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OFFICE OF THE CITY CLERK  
OAKLAND

2018 JUL -3 AM 9:54

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Jason Mitchell  
Director, Public Works

**SUBJECT:** Construction Award for Lions Pool  
Renovation

**DATE:** June 18, 2018

City Administrator Approval

Date:

6/26/18

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Rejecting All Bids, Waiving Further Advertising And Competitive Bidding, Authorizing The City Administrator, Or Designee, To Negotiate, Award And Execute A Construction Contract Without Return To Council For An Amount Not-To-Exceed Six Hundred Seventy Thousand Dollars (\$670,000) In The Open Market For The Construction Of The Lions Pool Renovation (Project No. 1003434) In Accordance With The Project Plans And Specifications.**

## EXECUTIVE SUMMARY

City Council approval of the resolution will reject all four construction bids received on May 17, 2018, for the Lions Pool Renovation Project and authorize the City Administrator, or designee, to negotiate and execute a construction contract in the open market for a construction budget of up to \$670,000. Prior to the execution of the construction contract, the contractor shall be verified by the Contracts and Compliance Division for compliance with all City contracting and compliance program requirements that apply including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation.

All four bids received are over the construction budget. The main intent of the project is to stabilize the hillside soil conditions around Lions Pool and repair the concrete deck immediately around the pool damaged by soil movement.

## BACKGROUND/LEGISLATIVE HISTORY

Constructed in 1929 and remodeled in 1959, Lions Pool is an Oakland Department of Parks, Recreation and Youth Development (OPRYD) -operated outdoor pool at Dimond Park, located on the first-level of the Dimond Recreation Center at 3860 Hanly Road in Council District 5 as shown in **Attachment A: Project Location Map**. Lions Pool is widely used by residents and visitors of Oakland of all ages. Programming at Lions Pool includes swim team practices, swimming classes for toddlers/children/adults, and public recreational swims. Lions Pool is open seven days a week except for the City observed holidays.

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Due to hillside soil movement over time at Lions Pool, the concrete deck around the pool uplifted and settled at several locations causing potential tripping hazards. The geotechnical engineering firm initially hired to assess the problem discovered that the pool deck, subgrade soil, retaining walls, foundations, and other pool appurtenances need to be replaced in part to stabilize the subgrade conditions and to comply with regulatory requirements. The consultant stated that the pool shell itself appeared to be in sound structural condition.

On June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$1,015,000 of the City of Oakland General Obligation Bonds, Measure KK: Infrastructure and Affordable Housing Bond Series 2017A-1 and 2017A-2 proceeds for the Lions Pool repair in the Fiscal Year (FY) 2017-2019 adopted budget. The appropriation allocates \$200,000 in the first FY 2017-2018 and remaining \$815,000 in the second FY 2018-2019.

### **ANALYSIS/POLICY ALTERNATIVES**

The Lions Pool Renovation Project was advertised for bid on April 6, 2018. Notifications were distributed by several means:

- The City of Oakland *iSupplier* system, which includes City certified firms, registered General Contractors, plan rooms and builder's exchange, totaling over 300 notices.
- Printed legal notice in the East Bay Times, Oakland Post, El Mundo, The Korea Times, and World Journal publications.
- Posting on CIPlist.com, which distributes to registered plan rooms and builders' exchanges.

On May 17, 2018, the City Clerk received four (4) bids from general contractors for the Project as summarized below:

<b>Company</b>	<b>Base Bid</b>	<b>Bid Alternate No. 1</b>	<b>Bid Alternate No. 2</b>	<b>Bid Total</b>
<b>Engineer's Estimate</b>	<b>\$620,000.00</b>	<b>\$370,000.00</b>	<b>\$110,000.00</b>	<b>\$1,100,000.00</b>
Beliveau Engineering	\$922,000.00	\$175,000.00	\$90,000.00	\$1,187,000.00
Bay Construction Co.	\$991,000.00	\$175,000.00	\$90,000.00	\$1,256,000.00
Saboo, Inc.	\$1,009,000.00	\$324,800.00	\$182,000.00	\$1,515,800.00
Tricon Aquatics	\$1,407,774.00	\$367,244.00	\$265,202.00	\$2,040,220.00

The *Base Bid* work item covers the main goals of the intended project to stabilize the soil conditions around Lions Pool, install new retaining walls and a foundation system, repair the damaged concrete deck immediately around the pool, and install a new perimeter security fence. Although the structural shell of the pool is in fair condition, the consultant team

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recommended replacing the pool shell fiberglass liner with plaster and tile finish as part of the project, due to observations of liner failure, which is a potential safety concern. The scope to replace the fiberglass liner with plaster finish is included as part of work for *Bid Alternate Number (No.) 1* in the Plans and Specifications. The *Bid Alternate No. 2* work item involves replacing additional concrete deck (approximately 3,000 square feet) that leads to the pool locker rooms.

*Bid Analysis:*

The Contracts and Compliance Division of the City Administrator's Office determined that three (3) out of the four (4) bidders are in compliance with the City's local contracting programs including LBE/SLBE participation as shown on **Attachment B: Compliance Analysis** dated June 4, 2018. However, all four bids are deemed non-responsive since the bids are significantly over the Engineer's Estimate of \$620,000 for the *Base Bid* item and the construction budget of \$670,000 for the project.

Oakland Municipal Code (OMC) Section 2.04.050.1.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so, and Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire to have the services performed or purchase the supplies in the open market.

The construction for the Lions Pool Renovation will require full closure of the pool facility for a minimum of four (4) months under dry weather conditions. For the construction, the only stipulation from OPRYD is for the pool to be open for the annual summer programs between June and August. Under the current project schedule, construction is anticipated to start in the Fall of 2018, which will be delayed if re-bidding is required.

The FY 2018-2019 project budget is \$815,000, which allocates funds for the construction contract, construction and project management, and change order contingency. The construction budget for the project is \$670,000. Staff is seeking additional funding to execute all renovations specified under *Base Bid* and *Bid Alternates*. However, without additional funding, the only feasible option currently is for the City Council to reject all bids and authorize the City Administrator, or designee, to negotiate a construction contract with a total contract amount not-to-exceed \$670,000 in the open market to start construction by Fall of 2018 and complete the project by Spring of 2019 contingent on inclement weather conditions. Negotiations may involve redesign of the foundation system for the retaining walls and revisions to the new perimeter fence around Lions Pool.

Staff will endeavor to negotiate the scope to be within the budget. If reduction of scope is infeasible to achieve the desired integrity of the pool stabilization, additional funds may be required for the *Base Bid* scope and will likely defer the construction project to the Fall of 2019. In addition, *Bid Alternates 1 and 2* are key components to comprehensively and effectively renovate Lions Pool without having to disrupt the pool operations and programming again in the near future. The costs for *Bid Alternates 1 and 2* range from \$175,000 to \$370,000 and \$90,000 to \$292,202 respectively. Staff will be able to determine the scope modifications and schedule impact upon completion of the negotiation and make future recommendations to the City Council if needed.

### **FISCAL IMPACT**

Project funds for award of the construction contract will be available by beginning of FY 2018-2019 through the following source:

<b>Funding Source</b>	<b>Amount</b>
• Measure KK: Infrastructure and Affordable House Fund (5330), Capital Projects Organization (92270), Capital Improvements - Buildings Additions and Improvements Account (57212), Dimond Park - Lions Pool Repair Project (No. 1003434), and Award (23253)	\$670,000.00

### **PUBLIC OUTREACH/INTEREST**

As part of the Park Project Prioritization study at Dimond Park, Oakland Public Works (OPW) staff met with community members of Dimond and Laurel districts who expressed that maintaining and keeping Lions Pool serviceable and accessible should be one of OPRYD and OPW's highest priorities for the park.

OPRYD assisted in the facilitation of the public outreach for the Lions Pool Renovation and notified the pool patrons of the upcoming project and pool closure in the Fall of 2018. Before the start of pool renovation construction, staff is planning to organize another outreach effort to update the community of the pool improvements and impacts during construction, especially related to the pool closure.

### **COORDINATION**

The work to be done under the contract was coordinated with OPRYD, OPW Bureau of Facilities and Environment, the Alameda County Environment Health, and the Contracts and Compliance Division. In addition, the Office of the City Attorney and the Budget Bureau have reviewed this report and resolution.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The contractor for the project shall be verified for LBE/SLBE participation by the Contracts and Compliance Division. The contractors are required to have 50 percent of the work hours performed by Oakland residents and 50 percent of all new hires are to be Oakland residents, which will result in funds being spent locally.

**Environmental:** Best Management Practices shall be required to prevent storm water runoff from the jobsite during construction. The contractor shall be required to submit and conform to a Waste Reduction and Recycling Plan to divert materials from landfill disposal.

**Social Equity:** Once the renovation is completed, Lions Pool will be more accessible, safe, and serviceable to the Oakland residents and visitors of all ages.

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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt the resolution rejecting all bids, waiving further advertising and competitive bidding, authorizing the City Administrator, or designee, to negotiate, award and execute a construction contract without return to Council for an amount not-to-exceed \$670,000 in the open market for the construction of the Lions Pool Renovation (Project No. 1003434) in accordance with the project Plans and Specifications.

Prior to the execution of the contract, the contractor shall be verified by the Contracts and Compliance Division for compliance with all City contracting and compliance program requirements that apply to this contracting including LBE/SLBE participation.

For questions regarding this report, please contact WooJae Kim, P.E., Capital Improvement Project (CIP) Coordinator at (510) 238-3389.

Respectfully submitted,



JASON MITCHELL  
Director, Oakland Public Works

Reviewed by:  
Danny Lau, P.E., Assistant Director  
Bureau of Design & Construction

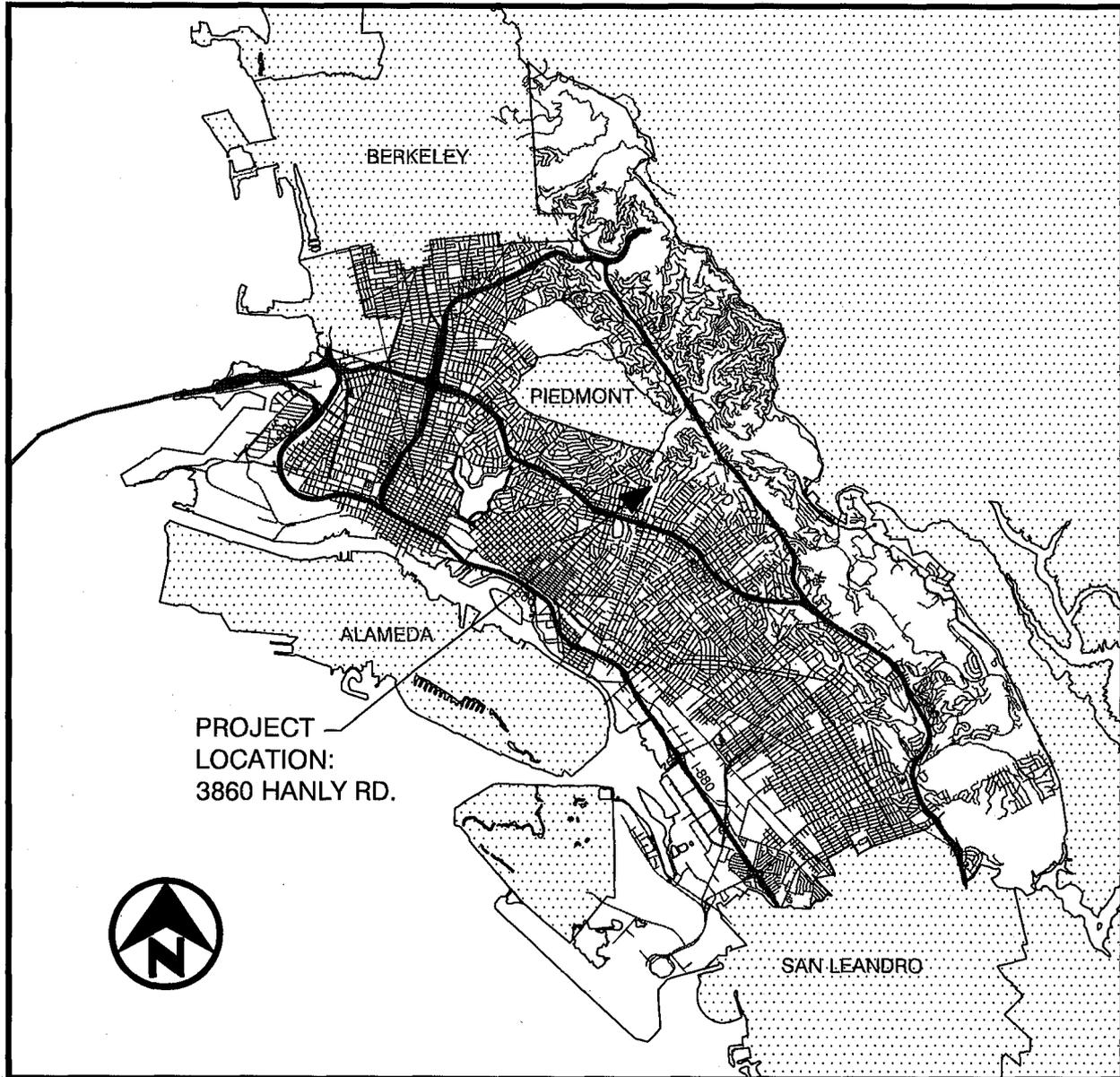
Reviewed by:  
Matthew Lee, P.E., Division Manager  
Project Delivery Division

Prepared by:  
WooJae Kim, P.E., CIP Coordinator  
Project Delivery Division

*Attachments (2):*

- A: *Project Location Map*
- B: *Compliance Analysis dated June 4, 2018*

Attachment A: Project Location Map



# Attachment B: Compliance Analysis



City of Oakland

## *INTER OFFICE MEMORANDUM*

**TO:** Woojae Kim,  
CIP Coordinator

**FROM:** Deborah Barnes, Director  
Contracts & Compliance

**SUBJECT:** Compliance Analysis  
Lion's Pool Renovation  
Project No. 1003434

**DATE:** June 4, 2018

The City Administrator's Office, Contracts and Compliance Division, reviewed four (4) bids in response to the above referenced project. Below are the results of the compliance evaluations for the minimum 50% Local and Small Local Business Enterprise (L/SLBE) proposed percentages, earned credits, and discounts. In addition, find a preliminary review for compliance with the Equal Benefits Ordinance (EBO), and a brief overview of the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program on the bidder's last most recently completed City of Oakland project.

Responsive to Social Justice Policies		<b>PROPOSED</b> L/SLBE Participation Percentages					<b>EARNED</b> Credits & Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE /LPG	L/SLBE Trucking	Total Credited participation	Earned Bid	Adjusted Bid Amount	
Beliveau Eng. Contractors	\$922,000	74.93%	0.00%	74.93%	0.00%	NA	74.93%	4%	\$855,120	Y
Bay Construction	\$991,000	83.17%	0.00%	83.17%	0.00%	NA	83.18%	5%	\$941,450	Y
Saboo Inc	\$1,009,000	64.42%	0.00%	0.00%	32.21% *64.42%	NA	64.62%	3%	\$978,730	Y

\*Double Counted for Very Small Local Business Enterprises (VSLBEs)

**Comments:** As noted above, all firms exceeded the minimum 50% L/SLBE participation requirement. All firms are EBO compliant.

Non-Responsive to Social Justice Policies		<b>PROPOSED</b> L/SLBE Participation Percentages					<b>EARNED</b> Credits & Discounts			EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	*VSLBE/LPG	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount	
Tricon Aquatics	\$1,407,774	0.00%	0.00%	0.00%	0.00%	NA	NA	NA	NA	N

**Comments:** As noted above, firm failed to meet minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.



**For Informational Purposes**

Listed below is the lowest responsible bidder's compliance with the 50% Local Employment Program (LEP) and the 15% Oakland Apprenticeship Program for the lowest bidder's most recently completed City of Oakland project.

**Contractor Name: Rehabilitation of Sanitary Sewers at Lakeside Park Pump Station**  
**Project Name: Beliveau Engineering**  
**Project No. C267640**

**50% Local Employment Program (LEP)**

Was the 50% LEP Goal achieved?	Yes	If no, shortfall hours?	
Were all shortfalls satisfied?	Yes	If no, penalty amount	

**15% Oakland Apprenticeship Program**

Was the 15% Apprenticeship Goal achieved?	Yes	If no, shortfall hours?	
Were shortfalls satisfied?	Yes	If no, penalty amount?	

The spreadsheet below provides details of the 50% LEP and 15% Apprenticeship Programs. Information provided includes the following data: A) total project hours, B) core workforce hours deducted, C) LEP project employment and work hour goal; D) LEP employment and work hours achieved; E)# resident new hires; F) shortfall hours; G) percent LEP compliance; H) total apprentice hours; I) apprenticeship goal and hours achieved; and J) Apprentice shortfall hours.

<b>50% Local Employment Program (LEP)</b>											
Total Project Hrs.	Core Workforce Hrs. Deducted	LEP Project Employment and Work Hrs. Goal		LEP Employment and Work Hrs. Achieved		# Resident New Hires	Shortfall Hrs.	% LEP Compliance	Total Oakland Apprenticeship Hrs. Achieved	Apprenticeship Goal and Hrs.	Apprentice Shortfall Hrs.
A	B	C		D		E	F	G	H	I	J
		Goal	Hours	Goal	Hours					Goal	Hours
115.87	0	50%	57.56	100%	57.56	0	0	100%	23	15%	23

**Comments:** Beliveau Engineering met the Local Employment Program's 50% resident hiring goal with 100% resident employment and met the 15% Oakland Apprenticeship Program goals with 23 on-site hours and 23 off-site hours.

If you have any questions, please contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.

**COMPLIANCE OFFICER NOTES/COMMENTS:** None

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1003434**

**RE: Lions Pool Renovation**

**CONTRACTOR: Beliveau Engineering**

<u>Engineer's Estimate:</u> \$620,000.00	<u>Contractors' Bid Amount</u> \$922,000.00	<u>Over/Under Engineer's Estimate</u> (\$302,000.00)
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<u>Discounted Bid Amount:</u> \$885,120.00	<u>Amt. of Bid Discount</u> \$36,880.00	<u>Discount Points:</u> 4.00%
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- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement **YES**
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **74.93%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor meet the L/SLBE trucking requirement? **NA**
  - a) Total L/SLBE trucking participation **0.00%**
  - a) Total VSLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discount points? **YES**
  - (If yes, list the points received) **4%**
- 5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/1/2018  
Date

Reviewing  
Officer:

Stephanie Hays

Date: 6/1/2018

Approved By:

Shelley Darenberg

Date: 6/1/2018

## LBE/SLBE Participation Bidder 1

Project Name: Lions Pool Renovation		Engineer's Estimate 620,000.00				Under/Over Engineers Estimate: -302,000.00								
Project No.: 1003434														
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethn.	MBE	WBE
PRIME Electrical	Beliveau Engineering	Oakland	CB		690,820.00		690,820.00				690,820.00	C		
	Radman Electric	Hayward	UB								43,500.00	AI	43,500.00	
Fence and Railing Concrete	Pisor Fence	Citrus Heights	UB								74,180.00	C		
	Allied Concrete	Alameda	UB								60,000.00	C		
Pool tile, markers, & precast	Burkett Pool	Salida	UB								53,500.00	C		
<b>Project Totals</b>				0.00 0.00%	690,820.00 74.93%	0.00 0.00%	690,820.00 74.93%	0.00 0.00%	0.00 0.00%	0.00 0.00%	922,000.00 100.00%		43,500.00 4.72%	0.00 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific		

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

Project No. 1003434

RE: **Lions Pool Renovation**

**CONTRACTOR: Bay Construction Co.**

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$620,000.00	\$991,000.00	(\$371,000.00)

<u>Discounted Bid Amount:</u>	<u>Amt. of Bid Discount</u>	<u>Discount Points:</u>
\$941,450.00	\$49,550.00	5.00%

1. Did the 50% local/small local requirement apply: **YES**

2. Did the contractor meet the 50% requirement **YES**

a) % of LBE participation **0.00%**

b) % of SLBE participation **83.17%**

c) % of VSLBE participation **0.00%**

3. Did the contractor meet the L/SLBE trucking requirement? **NA**

a) Total L/SLBE trucking participation **100.00%**

a) Total VSLBE trucking participation **0.00%**

4. Did the contractor receive bid discount points? **YES**

(If yes, list the points received) **5%**

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/1/2018  
Date

Reviewing Officer: *[Signature]*

Date: 6/1/2018

Approved By: *Shelley Darenburg*

Date: 6/1/2018

## LBE/SLBE Participation Bidder 2

Project Name: Lions Pool Renovation		Engineer's Estimate 620,000.00				Under/Over Engineers Estimate: -371,000.00								
Project No.: 1003434														
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethn.	MBE	WBE
PRIME	Bay Construction Co.	Oakland	CB		813,207.00		813,207.00				813,207.00	AP		
Electrical	TEPS	Concord	UB								32,668.00	NL		
Plaster & Tile	Burkett's	Salinda	UB								23,000.00	NL		
Drilled Piers	Hillside Drilling	Richmond	UB								56,000.00	NL		
Fence & Rail	North American Fence & Railing	Oakland	UB								55,125.00	NL		
Trucking	All City Trucking	Oakland	CB		11,000.00		11,000.00		11,000.00	11,000.00	11,000.00	AI	11,000.00	
<b>Project Totals</b>				0.00 0.00%	824,207.00 83.17%	0.00 0.00%	824,207.00 83.17%	0.00 0.00%	11,000.00 100.00%	11,000.00 100.00%	991,000.00 100.00%		11,000.00 1.11%	0.00 0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific		

**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**



**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1003434**

**RE: Lions Pool Renovation**

**CONTRACTOR: Saboo, Inc.**

<u>Engineer's Estimate:</u> \$620,000.00	<u>Contractors' Bid Amount</u> \$1,009,000.00	<u>Over/Under Engineer's Estimate</u> (\$389,000.00)
<u>Discounted Bid Amount: Amt. of Bid Discount</u> \$978,730.00	<u>Amt. of Bid Discount</u> \$30,270.00	<u>Discount Points:</u> 3.00%
1. Did the 50% local/small local requirement apply:		<b>YES</b>
2. Did the contractor meet the 50% requirement		<b>YES</b>
a) % of LBE participation	<b>0.00%</b>	
b) % of SLBE participation	<b>0.00%</b>	
c) % of VSLBE participation	<b>32.21%</b>	<b>64.42%</b> (double counted value)
3. Did the contractor meet the L/SLBE trucking requirement?		<b>NA</b>
a) Total L/SLBE trucking participation	<b>0.00%</b>	
a) Total VSLBE trucking participation	<b>0.00%</b>	
4. Did the contractor receive bid discount points?		<b>YES</b>
(If yes, list the points received)	<b>3%</b>	

5. Additional Comments.

**Proposed VSLBE/LPG participation is valued at 32.21%, however, per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Therefore, the VSLBE/LPG value is 64.42%.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/1/2018

Date

**Reviewing Officer:**

*[Signature]*

**Date:** 6/1/2018

**Approved By:**

*[Signature]*

**Date:** 6/1/2018

## LBE/SLBE Participation Bidder 3

Project Name:		Lions Pool Renovation												
Project No.:		1003434		Engineer's Estimate			8,200,000.00		Under/Over Engineers Estimate:			7,191,000.00		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL Dollars			
												Ethn.	MBE	WBE
PRIME Concrete/General Construction	Saboo, Inc.	Brentwood	UB								684,000.00	O		
	Imaan Construction	Oakland	CB			325,000.00	325,000.00				325,000.00	H	325,000.00	
<b>Project Totals</b>				0.00	0.00	325,000.00	325,000.00	0.00	0.00	0.00	1,009,000.00		325,000.00	0.00
				0.00%	0.00%	32.21%	32.21%	0.00%	0.00%	0.00%	100.00%		32.21%	0.00%
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.												Ethnicity AA = African American A = Asian AI = Asian Indian AP = Asian Pacific		

\*\* Proposed VSLBE/LPG participation is valued at 32.21%, however per the L/SLBE Program a VSLBE/LPG's participation is double counted towards meeting the requirement. Double counted percentage is reflected on the evaluation form and cover memo.



**CITY ADMINISTRATOR'S OFFICE**

**Contracts and Compliance Unit**

**PROJECT COMPLIANCE EVALUATION FOR :**

**Project No. 1003434**

**RE: Lions Pool Renovation**

**CONTRACTOR: Tricon Aquatics**

<b>Engineer's Estimate:</b> \$620,000.00	<b>Contractors' Bid Amount</b> \$1,407,774.00	<b>Over/Under Engineer's Estimate</b> (\$787,774.00)
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<b>Discounted Bid Amount:</b> \$0.00	<b>Amt. of Bid Discount</b> \$0.00	<b>Discount Points:</b> 0.00%
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- 1. Did the 50% local/small local requirement apply: **YES**
- 2. Did the contractor meet the 50% requirement
  - a) % of LBE participation **0.00%**
  - b) % of SLBE participation **0.00%**
  - c) % of VSLBE participation **0.00%**
- 3. Did the contractor meet the L/SLBE trucking requirement? **NA**
  - a) Total L/SLBE trucking participation **0.00%**
  - a) Total VSLBE trucking participation **0.00%**
- 4. Did the contractor receive bid discount points? **NO**  
(If yes, list the points received) **0%**

5. Additional Comments.

**Contractor failed to meet the minimum 50% L/SLBE participation requirement. Therefore, they are deemed non-responsive.**

6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

6/1/2018  
Date

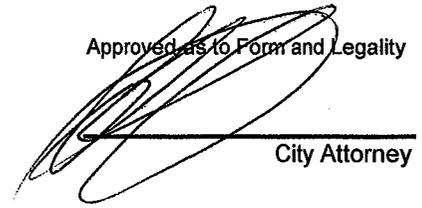
Reviewing Officer: [Signature] Date: 6/1/2018

Approved By: [Signature] Date: 6/1/2018

## LBE/SLBE Participation Bidder 4

Project Name:		Lions Pool Renovation														
Project No.:		1003434			Engineer's Estimate			620,000.00			Under/Over Engineers Estimate:			-787,774.00		
Discipline	Prime & Subs	Location	Cert.	LBE	SLBE	*VSLBE/LPG (2x Value)	Total LBE/SLBE	VSLBE Trucking	L/SLBE Trucking	Total Trucking	TOTAL					
											Dollars	Ethn.	MBE	WBE		
				Status												
PRIME	Tricon Aquatics	Rancho Cordova	UB								785,134.00	C				
Concrete	BCI	Berkeley	UB								471,190.00	C				
Fencing	Bailey Fence	Hayward	UB								77,450.00	C				
Trucking	JD Trucking	Oakland	UB								40,000.00	NL				
	Knorr Systems	Santa Ana	UB								4,000.00	NL				
Electrical	Advanced Electric	Martinez	UB								30,000.00	C				
<b>Project Totals</b>					0.00	0.00	0.00	0.00	0.00	0.00	1,407,774.00		0.00	0.00		
					0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%		0.00%	0.00%		
<b>Requirements:</b> The 50% requirements is a combination of 25% LBE and 25% SLBE participation. An SLBE firm can be counted 100% towards achieving 50% requirements and aVSLBE/LPP firm can be counted double towards achieving the 50% requirement.					LBE 25%	SLBE 25%	VSLBE/LPG	TOTAL LBE/SLBE	VSLBE Trucking	L/SLBE TRUCKING	TOTAL DOLLARS	<b>Ethnicity</b> AA = African American A = Asian AI = Asian Indian AP = Asian Pacific				

2018 JUL -3 AM 9:54



City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

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**A RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT-TO-EXCEED SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$670,000) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE LIONS POOL RENOVATION (PROJECT NO. 1003434) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS.**

**WHEREAS**, Lions Pool is an Oakland Parks and Recreation Department operated outdoor pool at the Dimond Park located on the first-level of the Dimond Recreation Center at 3860 Hanly Road in Council District 5; and

**WHEREAS**, programming at Lions Pool include swim team practices, swimming classes for toddlers/children/adults, and public recreational swims; and

**WHEREAS**, the concrete deck around Lions Pool uplifted and settled at several locations causing tripping hazards due to unstable hillside soil conditions and subgrade soil movements; and

**WHEREAS**, the geotechnical engineering firm initially hired to access the problem discovered that the pool deck, subgrade soil, retaining walls, foundations, and other pool appurtenances need to be replaced in part to stabilize the subgrade conditions and to comply with regulatory requirements; and

**WHEREAS**, on June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$1,015,000 of the City of Oakland General Obligation Bonds, Measure KK: Infrastructure and Affordable Housing Series 2017A-1 and 2017A-2 proceeds for the Lions Pool repair in the Fiscal Year 2017-2019 adopted budget; and

**WHEREAS**, Measure KK project appropriation was \$200,000 for design in Fiscal Year 2017-2018 and remaining \$815,000 in the beginning of Fiscal Year 2018-2019 for construction phase; and

**WHEREAS**, on May 17, 2018, the City Clerk received four bids for the Lions Pool Renovation (Project No. 1003434) and all four bids are over the current construction budget of \$670,000; and

**WHEREAS**, all four bids are deemed non-responsive since bids are significantly over the construction estimate of \$620,000 for the Base Bid item and the construction budget of \$670,000 for the project; and

**WHEREAS**, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

**WHEREAS**, the construction for the Lions Pool Renovation will take minimum four months to complete under dry weather conditions, and advertising and competitive re-bidding will delay the start of construction anticipated in the Fall 2018; and

**WHEREAS**, the Oakland Parks and Recreation Department requested that Lions Pool be open for the annual summer programs between June and August; and

**WHEREAS**, the City Council finds and determines, based on the representations set forth in the City Administrator's report accompanying this Resolution, that the construction contract approved hereunder is temporary in nature; and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work, and that the performance of this contract is in the public interest because of economy or better performance; and

**WHEREAS**, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore, be it

**RESOLVED:** That all bids are hereby rejected; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is authorized to negotiate and execute a construction contract for the Lions Pool Renovation up to an amount of \$670,000 in the open market per OMC Section 2.04.050.J; and be it

**FURTHER RESOLVED:** That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements

and execute all related actions for the completion of the said project without return to the City Council; and be it

**FURTHER RESOLVED:** That the project funding will be available through Measure KK: Infrastructure and Affordable House Fund (5330) in Capital Improvement Project (CIP) Organization (92270) for Dimond Park – Lions Pool Repair Project (No. 1003434); and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project, including any subsequent changes during construction, that will be reviewed and adopted by the Oakland Public Works Director, or designee, are hereby approved; and be it

**FURTHER RESOLVED:** That the contractor for the project shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; and be it

**FURTHER RESOLVED:** That the successful contractor shall provide faithful performance bond and a bond to guarantee payment of all claims for labor and materials furnished and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the contract shall be reviewed and approved by the City Attorney for form and legality prior to execution and placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LàTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California