area that generally encompasses Broadway from Grand Avenue to Interstate 580 and include 27th Street between Summit Street and Harrison, and Valdez Street between Grand Avenue and 27th. **The team must have demonstrated knowledge and experience in transit oriented development, participatory community planning, urban design, transit planning, traffic and parking analysis, economic and market analysis, environmental review, and computer graphics.**

Consultant teams being assembled for this project have three options for submitting responses to the request for proposals:

1. Submit a proposal for providing a Specific Plan document and the appropriate accompanying environmental assessment document.
2. Submit a proposal for developing a Specific Plan document for the plan area and a plan for coordination with environmental assessment work and products.
3. A proposal for preparing the appropriate environmental document and a plan for coordination with work required to develop the Specific Plan.

The Specific Plan will articulate and quantify the future potential of the area for retail and transit oriented development. The work would build on existing studies and plans, and be coordinated with zoning recommendations for the downtown Central Business District to be completed as part of the Citywide Zoning Update, and other development projects underway for properties within close proximity to the Broadway corridor. A program for implementing the land use policies will be an important component of the planning effort and will include measures such as supportive zoning changes, development standards, design guidelines, parking strategies, a marketing program, and other viable development incentives.

The Specific Plan will also identify priorities for public transit and pedestrian enhancements as well as necessary transportation, parking and streetscape improvements to support and attract private investment. The Specific Plan will address a wide range of development, planning and economic issues to be utilized as both a policy and regulatory document. It should be policy oriented, similar to a general plan but will provide a more specific set of policies that give direction about the mix of land uses or goals for particular developments. It should also be a regulatory document which effectively becomes a set of zoning regulations that provide specific direction to the type and intensity of permitted uses or defines other types of design criteria (and thus adopted by ordinance).

The consultant will be required to:

- Review existing information

- Provide coordinated work products resulting in the development of a specific plan for the project area. As a charter city Oakland is exempt from certain Specific Plan requirements codified in sections 65450-65457 of the California Government Code. The consultant's proposal should provide recommendations, with supporting rationale, regarding statutory components of Specific Plans to alter or omit. The consultant's proposal must also address the required findings of consistency between the specific plan and the Subdivision Map Act.
- Determine the extent to which additional analysis will be required to address CEQA standards for a EIR and the appropriate type of CEQA process to be conducted – Programmatic EIR, Master EIR, other – and why, and how to avoid or streamline project level, CEQA review for catalyst development projects.
- Conduct the additional analysis, as appropriate

The EIR will be considered when approving the Specific Plan, and the associated implementation actions required to develop within the Broadway Retail Corridor.

AC Transit, and BART will be partnering with the City to prepare the Specific Plan and close coordination with other agencies including the Alameda County Congestion Management Agency (ACCMA), the Association of Bay Area Governments (ABAG), and the Metropolitan Transportation Commission will also occur.

II. Proposal Information

A Project Background

Oakland has long been the nation's largest underserved Trade Area for comparison goods. Comparison goods are defined as merchandise sold in apparel, department, specialty (such as jewelry shops and gift stores) and home furnishing stores for which consumers typically like to shop by comparing quality and prices. Unlike other mid-size cities that draw shoppers in from surrounding areas, Oakland stores do not even serve the demand from its own residents. Oakland currently exports 75% of its potential sales in this category or roughly \$1 billion in sales every year to the neighboring communities of Emeryville, San Leandro, San Francisco, and Walnut Creek. While the City has many fine merchants, it lacks many larger retailers and a critical mass of retail selection. This dearth of retail options discourages its residents from shopping locally.

In 2006, the Oakland City Council decided to make retail recruitment and development a high priority for the City. A consultant team led by Conley Consulting Group was hired to evaluate retail enhancement opportunities and create an action plan to implement specific retail revitalization activities in shopping areas across the City. The Citywide Retail Enhancement Strategy is scheduled for completion in summer 2008.

In December 2007, the Oakland City Council reviewed recommendations from the *Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy* as the first component of the larger citywide retail initiative undertaken by Conley.

The report begins with a presentation of trade area demographic, psychographic and sales tax data analysis. Key demographics for the area include:

- The annual spending power of downtown employment base is roughly \$283 million.
- The average household income of Upper Broadway trade area residents is about \$76,000. Per capita income is \$32,000 annually, 25% above the state average.
- Within a 20-minute drive of 27th and Broadway, the population is estimated at 1.64 million with an average household income of \$81,760.

The report identifies the Broadway Retail Corridor as a key area in Oakland for a comparison/life-style retail, office and housing mixed use development due to its significance as the City of Oakland's "Main Street," the existing level of transit service, its proximity to downtown, as well as its relationship to adjacent residential neighborhoods, the medical campuses of Kaiser and Summit/Alta Bates, and the successful existing Piedmont Avenue retail district. In particular, the goal for the Broadway Retail Corridor is to reestablish the destination retail that once existed in this area of Oakland, with Oakland's own unique variation of a retail heart for a community such as Union Square is to San Francisco, downtown Walnut Creek is to Contra Costa County or Paseo Colorado is to Pasadena.

As well, major changes in the Broadway Retail Corridor area are likely in the foreseeable future due to the potential for relocation of many auto dealers to a new auto mall proposed for the former Oakland Army Base, and expiration of several site leases in the area. *These changes, in combination with site location, provide a unique, unparalleled opportunity to create a retail environment that can reverse Oakland’s long standing leakage of retail sales, possibly the only opportunity in Oakland for a “lifestyle” shopping destination.*

The City Council gave its approval for the recommended vision for the area and supported the creation of a Specific Plan and a related environmental assessment to achieve implementation using Alternative I: Urban Mixed Use with Major Retail as a basis for developing the Specific Plan. Alternative I focuses on anchored, continuous comparison goods retail at ground level along major arterials of Broadway, 27th Street and Valdez Street, as the primary use in each “zone”, with residential development above the ground floor retail. A detailed description and mapping of possible development combinations for Alternative I can be found on Page 26 of the *Upper Broadway Strategy* report.

B Project Description

Setting

The Broadway Retail Corridor, defined as the portion of Broadway between West Grand Avenue and Highway 580 including the arterials of 27th and Valdez (approximately .8 miles in length), will undergo a significant land use transition over the next five years as the City of Oakland relocates the existing auto dealerships from Broadway to the Oakland Army Base. The Broadway Retail Corridor area is currently characterized by a large number of large, multi-acre, surface parking lots that are used as auto sales lots. These properties represent significant, transformative redevelopment opportunities for the Broadway corridor.

The Broadway Retail Corridor area contains approximately 24 acres of land including several larger parcels that might be assembled to provide for several significant development parcels. If the key opportunity sites on Broadway were developed as mixed-use comparison retail and housing, the total development the area could support includes approximately 1,700 housing units and 1 million square feet of retail space. The area is located within a ½ mile radius of the MacArthur and the 19th Street BART stations and benefits from major AC Transit trunk line bus service along Broadway. In addition the corridor is close in proximity to a proposed Bus Rapid Transit (BRT) line along Telegraph Avenue and sits perpendicular to the Interstate 580 Corridor providing visible, convenient freeway access.

Most of the 24 acres are currently in private ownership. The area is located within the Broadway/MacArthur/San Pablo and Central District Redevelopment Project Areas. Figure 1 gives regional context, Figure 2 provides a location map and Figure 3 illustrates the current parcelization and ownership pattern in the area (April 2008).

Project Objectives

The goal of this project will be to create a specific plan that provides for an urban mixed use, mixed-income development with major retail and high density housing development

opportunities. Infrastructure improvements for bicycle, pedestrian, transit, and parking that provide connections with transit, regional and local commercial and activity centers, and housing in surrounding neighborhoods will need to be integrated into the project. If there is more than one consultant team selected, the selected consultant(s) will be required to work closely with one another in coordinating production of documents and reports to determine the appropriate type of environmental assessment to support the Specific Plan document.

The Specific Plan would be the basis for promoting a mixed use development with major retail, implementing infrastructure improvements and instituting design guidelines along the Broadway Retail Corridor. The goals of the project are to provide a plan which supports development of anchored, continuous comparison goods retail at ground level along the major arterials of Broadway, 27th Street, and Valdez Street, as the primary use, with residential and/or office development above the ground level, creating approximately 1,076,200 square feet of retail space. Additional goals include improvement of the physical appearance of the street, creation of a safe, pedestrian oriented/urban business environment, and provisions for adequate vehicular access and parking.

The Specific Plan strategy should capitalize on the unique position of the corridor to downtown, Kaiser Permanente and Alta Bates medical facilities, its location along a primary AC transit bus corridor and the close proximity to two BART stations. The plan should be developed taking into consideration, and coordinating with, proposed development projects and planning efforts including the Forest City Uptown residential/retail project, the Fox Theatre/Oakland School for the Arts project, and the Broadway/Grand Avenue residential/retail project.

Policy Context

The existing housing policies of the City of Oakland are very supportive of increased housing supply at all income levels. Oakland's "10K plan" has successfully attracted enough development to attract 10,000 new residents to Downtown Oakland. A portion of the 10K target area, from West Grand to 27th Street, directly overlaps with the southern portion of the Upper Broadway planning area. In addition, the City funds an annual Notice of Funding Availability for the development of affordable housing citywide which typically provides funding for 300 to 400 new affordable housing units every year. The City is in the process of evaluating an inclusionary housing policy for all residential projects over 20 units.

On December 8, 2007, the Oakland City Council adopted an interim ordinance amending zoning regulations for three years or until the City Council adopts permanent regulations to A) Create the S-5 Broadway Retail Frontage Interim Combining Zone Regulations (S-5 Zone) and B) Amend the zoning maps to include the S-5 zone on and near Broadway from 23rd Street to Hawthorne Avenue. These new interim regulations give the City opportunity to develop a Specific Plan and Programmatic EIR designed to create a regional retail center along this stretch of Broadway. The S-5 overlay preserves the ground floor of buildings for storefront businesses and medical services. New automobile sales, auto repair and servicing and light industrial activities are severely limited. This represents a major change for an area that has been a center for these types of activities for many years. Given the City's deficit of retail sales, it is believed that this trade-off is critical to developing the area as a regional retail (City) center. Once the

Specific Plan is complete, the City anticipates adopting further amendments to the Zoning Code to comply with the recommendations of the Specific Plan.

C Consultant Qualifications

The selected consultant team must be able to demonstrate a proven track record in completing Specific Plans and complex environmental analyses. Most importantly, the consultant team must be facile in conducting primary research and facilitating authentic community participation. The consultant team must be willing and fully capable of working closely with relevant City departments through this effort. The consultant team must show strong project management skills, demonstrate the ability to meet project budget and deadlines, and be willing to build upon the body of work that has already been completed. Time is of the essence in this effort and the performance schedules provided by the consultant team will be considered carefully.

D City Participation

The City will provide policy guidance and provide written comments on the administrative drafts of the Specific Plan, administrative drafts of the Draft EIR and Final EIR, and other related project documentation, as appropriate. The consultant will be expected to develop materials for project meetings and workshops. The City will assist in outreach, translation/interpretation needs, and dissemination and distribution of such materials (e.g. announcements, newspaper ads, etc). The City will also be responsible for coordinating meeting logistics with other City staff, stakeholders (including other agencies) and the broader community.

E Required Format of Project Deliverables

All data must be formatted for the City's computer hardware and software. The format of all text and graphic documents must be compatible with MS Word, Excel or Adobe Creative Suite 2 (e.g. Illustrator, Photoshop, Acrobat), respectively. All digital maps shall be in an ArcGIS 9.2 compatible shapefile or geodatabase format and State Plane Coordinate System NAD83, unless otherwise directed by the City. For all documents, one camera-ready master copy as well as a copy (in native file format and PDF) on CD-ROM shall be provided to the City, in addition to any number of printed copies specified below.

F Ownership of Materials and Originals

Originals of all materials prepared under this contract become the property of the City of Oakland. The consultant shall provide the City with electronic versions of all text files and exhibits. The consultant shall also provide the City with a set of "camera-ready" originals for reproduction. All prepared materials and documents furnished to the consultant by the City shall be returned to the City before final payment will be made.

G Compensation

The budget for this project has not yet been determined. All consultants who respond to this RFP should propose a "Not to Exceed" maximum dollar amount which will be the maximum cost to complete the project scope including expenses and sub-consultant work, broken down by task.

H Timeline for Meetings and Submittal of Responses

A **pre-proposal meeting** will be held at **11:00 a.m. on Wednesday, August 6, 2008** on the third floor of 250 Frank Ogawa Plaza, Dimond Conference Room.

Proposals, completed forms, and separate non-binding estimate of cost are due no later than 2:00 p.m., Wednesday, August 27, 2008 addressed and delivered to:

Kerry Jo Ricketts-Ferris
City of Oakland Strategic Planning Division
250 Frank H. Ogawa Plaza, 3rd Floor, Suite 3315
Oakland, CA 94612

Proposals received late will not be accepted and will be returned unopened.

III. Scope of Services

The City is seeking a qualified consultant team(s) to draft a specific plan and an implementation strategy for private development and public improvements in the Broadway Retail Corridor. The role of the consultant will be to provide a specific plan document in coordination with an appropriate environmental assessment. The City's preferred recommendation, Alternative I: Urban Mixed Use with Major Retail from the *Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy* report should be used as a basis for developing the Specific Plan. The City does not wish to see a duplicate of efforts previously covered in the *Upper Broadway Strategy Report*. The Specific Plan should include selection and refinement of alternatives presented in the urban design guidelines section of the *Upper Broadway Strategy – A Component of the Oakland Retail Enhancement Strategy* report, additional presentation graphics to support new concepts, final report design and production, and cost estimating.

Based on analysis of existing documents and community input, a Specific Plan for the study area will be developed to include a comprehensive evaluation of the following topics:

- 1) Overall plan objectives for transit-oriented land use and development, transportation and circulation, and urban design within the study area.
- 2) Site organization including distribution, location and extent of land uses, including open space within the area covered by the plan.
- 3) Regulatory framework for achieving preferred land use model (e.g. zoning and parking amendments, redevelopment authority.)
- 4) Urban design goals expressed through form-based design standards and guidelines that integrate existing historical resources in the area.
- 5) Existing and future opportunities for transit-oriented high density housing along the Broadway transit corridor, 27th Street and Valdez Street.
- 6) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- 7) Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable.
- 8) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out tasks (2), (3), and (4).
- 9) Detailed cost estimates for recommended improvements and a phasing strategy for implementation of required public improvements if full funding is not immediately available.
- 10) Recommendations for building design guidelines in the study area to enhance development opportunities and maintain uniform building and signage appearance.
- 11) Consistency with zoning, general plan and area redevelopment plans

Proposing firms should be aware of the work product that is presented in Appendix B of the *Upper Broadway Strategy* for addressing land use/site organization, massing and density, articulation and streetscape for the Broadway Retail Corridor. Proposals should not include new design guidelines, but rather proposing firms should be prepared to evaluate each of the recommendations, select a preferred alternative and provide a greater level of detail for the Specific Plan document.

The EIR analysis shall evaluate the impacts for existing conditions and future conditions following the adoption of the ordinance, and as dictated by the Alameda County Congestion Management Authority (ACCMA) and Association of Bay Area Government (ABAG) projections (future conditions currently include the years 2015 and 2030).

Today several entities are involved in operations and maintenance of public improvements and utilities along Broadway and in surrounding neighborhoods. These include the City of Oakland Office of Parks and Recreation, the Public Works Agency, BART, AC Transit, EBMUD, and Caltrans. Using the Specific Plan as a basis for discussion, staff plans to make recommendations to the City Council for changes and improvements to the issue of management of public improvements associated with new developments in a way that might effectively address today's fragmented maintenance and operations including establishment of a Business Improvement District to support maintenance and security needs.

The documents referenced in Attachments E, F, and G, should be considered in formulating the proposal, as well as individuals who may be contacted. Pertinent documents are available in either a CD-ROM format at 250 Frank Ogawa Plaza, Suite 3315 or in order to minimize the use of paper, hard copies of the documents contained in it may be viewed on line at <http://www.oaklandnet.com/business.html#rfps>

Specific Deliverable Products

The proposals shall address the consultant team's approach to providing the following categories of services leading to the Broadway Retail Corridor Specific Plan and environmental assessment:

A. Background Research and Documentation

In the Proposal, the Consultant Team shall describe an approach for thoroughly researching all relevant historical documents, databases, reports, studies, plans (including all elements of the General Plan and associated EIR's), memoranda, City Council reports, environmental documents, maps, contracts, contacts for neighborhood civic/scientific/regulatory groups and agencies, zoning, traffic studies, etc., as needed to establish the basis for new studies (described below) and the formulation of recommendations as part of the Broadway Retail Corridor Specific Plan, the General Plan and area Redevelopment Plans.

The proposal shall describe a proposed method of compilation of the data in a form suitable for reference. Attachment F lists many primary reports.

B. Organization

Proposals shall describe the Consultant’s suggested organization and reporting relationships of the Consultant Team(s) to accomplish the work most effectively.

As presently envisioned, the Consultant Team will be guided by and make regular reports to a Technical Advisory Committee composed of project management staff of the City and a Community Advisory Committee made up of individual and organization stakeholders. The Consultant shall coordinate noticing with staff and be responsible for providing meeting agendas and meeting minute associated with all public meetings in accordance with the Sunshine Act and the Brown Act. A proposed schedule of reports and feedback meetings with the Technical Advisory Committee, the Community Advisory Committee and with the City of Oakland Planning Commission, is outlined under the Specific Plan heading.

C. Incorporating Work of Others

The Consultant shall integrate into the Broadway Retail Corridor Specific Plan some recommendations which have been developed previous to this RFP. A list of City staff that have knowledge of various aspects of Broadway Retail Corridor are shown in the Upper Broadway Strategy report (Attachment A).

D. Coordination with Other Studies and City Agencies

The Consultant shall coordinate development of the Specific Plan with relevant studies and initiatives developed by the City and others as these affect the Specific Plan and environmental document. Attachment B lists City of Oakland studies and initiatives pertinent to the Broadway Retail Corridor. Particular attention is to be paid to coordination of existing facilities, activities, plans, and studies in progress within the City’s Public Works Agency (PWA), Community and Economic Development Agency (CEDA), and the City of Oakland Parks and Recreation. .

E. Coordination with Other Agencies

A number of other public agencies and utilities operate and maintain public facilities and improvements in the in the Broadway corridor area including, but not limited to East Bay Municipal Utilities District, PG&E, AC Transit, and BART. The consultant will need to coordinate with these agencies during the Specific Plan process.

F. Community Participation and Outreach

The City expects the preparation of the Specific Plan and environmental document will include a comprehensive outreach effort that will be guided by a citizen advisory committee representing a broad cross-section of the community. The consultant team will play a key role in educating the public about the concept of transit-oriented

development and the possibilities offered by enhanced retail and mixed use development and improved bus service and BART in the plan area. Following the education phase, the consultant team will assist the community in reaching consensus on the optimum development intensity, land use mix, and urban form for the Broadway Retail Corridor area.

The planning process will include community workshops (including possibly a charrette) to develop vision and goals (2-3 workshops), review existing conditions and identify opportunities and constraints (1-2 workshops), a field trip, development of Land Use / Urban Design Alternatives (1-2 workshops), selection of a Preferred Alternative (1 workshop), a presentation of the draft plan/design guidelines (2 workshops) and City Council and Planning Commission sessions and hearings.(4-6 sessions/hearings).

The public outreach process should assure authentic participation by traditionally well-organized groups such as local business improvement associations, homeowners, community based organizations and developers, as well as traditionally underrepresented lower-income, renter and non-English speaking communities. It is also important that affected property owners and potential developers will be involved in the process. As the Specific Plan is developed, public information will be distributed (via meetings, mailings and website postings) to inform the public about the status of the planning effort and to solicit public comments.

For purposes of budgeting, the consulting team shall submit a strategy outlining the outreach and public participation using the methods outlined as a basis for the strategy. The strategy assumes development of a project website, development of multilingual outreach and meeting materials (as noted in Section II.D. of this RFP, the City will provide translation and interpretation services; the consultant is responsible for creating documents/material content for English versions and graphic layout).

G. Meetings and Hearings

The consultant(s) will be available throughout the Specific Plan and EIR preparation period to meet with City staff and the project team to gather information,, review progress, arrive at a reasonable range of alternatives, review preliminary findings, discuss staff comments, as well as attend relevant community meetings, and official public hearings during the Specific Plan adoption and EIR certification process. The consultant(s) will work with City staff prior to each meeting to prepare an agenda and ensure that the appropriate individuals are requested to attend.

For purposes of project budgeting the consultant should include the following range of meetings, and hearings (in addition to the public workshops and charette(s) listed in Section 7 above) during the duration of the project:

- 36-48 project meetings with City staff
- 2-4 meetings with the Landmark Preservation Advisory Board (LPAB) and the Parks and Recreation Advisory Council (PRAC) to discuss environmental reports

and Specific Plan proposals that related to planned open space and historic preservation

- 12-15 public meetings/hearings with the Planning Commission and City Council to prepare and adopt/certify the Specific Plan and its EIR.

H. Schedule

It is anticipated that development and adoption of the Specific Plan, including the supporting implementation and financing program, environmental document, and General Plan and Zoning Code amendments, will take between 18 to 24 months to complete with project initiation in December 2008. The timing of the Specific Plan and the EIR must be overlapping so that the preparation of both documents will be parallel and iterative; information collection and analysis can be used for both documents. Development of the mitigation measures shall be an iterative process concurrent with the development of the Specific Plan such that the mitigation measures can be converted, where appropriate, to Specific Plan goals, policies, and implementation measures.

Specific Plan Preparation

The Consultant Team shall describe its approach to developing a Specific Plan. The scope will be further refined based on direction from the City Council, the Citizen Advisory Committee (CAC) and partner agencies. The consultant team is encouraged to provide recommendations about the process in their proposal. It is anticipated that the planning process will involve regular staff coordination meetings, at least eight meetings with the CAC, two to four community workshops, and work sessions and public hearings before the Planning Commission and City Council.

Task 1: Inventory of Existing Conditions

The consultant team with the cooperation of City staff will define the precise study area for the Specific Plan, and in coordination with the development of the environmental assessment and using the *Upper Broadway Strategy* as a basis, will inventory the existing and proposed interim land uses, urban form, parking supply, traffic conditions, transit service and patronage, access issues, infrastructure conditions, and public facilities. The task will include an assessment of current City policies and other governmental and physical factors that will influence the feasibility of retail and transit oriented development in the area opportunity sites for future development will be confirmed, and the consultant will gather pertinent data about these properties. Possible sites have been identified in *Upper Broadway Strategy Report*, Figure 3 Alternative I consisting of primarily privately owned and leased properties. Discussion of the options being studied by AC Transit and BART for transit access improvements will be summarized. The status of proposed and planned projects in downtown, uptown and along the Broadway Retail Corridor will also be reviewed. The inventory will be documented through an Existing Conditions Report with supporting maps and other data as needed. The draft Existing Conditions Report will be presented to the CAC and the TAC for review and comment.

Deliverables:

- ***TAC Meeting #1 (kick-off meeting) – Agenda Materials and Minutes***
- ***CAC Meeting #1 (kick-off meeting) – Agenda Materials and Minutes***
- ***Existing Conditions Report – The report may be amended up to three times based on comments received from City staff in a redline/strikeout format showing additions and deletions.***
- ***TAC Meeting #2 – Agenda Materials and Minutes***
- ***CAC Meeting #2 – Agenda Materials and Minutes***
- ***Community Workshop – Packet and Meeting Summary***

Task 2: Market Demand Analysis

Using the ***Upper Broadway Strategy Report*** as a basis, the economic sub-consultant will prepare a report confirming the market demand analysis for retail focused transit oriented development in the study area with consideration of the benefits and constraints of AC Transit and BART as transportation options. The report will examine each forms of potential development including ownership and rental housing, office, retail and mixed use development. The report will consider the financial feasibility of each development type based on current and projected land and development costs, potential lease rates and sale prices, current City development standards and fees, and other pertinent factors. Housing and mixed-use developers will be interviewed (possibly through a Developer's Symposium) to determine the market, financial, regulatory and other factors that would affect their decision to build a transit oriented retail based project within the study area.

A field trip will be scheduled to visit projects along transit corridors and/or the downtown/uptown area to show elected officials and CAC members successful examples of transit oriented mixed use retail developments. Alternatively, the consultant team with the assistance of invited developers will provide a presentation about such projects. The Existing conditions Report and the Market Demand Analysis will be presented at a CAC meeting and optional community workshop for education and feedback.

Deliverables:

- ***Market Demand Analysis – The analysis may be amended up to three times based on any comments received from City staff in redline/strikeout format showing additions and deletions.***
- ***Field Trip Packet***
- ***TAC and CAC Meeting #3 – Agenda Materials and Minutes***
- ***Community Workshop – Packet and Meeting Summary)***

Task 3: Land Use/Urban Design Alternatives Analysis

Based on the Existing Conditions Report and the Market Demand Analysis, the consultant team and City staff will work with the City Council, TAC, CAC, and community to develop a minimum of two land use/urban design alternatives for the Specific Plan area with a focus on the alternative presented in Figure 3, Alternative I of the *Upper Broadway Strategy Report* as one of the two alternatives. For the purpose of policy discussion and environmental assessment, the alternatives will contrast different land use compositions and intensities. A detailed breakdown of the development potential under each land use alternative will be prepared. The economic consultant will also prepare preliminary market demand analyses to test the feasibility of specific development options on key opportunity sites. An analysis of potential sources of additional jobs and the workforce characteristics needed for any future potential jobs shall be included. Staff and consultant will solicit input from interested developers to test the market and financial feasibility of the land use alternatives.

Deliverables:

- ***Land Use Alternatives Analysis*** – *The alternatives analysis may be amended up to three times to reflect any comments received from City staff in redline/strikeout format showing additions and deletions.*
- ***TAC and CAC Meeting #4 – Agenda Materials and minutes***
- ***Community Workshop(s) – Packet and Meeting Summary***

Task 4: Access, Circulation and Parking Demand Analysis

The Transportation consultant will assess the cumulative parking demand that will be required to support the land use alternatives with consideration of the City's existing parking standards and anticipated reduced demand associated with transit-oriented development. The objective of the parking analysis will be to identify methods to reduce overall parking requirement by capitalizing on advantages offered by AC Transit, BART and mixed-use development. Opportunities for shared parking and structured parking to support transit users and Broadway corridor land uses will be explored. Strategies and incentives for increasing transit use will also be discussed such as improved access to stations, car share, transit passes, and improved pedestrian and bicycle facilities within transit corridors. Formation of a Parking Benefit District should also be explored. The necessity and feasibility of a permit program or other measure to regulate on-street parking will also be discussed. Make recommendations for improvements to public transit stations and routes to provide cohesive, inviting connections to and around public transportation destinations.

The Transportation consultant will assess the cumulative traffic impacts of the land use alternatives. The traffic demand analysis will identify required traffic mitigation measures to support the land use alternatives both within and outside of the plan area. Methods to reduce traffic congestion and increase transit use will be emphasized. The circulation study will incorporate planned improvements and will explore additional pedestrian and street enhancements with the plan area to support the opportunities for transit oriented

development. Design standards for sidewalks, crosswalks, and pedestrian and bicycle facilities will be developed to facilitate station access and non-vehicular circulation in general. The traffic demand analysis and circulation study will be conducted to satisfy CEQA requirements.

Deliverables:

- ***Access Plan and Design Standards****
- ***Traffic Demand Analysis ****
- ***Parking Demand Analysis****
- ***Deliverable: CAC Meetings #5 and #6 – Agenda Materials and Minutes***

** The Access Plan and Design Standards, Traffic Demand Analysis and Parking Demand Analysis documents may be amended up to three times to reflect any comments received from City staff in redline/strikeout format showing additions and deletions.*

Task 5: Design Standards and Station Access Improvements

This task will involve close coordination with the transit agencies, particularly AC Transit and BART, and will incorporate the design standards and guidelines developed in the Upper Broadway Retail strategy report and those developed by the transit agencies and the Alameda County Congestion Management Agency. The number of potential transit riders will be estimated for each land use alternatives with an analysis of the different access modes to the 19th Street BART Station and AC stops along Broadway. Inter-modal potential with the nearby BART stations (19th Street and MacArthur) and a possible bus shuttle should be explored. Design standards to connect the BRT on Telegraph Avenue to Broadway and the downtown area should be developed. Compliance with the Americans with Disabilities Act (ADA), bus stops and shelters, bicycle parking, informational and directional signage, lighting, security issues, and other needs identified by AC Transit and BART should be addressed.

Deliverables:

- ***Design Standards ****
- ***Station Access Improvement Plan****
- ***TAC and CAC Meeting #7 – Agenda material and Minutes***
- ***Community Workshop – (Packet and Meeting Summary)***

** The Design Standards and Station Access Improvement Plan documents may be amended up to three times to reflect any comments received from City staff in redline/strikeout format showing additions and deletions.*

Task 6: Specific Plan Preparation and Review

The Consultant shall prepare a Specific Plan that integrates the preceding tasks 1-5 and includes, at a minimum, the following components:

Executive Summary

The Executive Summary will provide an overview of the Specific Plan planning process and priority recommendations.

Planning Context

The planning context chapter of the Specific Plan will provide information (from Task 1. above) about the area’s existing conditions and discuss opportunities and constraints.

Vision, Goals and Objectives

This chapter will present the common values and goals generated through the extensive community involvement effort. The vision, goals and objectives established will help guide the study area’s successful transformation to a vital waterfront district over time.

Land Use Element

The land use element shall include consultant developed recommendations and implementation measures to address the land use/site organization, building massing, articulation and intensity/density for the Broadway Retail Corridor area. Land use diagrams, maps other figures, computer simulations for key development sites, and a three dimensional model (optional) will be included, as necessary, to illustrate the proposed land use plan. It should also contain recommendations for building and public form based design guidelines in the study area to enhance development opportunities and maintain uniform appearances in the public realm and for building and signage appearance.

Infrastructure Element

Access, Circulation and Parking Plan. The plan should include, but is not limited to the following tasks:

- Evaluation of roadway capacities and configurations and recommendations for roadway improvements inside and outside the Specific Plan study area that will result in safe, efficient and attractive travel routes to support the proposed land uses.
- Recommendations regarding improved regional connections and freeway access to the area.
- Recommendations for improvements to public transit stations and routes to provide cohesive, inviting connections to and around public transportation destinations.
- Recommendations for local circulation connections between Oakland neighborhoods and the Broadway retail corridor.
- Recommendations for improving pedestrian and bicycle circulation

- Analysis of present and additional future parking requirements and methods for financing recommendations.
- Presentation of feasibility and cost of providing for future parking requirements through utilization of any presently underutilized parking, and through provision of new parking facilities.

Streetscape. The plan should establish the standards and location for landscaped medians, sidewalks, street furniture, and gateway enhancements. This plan should be integrated with the roadway network and pedestrian/bicycle network plans described above.

Utilities and Public Services/Facilities. The plan should provide an analysis for existing and proposed infrastructure and facilities to serve the Plan area consistent with provisions of the General Plan. Tasks shall include:

- Evaluation of and recommendations for storm drainage and grading in the Plan area. Provide recommendations for best management practices (BMP's) to be implemented on a project-by-project basis.
- Evaluate water service capacity and needs. Coordinate review and approvals with EBMUD.
- Evaluate wastewater disposal needs and coordinate collection and treatment requirements with EBMUD.
- Evaluate gas and electrical capacity and distribution patterns. Provide provisions for undergrounding of new services.
- Evaluate telecommunication needs.
- Evaluate need for fire protection services and provide recommendations to accommodate adequate response time and levels of service to the Plan area in coordination with the Oakland Fire Department.
- Evaluate public transit improvements that would result with the increased density proposed for the Plan area.
- Provide a plan for solid waste pick up and recycling.

Community Facilities.

The plan should define the size and location of community facilities within the Specific Plan study area, including parks, community center, open space, etc., and it should:

- Identify the location and sizing of desired community facilities within the Specific Plan study area based upon planned land uses;
- Delineate the amount of land needed for desired community facilities;
- Provide analysis and estimate the costs to construct and maintain community facilities within the Specific Plan study area.

Implementation, Financing and Phasing

The consultant shall provide a description of its approach to developing financing measures and regulations and ordinances which will implement the Specific Plan including:

- Construction costs for implementing all public improvement recommendations of the Specific Plan in year 2010 dollars.
- Financing plan and funding strategies for public improvements.
- Prioritization recommendations.
- Implementation and phasing recommendations, including identification of parties responsible for completing capital improvements.
- Projected consulting costs for development of construction documents for specific public improvement projects.
- Recommended maintenance standards for all public improvements.
- Recommend financing and development incentives strategies.

Relationship of Specific Plan’s CEQA Review to Subsequent Projects

The plan should include a discussion of projects that will be exempt from additional CEQA review based on Specific Plan EIR, and projects that will require additional environmental review.

Specific Plan Administration and Enforcement

The plan should include a discussion of Specific Plan cost recovery fees authorized by CA Govt. Code Section 65456; Specific Plan Amendment procedures and, as necessary, process to incorporate Specific Plan regulations and standards from the Specific Plan into the development review process, as well as a list and description of other City departments and other agencies with responsibilities for implementation and enforcement of the Specific Plan.

Appendices

The plan should contain appendices, as necessary, including the following at a minimum:

- Precise description and map of the Specific Plan Study Area and boundary
- Key Specific Plan background data and information
- Glossary of terms (as necessary).

Review of Specific Plan

An Administrative Draft of the Specific Plan will be distributed to staff for review and comment (document may be amended up to three times). The approved staff version of the Administrative Draft will then be submitted to the Technical and Community Advisory Team(s) for review and comment (the document may be amended up to three times). Responses to comments will be prepared and integrated into an approved advisory version of the Plan for submittal to the PRAC, LPAB, and CPC for review and public comment

(document may be amended up to three times). A final version of the Specific Plan will be circulated for approval to the City Planning Commission, the Community and Economic Development Committee (CED) of the City Council and the Oakland City Council.

Deliverables:

- ***Preliminary(Administrative) and Final Draft Specific Plan Documents*** – Both the Draft and Final Draft Specific Plan Documents may be amended to coordinate with review of the Specific Plan in redline/strikeout format showing additions and deletions.
- ***TAC and CAC Meeting #8 – Agenda Materials and Minutes (Review and comment on Specific Plan)***
- ***Community Workshop – Packet and Meeting summary***
- ***TAC and CAC Meeting #9 – Agenda Material and Minutes (Formal recommendation on Specific Plan)***

Task 7. Zoning and General Plan Amendments (as necessary)

The consultant shall prepare documentation, including environmental review (as discussed below) and staff reports required to process any zoning and/or General Plan amendments proposed by the Specific Plan. The Specific Plan should be both a policy and regulatory document. It should be policy oriented, similar to a general plan but provide a more specific set of policies that give direction about a mix of land uses or goals for particular developments. It should also be a regulatory document which effectively becomes a set of zoning regulations that provide specific direction to the type and intensity of permitted uses or defines other types of design criteria (and thus adopted by ordinance).

Deliverables:

- ***Planning Commission and City Council staff reports for zoning and General Plan amendments, if necessary.*** The staff reports will be amended up to three times based on any comments received from City staff in redline/strikeout format showing additions and deletions.

Environmental Document Preparation

The consultant shall demonstrate to the City that they, or members of the consultant team, possess expertise in CEQA, and that they have a working knowledge of planning regulations and the application of the planning process at the local level. The EIR shall reflect a complete understanding of the City’s development entitlement process. The EIR shall be written to allow the City to easily implement the Specific Plan and to enable the City to subsequently avoid/streamline project-level CEQA reviews that are consistent with the Specific Plan. Tasks related to preparation of the EIR are presented below.

Firms must address their approach with recognition that almost ten years have elapsed since the original CEQA review for the Land Use and Transportation Element of the General Plan was conducted. Firms must consider and **recommend the appropriate type of CEQA review** to be conducted – Programmatic EIR, Master EIR, other – and why, **and how to avoid or streamline project-level CEQA review** for catalyst development projects.

Task 8: Preliminary Evaluation and EIR Initiation

1. Initial Study (See Attachment A)

Consultant shall discuss with City staff and evaluate whether to prepare and Initial Study. If the City determines necessary, the consultant shall prepare an Initial Study that may focus the scope of the EIR on topics that may result in significant effects (or that are otherwise of public interest warranting discussion in the EIR). Where possible, the analysis in the Initial Study would present evidence to demonstrate clearly and credibly which topics analyzed therein would not result in a significant effect and warrant analysis in the EIR. The Initial Study shall be amended up to three times based on any comments received from City staff in redline/strikeout format showing additions and deletions.

2. Notice of Preparation

Consultant shall prepare a Notice of Preparation , as required by CEQA Guidelines Section 15082 for review by City and amend based on any comments received from City staff in redline/strikeout format showing additions and deletions. The City will develop the public distribution list for the NOP and distribute the NOP (and Initial Study, as appropriate) to interested parties. Consultant will distribute document(s) to the State Clearinghouse and County Assessor for required postings as a part of this subtask.

3. Scoping Session Report to Planning Commission

Consultant shall prepare scoping session staff report to Planning Commission for review by City and amend based on any comments received from City staff in redline/strikeout format showing additions and deletions.

4. Base Map Preparation

The study area is limited to the Broadway Retail Corridor (See Attachment F). The base map will be used to illustrate the proposed project and project alternatives, including the relationship to surrounding. The base map will be available for consultant and City staff use during meetings and presentations.

5. Significance Criteria

Based on input from City staff, the consultant will review the City of Oakland's significance criteria and prepare a draft set of significance criteria for this EIR (copy of CEQA Thresholds/Criteria of Significance Guidelines are included as **Attachment B**).

The consultant will submit the draft to City staff for review and acceptance prior to undertaking any impact analysis. If any changes to the significance criteria are requested, the consultant will submit changes to the City in redline/strikeout format and explain reasons for any changes.

Deliverables:

- ***Initial Study***
- ***Notice of Preparation***
- ***Scoping Sessions Staff Report***
- ***Study Area Base Map***
- ***Memorandum on EIR Significance Criteria***

Task 9: Setting, Impacts and Mitigation Measures

Setting, impacts, and mitigation measures documentation for each of the anticipated issue areas defined in Attachment B or not scoped out in the Initial Study process will be incorporated into the EIR. As required by CEQA, the setting will describe the environment in the study area “as it exists before the commencement of the project,” that is, generally, when the City issues the NOP. The setting should be presented from site specific, neighborhood, local, sub regional, and/or federal perspectives, as appropriate to each environmental topic. The analysis will describe the current impacts, evaluate potential impacts, and include practical mitigation measures to mitigate significant impacts, as appropriate. The consultant should identify other topics not identified in Oakland CEQA Thresholds/Criteria of Significance Guidelines (Attachment B).

On a preliminary basis, City staff has identified the following issue area; the consultant team should identify other areas if they believe it is appropriate, and include these in its proposal (and explain why).

Cultural and Historic Resources

The consultant shall provide a historic resources inventory and/or assessment report for the entire study area and evaluate consistency of the proposed project with policies identified in the Historic Preservation Element of the General Plan. As appropriate, consultant shall complete a State Department of Park and Recreation (DPR) Form 523, identifying character defining and contributing elements of any potential historic resources and providing analysis of their integrity.

Task 10: Cumulative and Growth Inducing Impacts

Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. The analysis of cumulative effects will address the potential impacts associated with the Specific Plan in conjunction with all past, present, existing, approved, pending and reasonably foreseeable future projects for years 2015 and 2030 using the CMA model. The consultant will work with City staff to determine what other projects should be included in the cumulative analysis. Mitigation

measures, if feasible, will be developed to mitigate the projects contribution to significant cumulative effects.

The potential growth-inducing impacts of the project will also be evaluated. CEQA considers a project to be growth-inducing if it would foster economic or population growth.

Task 11: Alternatives

The alternatives chapter of the EIR for the proposed project will begin by describing the CEQA requirements for evaluation of alternatives. The consultant will evaluate four alternatives for the project, as follows:

- The CEQA-required “No Project Alternative”
- Consultant generated Specific Plan Land Use/Urban Design Alternatives
- A Reduced Scope Alternative
- A Mitigated Project Alternative

The consultant will describe each alternative and provide an analysis of the potential impacts related to each environmental topic addressed in this EIR, and include a matrix comparing the alternatives to one another as well as an evaluation against the City’s Thresholds of Significance. According to the *CEQA Guidelines*, alternatives can be evaluated in less detail than the proposed project. The discussion provided will be of sufficient detail to evaluate the benefits and drawbacks of each alternative and provide qualitative conclusions regarding the alternatives. Also identify environmentally superior alternatives.

Deliverables:

- ***Memorandum describing proposed alternatives for analysis in the EIR. The memo may be amended up to three times based on any comments received from City staff in redline/strikeout format showing additions and deletions.***

Task 12: CEQA-required Assessment Conclusions

The consultant will prepare the appropriate conclusions to fulfill CEQA requirements by providing assessment of several mandatory impact categories including:

- Unavoidable significant environmental impacts
- Significant irreversible environmental changes which would be caused by the Specific Plan
- Relationship between short-term and long-term uses of the environment

Task 13: Draft Environmental Impact Report

1. First Administrative Draft EIR

The information developed in Tasks 1 through 12 will be refined and organized into an Administrative Draft EIR. The EIR is expected to include the following components:

- Table of Contents
- Introduction
- Executive Summary and Impact and Mitigation and Standard conditions of approval Summary Table
- Project Description
- Environmental Setting, Impact Analysis, Standard Conditions of Approval and Mitigation Measures
- CEQA-Required Assessment Conclusions
- List of Persons and Organizations Contacted
- Bibliography
- Technical Appendices (as needed)

Ten (10) hard copies of the Administrative Draft EIR #1 will be submitted to the City, along with PDF and MS Word versions. Following receipt of comments, the consultant will consolidate the reviewers' comments and identify conflicting comments and others that may warrant discussions with the EIR reviewing team. The consultant will then meet with City staff to discuss comments on the Administrative Draft #1.

2. Second Administrative Draft EIR

The consultant will amend the first Administrative Draft EIR based on the comments received from City staff in redline/strikeout format showing additions and deletions.

Ten (10) hard copies of Administrative Draft EIR #2 will be provided to the City, along with PDF and MS Word versions, to allow the reviewers an opportunity to review the revisions made to the document. Following receipt of comments, the consultant will consolidate the reviewers' comments and identify conflicting comments and others that may warrant discussions with the EIR reviewing team. The consultant will then meet with City staff to discuss comments on the Administrative Draft #2.

3. Third Administrative Draft EIR (if necessary)

The consultant will amend the second Administrative Draft EIR based on the comments received from City staff in redline/strikeout format showing additions and deletions.

Ten (10) hard copies of Administrative Draft EIR #3 will be provided to the City, along with PDF and MS Word versions, to allow the reviewers an opportunity to review the revisions made to the document. Following receipt of comments, the consultant will consolidate the reviewers' comments and identify conflicting comments and others that may warrant discussions with the EIR reviewing team. The consultant will then meet with City staff to discuss comments on the Administrative Draft #3.

4. Screencheck Draft EIR

The consultant will amend Administrative Draft EIR #2 or #3 based on any additional comments received from City staff in redline/strikeout format showing additions and deletions.

Three (3) copies of the Screencheck Draft EIR will be provided to City staff, along with PDF and MS Word versions, to verify that all requested changes have been made and all appendix materials, references, and final graphics are acceptable.

5. Public Review Draft EIR

One hundred (100) copies and 25 CD-ROM's of the Draft EIR will be produced for public distribution and submittal to the City. The consultant will prepare a combined Notice of Availability/Release and a Notice of Completion, in accordance with the *CEQA Guidelines*, and coordinate with the City to distribute the Draft EIR pursuant to CEQA and City review procedures. Consultant will send the appropriate number of copies to the State Clearinghouse for its use. Two CD-ROM's will be delivered to the City containing all digital files of the Draft EIR in MS Word and PDF format. Consultant will draft the staff reports attend the Draft EIR public hearing as well as attending any necessary advisory board meetings such as the Parks and Recreation Advisory Board and produce a written transcript of the comments for use in subsequent tasks and for inclusion as a part of the Final EIR comments section.

Task 14: Final EIR

The consultant will prepare responses to comments as part of the Final EIR on the project following the public review period.

1. Administrative Draft Final EIR #1

The consultant will formulate responses to comments on the Draft EIR, including written comments received from the public and agencies and prepare a Final EIR. Included in the Administrative Draft Final EIR will be the: (1) a list of persons, organizations, and public agencies commenting on the Draft EIR; (2) copies of all written comments, and the responses thereto; and (3) summary of verbal comments on the Draft EIR received at public hearings and responses thereto; and (4) necessary revisions to the Draft EIR. The consultant should be prepared to manage responses to comments with substantial amounts of topic-specific detail. The consultant will discuss the best approach to the responses with City staff at a meeting following the close of the comment period, which may include the use of master responses.

Ten (10) copies of the Administrative Draft Final EIR will be submitted to the City, along with PDF and MS Word versions, for review and comment. At the end of the review period, the consultant will meet to discuss comments on the Administrative Draft.

2. Administrative Draft Final EIR #2

After review by City staff, the consultant will consolidate the comments received and identify conflicts and other comments that may warrant discussion with the EIR reviewing team. The consultant should be prepared to manage responses to comments with substantial

amounts of topic-specific detail. The consultant will meet with City staff to discuss comments. The consultant will amend the Administrative Draft Final EIR #1 and prepare the Administrative Draft Final EIR #2 for review by City staff, showing additions and deletions in redline/strikeout format. Ten (10) copies of this version will be provided to City staff, along with PDF and MS Word versions.

3. Administrative Draft Final EIR #3 (if necessary)

After review by City staff, the consultant will consolidate the comments received and identify conflicts and other comments that may warrant discussion with the EIR reviewing team. The consultant should be prepared to manage responses to comments with substantial amounts of topic-specific detail. The consultant will meet with City staff to discuss comments. The consultant will amend the Administrative Draft Final EIR #2 and prepare the Administrative Draft Final EIR #3 for review by City staff, showing additions and deletions in redline/strikeout format. Ten (10) copies of this version will be provided to City staff, along with PDF and MS Word versions.

4. Screencheck Final EIR

After the City has reviewed the second Administrative Draft Final EIR #2 or #3, the consultant will prepare a Screencheck Response to Comments Document. The consultant will amend the Administrative Draft Final EIR and prepare a Screencheck version for final review by the City staff, showing additions and deletions in redline/strikeout format. Three (3) copies of this version will be provided to City staff, along with a PDF version.

5. Public Review Final EIR

The consultant will prepare and provide the City with fifty (50) bound copies **and 25 CD-ROM's** of the Final EIR for public distribution and review. The consultant will send an appropriate number of copies of the FEIR to the State Clearinghouse for its use. The document will include any necessary revisions to the Draft EIR and copies of comments on the Draft EIR received during the public comment period along with responses following each letter or transcript. Two (2) camera-ready copies and two (2) MS Word and PDF format copies will be submitted to the City.

Task 15: Standard Conditions of Approval and Mitigation Monitoring and Reporting Program

The consultant will prepare Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (MMRP) for this project and will identify responsibility for implementing and monitoring each standard condition of approval mitigation measure, along with monitoring triggers and reporting frequency, subject to approval by City staff. The consultant will also work closely with City staff to ensure that the program is prepared in a format that will be easy for staff to implement and is tailored to the City's approval procedures. A checklist will be prepared listing these items and providing a column for verification of compliance. Monitoring will be dovetailed with existing processes of project design, development, and review.

The SCA/MMRP will be submitted to City staff for review with the Administrative Draft Final EIR #1, and revised showing additions and deletions in redline/strikeout format based upon City comments.

Task 16: Meetings

In addition to the general and specific products and deliverables associated with the preparation of the environmental document, the following range of meetings are expected to be incorporated into the project schedule should separate consultants be selected to prepare the Specific Plan and environmental document:

- In coordination with the consultant team selected to provide a Specific Plan for the Broadway Retail Corridor, assist staff with public scoping meeting and evaluation of responses to Notices of Preparation Consultant should budget up to four meetings for these purposes.
- Assist staff with scoping draft EIR and public hearings. Consultant should budget up to eight meetings for these purposes
- Meetings with staff during DEIR and FEIR preparation and the review of the administrative DEIR and FEIR (budget and schedule meetings at least two times/month during the preparation period), which is expected to last eighteen months (36). Consultant will also need to budget six meetings to discuss the Draft and Final EIR

IV. RFP Submittal Process

General Information

1. **A pre-proposal conference is scheduled for 11 a.m. on Wednesday, August 6, 2008 at 250 Frank H. Ogawa Plaza, 3rd Floor, Dimond Conference Room, Oakland, California.** For firms planning to submit a proposal, but which are unable to attend the pre-proposal conference, it is recommended that those teams contact Contract Compliance and Employment Services at (510) 238-3970 to review the City’s LBE/SLBE program. The pre-proposal conference will cover the following items:
 - a. Project information
 - b. The City’s Local Business Enterprise (LBE) and Small Local Business Enterprise (SLBE) program
 - c. The City’s Living Wage Ordinance
 - d. The City’s Equal Benefits Ordinance
 - e. Proposal submittal requirements
 - f. Questions by attendees
2. The teams selected for this program shall obtain or provide proof of having a current City of Oakland Business Tax Registration.
3. “Attachment I”, The City’s Local and Small Local Business Enterprise Program. The Local and Small Local Business Enterprise Program describes the objectives, goals and policies of the city regarding the participation of certified Local Business Enterprise / Small Local Business Enterprise (LBE/SLBE) in the City’s contracts. There is a twenty percent (20%) minimum participation requirement for all professional services contracts valued at fifty thousand dollars (\$50,000) or more. Compliance may be achieved at a rate of ten percent (10%) local and 10% small local certified business participation. The requirement may be satisfied by a certified prime and/or sub-consultant(s) or a small local certified business may meet the twenty percent requirement. The City of Oakland’s Office of Contract Compliance and Employment Services must certify a business in order to earn credit toward meeting the twenty percent requirement. A good faith effort is not required in light of the twenty percent local business participation requirement.

The consultant should not take the requirement lightly, since it will weigh in evaluating proposals and in the final consultant selection process. For definition of Certified LBE/SLBE, see Local and Small Local Business Enterprise Program, Attachment page 18.

Teams located outside the City of Oakland are encouraged to either establish a joint venture or other consulting and sub-consulting arrangements with Oakland-based firms. Joint ventures will be required to conform to the pertinent laws, which govern the creation of such business arrangements. If a consultant is able to develop a Joint Venture or “Mentor-Protégé” relationship with a certified LBE or SLBE, the mentor or Joint Venture partners will enjoy

the benefit of credits against the participation requirement. In order to earn credit for Joint Venture or Mentor-Protégé relationships, the agreement must be submitted for approval to Contract Compliance and Employment Services prior to the project bid date for construction, and by proposal due date for professional services contracts. Joint Venture Applications and elements of City approved Mentor Protégé relation are available upon request.

For tracking purposes, the consultant team is asked to show the percentage and dollar amount of MBE/WBE participation on all sub-consultant listings. Consultant teams are asked to provide data regarding the racial, ethnic, and gender make up of listed sub-consultants and be prepared to provide documentation that demonstrates the methodology used to select all sub-consultants.

Furthermore, the City Administrator's Office will track the City's MBE/WBE utilization to ensure the absence of unlawful discrimination on the basis of race, ethnicity or gender, and will make periodic reports to the City Council concerning such utilization. The City will report any discrimination in City contracts to the appropriate Federal and State agencies, and will take action against consultants that are found to be engaging in discriminatory acts or practices up to and including termination or debarment.

4. Living Wage Ordinance

This contract will be subject to the Oakland Living Wage Ordinance. The Living Wage Ordinance requires that nothing less than a prescribed minimum level of compensation (a living wage) be paid to employees of service consultants of the City (Ord. 12050 § 1, 1998). The Ordinance also requires submission of the Declaration of Compliance attached to this RFP as **Schedule N**, and, unless specific exemptions apply or a waiver is granted, the consultant must provide the following to its employees who perform services under or related to this contract:

- a. Minimum compensation – Said employees shall be paid an initial hourly wage rate of \$10.39 with health benefits or \$11.95 without health benefits. These initial rates shall be upwardly adjusted each year no later than April 1 in proportion to the increase at the immediately preceding December 31 over the year earlier level of the Bay Region Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor.
- b. Health benefits – Said full-time and part-time employees paid at the lower living wage rate shall be provided health benefits of at least \$1.25 per hour. Consultant shall provide proof that health benefits are in effect for those employees no later than 30 days after execution of the contract.
- c. Compensated days off – Said employees shall be entitled to twelve compensated days off per year for sick leave, vacation or personal necessity at the employee's request, and ten uncompensated days off per year for sick leave. Employees shall accrue one compensated day off per month of full time employment. Part-time employees shall accrue compensated days off in increments proportional to that accrued by full-time employees. The employees shall be eligible to use accrued days off after the first six months of

employment or consistent with company policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off. Ten uncompensated days off shall be made available, as needed, for personal or immediate family illness after the employee has exhausted his or her accrued compensated days off for that year.

- d. Federal Earned Income Credit (EIC) – Consultant shall inform said employees who earn less than \$12.00 per hour that he or she may be eligible for EIC and shall provide forms to apply for advance EIC payments to eligible employees.
 - e. Consultant shall provide to all employees and to the Office of Contract Compliance, written notice of its obligation to eligible employees under the City’s Living Wage requirements. Said notice shall be posted prominently in communal areas of the work site(s) and shall include the above-referenced information.
 - f. Consultant shall provide all written notices and forms required above in English, Spanish or other languages spoken by a significant number of employees within 30 days of employment under this contract.
 - g. Reporting – Consultant shall maintain a listing of the name, address, hire date, occupation classification, rate of pay and benefits for each of its employees. Consultant shall provide a copy of said list to the Office of Contract Compliance, on a quarterly basis, by March 31, June 30, September 30 and December 31 for the applicable compliance period. Failure to provide said list within five days of the due date will result in liquidated damages of five hundred dollars (\$500.00) for each day that the list remains outstanding. Consultant shall maintain employee payroll and related records for a period of four (4) years after expiration of the compliance period.
 - h. Consultant shall require sub-consultants that provide services under or related to this contract to comply with the above Living Wage provisions. Consultant shall include the above-referenced sections in its subcontracts. Copies of said subcontracts shall be submitted to the Office of the City Administrator, Contract Compliance and Employment Services Division.
6. Equal Benefits Ordinance
This contract will be subject to the Equal Benefits Ordinance of Chapter 2.232 of the Oakland Municipal Code and its implementing regulations. The purpose of this Ordinance is to protect and further the public, health, safety, convenience, comfort, property and general welfare by requiring that public funds be expended in a manner so as to prohibit discrimination in the provision of employee benefits by City consultants between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. (Ord. 12394 (part), 2001)

The Ordinance shall only apply to those portions of a consultant’s operations that occur (1) within the City; (2) on real property outside the City if the property is owned by the City or if the City has a right to occupy the property, and if the contract’s presence at that location is

connected to a contract with the City; and (3) elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or sub-consultants.

The Equal Benefits Ordinance requires among other things, submission of the attachment incorporated herein as **Schedule N-1** – Equal Benefits-Declaration of Nondiscrimination.

6. Non-Discrimination/Equal Employment Practices

The consultant shall not discriminate or permit discrimination against any person or group of persons in any manner prohibited by federal, state or local laws. During the performance of this contract, consultant will agree as follows:

- a. Consultant and consultant's sub-consultants, if any, shall not discriminate against any employee or applicant for employment because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability. This nondiscrimination policy shall include, but not be limited to, the following: employment, upgrading, failure to promote, demotion or transfer, recruitment advertising, layoffs, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- b. Consultant and consultant's sub-consultants shall state in all solicitations or advertisements for employees placed by or on behalf of consultant that all qualified applicants will receive consideration for employment without regard to age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
- c. Consultant shall make its goods, services, and facilities accessible to people with disabilities and shall verify compliance with the Americans with Disabilities Act by executing **Schedule C-1** ("Declaration of Compliance with the Americans with Disabilities Act,") attached to this RFP.
- d. If applicable, consultant will send to each labor union or representative of workers with whom consultant has a collective bargaining agreement or contract or understanding, a notice advising the labor union or workers' representative of consultant's commitments under this nondiscrimination clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. Consultant shall submit information concerning the ownership and workforce composition of consultant's firm as well as its sub-consultants and suppliers by completing **Schedule E** ("Project Consultant Team"), attached to this RFP.
- f. All affirmative action efforts of consultants are subject to tracking by the City. This information or data shall be used for statistical purposes only. All consultants are required to provide data regarding the make-up of their sub-consultants and agents who will perform City contracts, including the race and gender of each employee and/or consultant and his or her job title or function and the methodology used by consultant to hire and/or

contract with the individual or entity in question.

- g. In the recruitment of sub-consultants, the City of Oakland requires all consultants to undertake nondiscriminatory and equal outreach efforts, which include outreach to minorities and women-owned businesses as well as other segments of Oakland's business community. The City Administrator will track the City's MBE/WBE utilization to ensure the absence of unlawful discrimination on the basis of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.
- h. In the use of such recruitment, hiring and retention of employees or sub-consultants, the City of Oakland requires all consultants to undertake nondiscriminatory and equal outreach efforts which include outreach to minorities and women as well as other segments of Oakland's business community.

7. City of Oakland Campaign Contribution Limits

This contract will be subject to the City of Oakland Campaign Reform Act of Chapter 3.12 of the Oakland Municipal Code and its implementing regulations if it requires Council approval. The City of Oakland Campaign Reform Act prohibits consultants that are doing business or seeking to do business with the City of Oakland from making campaign contributions to Oakland candidates between commencement of negotiations and either 180 days after completion of, or termination of, contract negotiations. Consultant must sign and date an Acknowledgment of Campaign Contribution Limits Form attached to this RFP as **Schedule O**.

8. Nuclear Free Zone Disclosure

Consultant represents, pursuant to **Schedule P** ("Nuclear Free Zone Disclosure Form"), that consultant is in compliance with the City of Oakland's restrictions on doing business with service providers considered nuclear weapons makers. Prior to execution of the contract, consultant will be required to complete **Schedule P**, attached hereto.

9. Prompt Payment Ordinance

This contract is subject to the Prompt Payment Ordinance of Oakland Municipal Code, Title 2, Chapter 2.06 (Ordinance 12857 C.M.S, passed January 15, 2008 and effective February 1, 2008). The Ordinance requires that, unless specific exemptions apply, the Contractor and its subcontractors shall pay undisputed invoices of their subcontractors for goods and/or services within twenty (20) business days of submission of invoices unless the Contractor or its subcontractors notify the Liaison in writing within five (5) business days that there is a bona fide dispute between the Contractor or its subcontractor and claimant, in which case the Contractor or its subcontractor may withhold the disputed amount but shall pay the undisputed amount.

Disputed late payments are subject to investigation by the City of Oakland Liaison, Office of Contract Compliance, upon the filing of a complaint. Contractor or its subcontractors opposing payment shall provide security in the form of cash, certified check or bond to cover the disputed amount and penalty during the investigation. If Contractor or its subcontractor fails or refuses to deposit security, the City will withhold an amount sufficient to cover the

claim from the next Contractor progress payment. The City, upon a determination that an undisputed invoice or payment is late, will release security deposits or withholds directly to claimants for valid claims.

Contractor and its subcontractors shall not be allowed to retain monies from subcontractor payments for goods as project retention, and are required to release subcontractor project retention in proportion to the subcontractor services rendered, for which payment is due and undisputed, within five (5) business days of payment. Contractor and its subcontractors shall be required to pass on to and pay subcontractors mobilization fees within five (5) business days of being paid such fees by the City. For the purpose of posting on the City's website, Contractor and its subcontractors, are required to file notice with the City of release of retention and payment of mobilization fees, within five (5) business days of such payment or release; and, Contractor is required to file an affidavit, under penalty of perjury, that he or she has paid all subcontractors, within five (5) business days following receipt of payment from the City. The affidavit shall provide the names and address of all subcontractors and the amount paid to each.

If any amount due by a prime contractor or subcontractor to any claimant for goods and/or services rendered in connection with a purchase contract is not timely paid in accordance the Prompt Payment ordinance, the prime Contractor or subcontractor shall owe and pay to the claimant interest penalty in the amount of ten percent (10%) of the improperly withheld amount per year for every month that payment is not made, provided the claimant agrees to release the prime contractor or subcontractor from any and all further interest penalty that may be claimed or collected on the amount paid. Claimants that receive interest payments for late payment Prompt Payment ordinance may not seek further interest penalties on the same late payment in law or equity.

Contractor and its subcontractors shall include the same or similar provisions as those set forth above in this section in any contract with another contractor or subcontractor that delivers goods and/or services pursuant to or in connection with this City of Oakland purchase contract.

Prompt Payment invoice and claim forms are available at the following City of Oakland website: <http://cces.oaklandnet.com/cceshome/> by clicking on the rightmost upper tab labeled Prompt Payment Ordinance. Invoice and claim inquiries should be directed to Vivian Inman, City of Oakland Liaison, 510-238-6261, Office of Contract Compliance, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612.

10. Professional Services Agreement 10% Retention

The contract resulting from this RFP is subject to the City of Oakland Performance Retention requirements. Ten percent (10%) of the gross fee of this contract will be retained until the prescribed work is completed and accepted by the Agency. Satisfactory completion will be measured by agreed upon quantifiable performance standards. Performance standards measurements will be quantified by an independent auditor as selected by the Agency.

11. The following City staff are available to answer questions regarding this RFP:

- **Project Issues**
Kerry Jo Ricketts-Ferris, Project Manager
Phone: (510) 238-3944
E-mail: kjferris@oaklandnet.com
- **Contract Compliance Requirements**
Vivian Inman, Contract Compliance Officer
Phone: (510) 238-6261
E-mail: VINman@oaklandnet.com
- **Contract Process, Business Tax Registration, Insurance, etc.**
James A. Bondi, CEDA Contract Administrator
Phone: (510) 238-6654
E-mail: jbondi@oaklandnet.com

Submittal Requirements

Interested parties must submit **ten (10) hard copies, as well as an electronic copy in PDF file format on a CD** of the proposals no later than **2:00 p.m. on Wednesday, August 27, 2008**. All submittals should be directed to:

Kerry Jo Ricketts-Ferris, Project Manager
City of Oakland, Community and Economic Development Agency
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Each proposal should address the following:

1. **Statement of Understanding**: After reviewing the Request for Proposal, the proposer shall provide a written statement demonstrating an understanding of the project.
2. **Planning Approach**: The proposal shall contain a description of the team's or firm's approach toward the project, which includes an evaluation of the City's suggested approach (e.g., what you may do differently and why).
3. **Work Scope and Budget**: All proposals shall contain a description of the basic concept and method for accomplishing the necessary tasks outlined in the RFP, as well as a detailed budget by task (see #7 below in next section).
4. **Timeframe for Deliverables**: The City estimates that it will enter into a contract with the selected consultant by December 2008. A timeline for the various task identified in the Scope shall be developed as an attachment to the consultant contract.

5. Management Plan: All proposals shall include a detailed Management Plan to ensure completion of the described tasks within the above-noted established timeframe in a reliable, cost effective manner. The Management Plan shall contain the following information:
- a. **Key Personnel** – Identification of key staff persons who will be directly involved in the day-to-day administration of the project. This list must include all persons performing work under sub-contracts. Names, resumes, and period of employment of key staff persons must be included.
 - b. **Organization** – The proposal shall include an organizational chart of all staff assigned to the project and number of hours to be committed to the project. Joint ventures are acceptable; however, one lead will be designated and held accountable as the contractor. A clear division of responsibilities and personnel must be outlined in the proposal with a clear delineation of authority as to each member of the Project Team.
 - c. **Familiarity with legal requirements** – Familiarity of the team or firm with environmental policy analysis, CEQA requirements, and a range of implementation procedures.

Required Submittal Elements and Format

1. Transmittal Letter

The proposal should include **ten (10) hard copies, as well as an electronic copy in PDF file format on a CD**. Please address correspondence to: “Kerry Jo Ricketts-Ferris, Project Manager, CEDA.” An officer of the Prime Consultant must sign the letter. In the case of a joint venture or other joint-prime relationship, an officer of each venture partner shall sign.

2. Project Team

List prime and sub-consultants with individual addresses, telephone numbers and areas of expertise. Briefly describe the project responsibility of each team member. Identify which consultants are Small Local Business Enterprises (SLBE) and Local Business Enterprises (LBE).

3. Project Personnel

- a. **Prime Consultant**: Provide a detailed resume of the proposed principal-in-charge and the project manager(s) who shall be a full-time employee of the prime consultant for this project. Clearly identify experience relative to this project.
- b. **Sub-Consultants**: Provide a detailed resume of the proposed project manager who shall be a full-time employee of each sub-consultant for this project. Clearly identify experience relative to this project.

4. Relevant Experience – Prime Consultant and Sub-Consultants

- a. Describe experience in completing projects of the size and scope similar to the project discussed herein.
- b. Describe ability to work with City staff and translate City requirements into a successful project.
- c. Prime consultant should provide specific illustrations of up to five projects for which the consultant has provided professional services. For each project for which descriptions are included, please provide the following information:
 - Project name and location
 - Brief description of project scope
 - Month/year analysis was (is to be) completed
 - Firm’s project responsibility
 - Client name, address, contact person and telephone number
 - Project cost – projected and actual.

5. Project Approach and Organization

Briefly describe how you would approach this project. Indicate your understanding of the critical project elements, and what special approach your team will feature to control these elements.

6. References

Prime consultant and sub-consultants: Three business-related references, giving name, company, address, and telephone number and business relationship to firm(s).

7. Project Budget: Hourly Billing Rates and Proposed “Not To Exceed” Maximum for Project

- a. Prime consultant and sub-consultants shall provide a complete list of all staff hourly rates by category, i.e., Principal, Project Manager, etc. Hourly rates shall be all-inclusive, i.e., base salary, fringe benefits, overhead, profit, etc.
- b. Detailed budget **broken down by task.**
- c. “Not to Exceed” maximum dollar amount which will be the maximum cost to complete the project scope including expenses and sub-consultant work.

8. Required Schedules

Schedule C-1: Americans with Disabilities Act: *To be completed by prime consultant only*

Schedule D: Ownership, Ethnicity, and Gender Questionnaire: *To be completed by prime consultant and all sub-consultants*

Schedule E: Project Consultant Team form: *To be completed by prime consultant only*

Schedule M: Independent Contractors Questionnaire Part A: *To be completed by prime consultant only*

Schedule N: Declaration of Compliance – Living Wage: *To be completed by prime consultant and all sub-consultants whose (anticipated) fee is in excess of \$25,000*

Schedule N-1: Equal Benefits Ordinance: Declaration of Nondiscrimination: *To be completed by prime consultant only*

Schedule O: Campaign Contributions: Professional Services Questionnaire form: *To be completed by prime consultant only*

Schedule P: Nuclear Free Zone Disclosure Form: *To be completed by prime consultant only*

Schedule Q: Insurance Requirement: *Informational only.*

Schedule S: Audit, Inspection, and Fiscal Reporting Requirements: *To be completed by prime consultant only*

Schedule Z: Certification of Debarment and Suspension: *To be completed by prime consultant and all sub-consultants*

9. Number of Copies

The proposal should include **ten (10) hard copies, as well as an electronic copy in PDF file format on a CD.**

V. Evaluation Process

Evaluation of Submittals

The following criteria will be used to evaluate and rate the submittals:

- a. Overall quality of the submittal. Responsiveness and conformance to RFP requirements for content and format.
- b. Quality and appropriateness of proposed project team. Professional experience, particularly on projects in Oakland, and background of prime consultant and sub-consultants.
- c. Ability to meet project deadline.
- d. Proposed project budget.
- e. Appropriate personnel (principals, project manager and other key personnel) with required licensure, experience and skills relevant to this project.
- f. Prime consultant and sub-consultants' prior experience and ability to work with City staff and translate City requirements into a successful project.
- g. Quality and appropriateness of proposed project approach and organization. Knowledge and experience in working with relevant codes, regulations and agencies.

Interview of Short-Listed Firms

1. The City intends to invite three to five firms to final interviews and to select one of the firms with which to negotiate a mutually agreeable contract.
2. The firms selected to be interviewed will be notified in writing. It is presently anticipated that the interviews will be conducted within five working days of notification. The interviews will last approximately 1 hour, with the time allocated to the consultant's presentation and a question-and-answer period. The finalist firms shall be prepared to discuss at the interview the estimated work effort in terms of the personnel allocations. Interviews will be held at a City of Oakland office (exact location to be determined).
3. All firms invited for interviews will be treated as equals. That is, the submittal scores will have no bearing on the interview scores. The final selection will be based on a combination of submittal and interview scores.

Interviews of selected teams are scheduled for the week of September 15, 2008.

Please ensure that representatives from your consultant team will be available during this week.

Limitations

1. All responses to the RFP become the property of the City.
2. This RFP does not commit the City to award a contract or to pay any costs incurred in the preparation of the proposal.
3. The City reserves the sole right to evaluate each proposal and to accept or reject any or all proposals received as a result of this RFP process.
4. The City reserves the right to cancel in part, or in its entirety, this RFP and to waive any irregularities in the RFP process.
5. The City may require Contractor to participate in negotiations and to submit technical information, or other revisions to qualifications as may result from negotiations.
6. California Public Records Act and the City of Oakland Sunshine Ordinance - Once a final award is made, all RFP responses except certain financial and proprietary information become a matter of public record and shall be regarded by the City as public records. The City shall not in anyway be liable or responsible for the disclosure of any such records or portions thereof if the disclosure is made pursuant to a request under the California Public Records Act or the City of Oakland Sunshine Ordinance. Respondents should be aware that under the California Public Records Act and the City of Oakland Sunshine Ordinance, all documents submitted in response to this RFP, including financial information, are considered public records and may be subject to public disclosure.
7. The contractor selected for this project shall obtain or provide proof of having a current City of Oakland Business License.
8. Council Policies and Procedures – Contractors must comply with all City Council policies and established procedures as outlined in Attachment A (the City’s LBE/SLBE Program and the Schedules included in Attachment B).
9. Under the requirements of OMB Circular A-133 Supplement, Part 3, Section 1, the City is required to obtain certifications that contractors and sub-grantees receiving awards exceeding \$100,000 have not been suspended or debarred from participating in federally funded procurement activities.
10. **The City reserves the right to reject any and all proposals submitted and to suggest that individual members of teams collaborate to form new consultant teams. Additionally, any and all RFP project elements, requirements and schedules are subject to change and modification. The City also reserves the unqualified right to modify, suspend, or terminate at its sole discretion any and all aspects of this RFP process, to obtain further information from any and all consultant teams, and to waive any defects as to form or content of the RFP or any responses by any teams.**

Conflict of Interest/Confidentiality/City-Consultant Relationship

Consultant shall avoid all conflicts of interest and respect its relationship with the City by maintaining confidentiality of materials deemed confidential by law. Consultant specifically agrees to the following:

- Consultant agrees that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of services required under this RFP. Without limitation, the consultant represents to and agrees with the City that no conflict of interest is created between providing the City services hereunder and any interest consultant may have with respect to any other person or entity (including but not limited to any federal or state regulatory agency) which has any interest adverse or potentially adverse to the City.
- Every communication between consultant and the City and/or City Attorney shall be considered to be a confidential communication between client and lawyer (see California Evidence Code Section 952), and the confidential work product of the City Administrator and City Attorney, and therefore shall be held in strict confidence. All reports, analysis, maps, diagrams or any documents prepared or assisted in the preparation of or by the consultant, shall be considered to be prepared pursuant to said lawyer-client relationship. All of the above mentioned documents are also considered the work product of the City Administrator and Attorney and shall not be communicated to any person except as specifically authorized in writing signed by the City Administrator and City Attorney.

The Fair Political Practices Act and/or California Government Code Section 1090, among other statutes and regulations may prohibit the City from contracting with an consultant if the consultant or an employee, officer or director of the Consultant's firm, or any immediate family of the preceding, or any team member or subcontractor to Consultant, is serving as a public official, elected official, employee, board or commission member of the City who will award or influence the awarding of the contract or otherwise participate in the making of the contract. The making of a contract includes actions that are preliminary or preparatory to the selection of an consultant such as, but not limited to, involvement in the reasoning, planning and/or drafting of solicitations for bids and RFPs, feasibility studies, master plans or preliminary discussions or negotiations.

VI. Selection Process

Contract Negotiations

1. The completion of the interview process will result in the firms being numerically ranked. The firm ranked first will be invited to participate in negotiations for contract terms and fee amount. Should the City and the first ranked firm not be able to reach an agreement as to contract terms and fee amount within a reasonable time frame, the City may terminate the negotiations and begin negotiations with the second ranked firm, and proceed down the list as necessary until an agreement is reached or the list is exhausted.
2. The contract amount will be a not-to-exceed amount, to be established based on the scope of services and tasks listed in Section III. Any task in the scope of services may be deleted at the City's discretion.
3. Reimbursable expenses will be negotiated. The amount for such expenses shall be included in the budget.

Contract Award

1. Upon successful completion of the negotiations, a request to the City Council shall be made to authorize the award of the contract to the selected firm.
2. After the City administration authorizes the award of the contract and the contract has been executed, the City shall issue the consultant a Notice to Proceed.
3. The selected consultant team will be required to maintain auditable records, documents, and papers for inspection by authorized local, state and federal representatives. Therefore, the consulting team may be required to undergo an evaluation to demonstrate that the firm uses recognized accounting and financial procedures.

VII. Attachments

- A. City of Oakland Initial Study and Environmental Review Checklist [currently being revised]
- B. City of Oakland CEQA Thresholds/Criteria of Significance Guidelines [July 15, 2008]
- C. City of Oakland Local and Small Business Enterprise Program
- D. City of Oakland Required Schedules
 - Schedule C-1– Americans with Disabilities Act
 - Schedule D – Ownership Questionnaire
 - Schedule E – Project Consultant Team Form
 - Schedule M – Independent Contractors Questionnaire
 - Schedule N – Declaration of Compliance – Living Wage
 - Schedule N-1 – Equal Benefits Ordinance –Declaration of Nondiscrimination
 - Schedule O – Campaign Contributions
 - Schedule P – Nuclear Free Zone Disclosure Form
 - Schedule Q – Insurance Requirement
 - Schedule S – Audit and Inspection Requirements
 - Schedule Z – Debarment/Suspension Affidavit
- E. City Initiatives, Studies and Contacts
- F. Bibliography including relevant Environmental Impact Reports
- G. Upper Broadway Strategy - A Component of the Oakland Retail Enhancement Strategy
- H. Sample Professional Services Agreement
- I. Area Map - Broadway Retail Corridor

END OF REQUEST FOR PROPOSALS