

COUNTY OF ALAMEDA COUNTYWIDE OVERSIGHT BOARD

RESOLUTION NUMBER NO. OB-2023-02

**A RESOLUTION OF THE COUNTY OF ALAMEDA
COUNTYWIDE OVERSIGHT BOARD**

**APPROVING THE CONTRACT EXTENSION OF AN EXISTING AGREEMENT FOR
THE SUCCESSOR AGENCY TO THE ALAMEDA COUNTY REDEVELOPMENT
AGENCY**

WHEREAS, the Redevelopment Dissolution Law (AB 1X 26, enacted June 28, 2011, as amended by AB 1484, enacted June 27, 2012 and SB 107, enacted on September 22, 2015) and Section 34177 of the Health and Safety Code (“HSC”) required the successor agencies, among other things, to expeditiously wind down affairs of each former redevelopment agency (“RDA”), while continuing to meet the former RDA’s enforceable obligations, and overseeing completion of redevelopment projects and disposing of the assets and properties of the former RDA, all as directed by the successor agencies’ oversight boards pursuant to HSC Section 34179(a); and

WHEREAS, HSC Section 34179(j) provided for the creation of the County of Alameda Countywide Oversight Board (“Oversight Board”) commencing on and after July 1, 2018; and

WHEREAS, pursuant to Section 34181(e) of the HSC, the Oversight Board shall direct the Successor Agency to the Alameda County Redevelopment Agency (“Successor Agency”), to determine whether any contracts, agreements, or other arrangements between the dissolved redevelopment agency and any private parties should be terminated or renegotiated to reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the Oversight Board for its approval. The Oversight Board may approve any amendments to or early termination of those agreements if it finds that amendments or early termination would be in the best interests of the taxing entities; and

WHEREAS, on May 24, 2011, the Alameda County Board of Supervisors (“BOS”), acting as the Redevelopment Board of Directors, approved the contract with Noll & Tam Architects. The contract scope of work includes delivery of commercial parcel studies, design of a public plaza and other services as needed. The contract has been amended twice for time-only extensions. The contract was executed prior to the dissolution of redevelopment, and therefore the contract was deemed an “enforceable obligation” by the California Department of Finance and payments under the contract have been approved on all subsequent Recognized Obligation Payment Schedules (“ROPS”); and

WHEREAS, on October 18, 2022, the BOS, acting as the Successor Agency, approved the contract extension through 12/31/27 with no change in contract amount to allow for continued work on the delivery of commercial parcel studies, design of a public plaza and other services as needed;

WHEREAS, there is approximately \$371,166 remaining in the \$3,503,357 contract amount; and

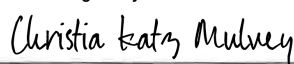
WHEREAS, the Oversight Board held a public meeting on January 19, 2023, and considered the contract extension following the notice required by law; and

WHEREAS, the Oversight Board finds that the contract extension will increase revenues, decrease liabilities and is in the best interest of the taxing entities; and


NOW, THEREFORE, BE IT RESOLVED that the Oversight Board hereby approves the Successor Agency’s contract extension in the form substantially the same as attached hereto.

PASSED AND ADOPTED at a regular meeting of the Oversight Board for the Successor Agency to the Alameda County Redevelopment Agency this 19th day of January, 2023 by the following vote:

Board Members	Carson County Board of Supervisors	<i>Putra-Vernaci</i> City Selection Committee <i>Alternate</i>	Sethy Ind. Special District Committee	Heldman County Office of Education	Dela Rosa Chancellor of the CA Comm. College	O’Connell County Board of Supervisors (Public)	Katz Mulvey Recognized Employee Organization
AYES:			✓	✓		✓	✓
NOES:							
ABSENT:	✓	✓			✓		
ABSTAIN:							
EXCUSED:							

DocuSigned by:

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Vice Chairperson,

ATTEST:

 Secretary of the Countywide Oversight Board
 of the County of Alameda

ATTACHMENT
Contract Extension

THIRD AMENDMENT TO AGREEMENT

This Third Amendment to Agreement (“Third Amendment”) is made by the Successor Agency to the Alameda County Redevelopment Agency (“Successor Agency”) and Noll & Tam Architects, (“Contractor”) with respect to that certain agreement entered by them on May 24, 2011 as amended by that First Amendment dated February 6, 2014 and Second Amendment dated April 11, 2018 (referred to collectively herein as the “Agreement”), pursuant to which Contractor provides Architectural services to Successor Agency.

1. For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Successor Agency and Contractor agree to amend the Agreement in the following respects:
2. Except as otherwise stated in this Third Amendment, the terms and provisions of this Amendment will be effective as of December 31, 2022 (“Effective Date”).
3. Paragraph 35, EXTENSION, is amended as follows: “This agreement may be extended by mutual agreement of the Agency and Consultant.”
4. As of the Effective Date, the term of the Agreement is extended through December 31, 2027.
5. DEBARMENT AND SUSPENSION CERTIFICATION:
 - a. By signing this Third Amendment and Exhibit D, Debarment and Suspension Certification. Contractor agrees to comply with applicable federal suspension and debarment regulations, including but not limited to 7 Code of Federal Regulations (CFR) 3016.35, 28 CFR 66.35, 29 CFR 97.35, 34 CFR 80.35, 45 CFR 92.35 and Executive Order 12549.

- b. By signing this Third Amendment, Contractor certifies to the best of its knowledge and belief, that it and its principals:
 - (1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntary excluded by any federal department or agency;
 - (2) Shall not knowingly enter into any covered transaction with a person who is proposed for debarment under federal regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in such transaction.

6. Except as expressly modified by this Third Amendment, all of the terms and conditions of the Agreement are and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Third Amendment to the Agreement as of the day and year first above written.

SUCCESSOR AGENCY TO THE
ALAMEDA COUNTY
REDEVELOPMENT AGENCY

NOLL & TAM ARCHITECTS

By: 
Signature

By: 
Janet Tam, CEO & Principal


Name: KEITH CARSON
(Printed)

Date: 10/4/2022

Title: President of the Board of Supervisors

Approved as to Form

Donna R. Ziegler, County Counsel

By: 
Kathleen Pacheco
Assistant County Counsel

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement