

**CITY OF OAKLAND**  
**COUNCIL AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 OCT 16 PM 3:15

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: October 28, 2003

RE: Resolution authorizing the City Manager to award a construction contract to the lowest, responsible and responsive bidder in accordance with the Joaquin Miller Park Cascade Landscaping Project, project C197230, and contractor's firm, fixed bid for an amount not-to-exceed the City's engineer's estimate, ninety-one thousand dollars (\$91,000), or if initial bids received are non-responsive and/or non-responsible, the City Manager shall be authorized to reject all such bids and re-bid and/or negotiate a contract, and award a construction contract for the said project without return to City Council.

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**SUMMARY**

The Council is requested to approve a resolution authorizing the City Manager to award a construction contract for the improvement of the Joaquin Miller Park Cascade Landscaping Project. The award shall be made to the lowest, responsible, and responsive bidder in an amount not-to-exceed the City's engineer's estimate of \$91,000. The contract award shall be in accordance with the specification and construction documents issued under project number C197230 and in accordance with the contractor's firm, fixed bid to be submitted on October 27, 2003. If initial bids received are non-responsive and/or non-responsible, the City Manager shall be authorized to reject all such bids and re-bid or negotiate a contract, and award a construction contract for said project without return to City Council.

Joaquin Miller Park is a 500-acre park located in the Oakland Hills. The park contains an urban second-growth Redwood Grove, along with miles of trails, picnic grounds, and the 1930's Great Depression Works Progress Administration (**WPA**) Art-Deco cascading pools (Cascade). The Cascade provides a sweeping view of the Bay Area.

In order to complete the proposed improvements as soon as possible and to avoid impact to the Cascade's availability for public use, staff recommends that the City Manager be authorized to award the construction contract to the lowest, responsive bidder after receipt and review of the bid results. If the initial bids received are non-responsive and/or non-responsible, the City Manager shall be authorized to reject all bids, informally re-bid or negotiate, and award a contract for the project.

The project is a Capital Improvement Project funded from the FY 2002-2003 Municipal Capital Improvement fund and from the Council Discretionary Fund

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## **FISCAL IMPACTS**

Existing funding of \$ 81,600 is available in Project No. C197230 from *the* Municipal Capital Improvement Fund 5500 and \$25,000 from the Council Discretionary Fund 5500 (District 4 Pay-go).

The renovated portion of the park will increase maintenance costs to maintain the improvements upon completion of the project, estimated in Spring 2004. The estimated operation and maintenance cost is \$17,500 per annum for an additional seasonal part-time Parks and Recreation staff, \$2,500 annually for material and supply costs, and \$5,500 annually for facilities maintenance costs. Staff recommends that the total additional annual operation and maintenance cost of \$25,500 be incorporated in the future year budget plans.

## **BACKGROUND**

The spacious Cascade, through usage and lack of sufficient maintenance funding, has declined over the years. Volunteering neighborhood residents and non-profit organizations, working with City staff, developed a vision and conceptual design to improve *the* landscaping surrounding the Cascade. With their support, the City allocated funding to the project to provide new landscaping, irrigation system and minor repair and improvements.

Staff coordinated and provided opportunities for reviews with community representatives during design. Community representatives gave input and feedback throughout the project design phase. Their comments were addressed and incorporated accordingly.

At the time of this report preparation, the City has not received bids from contractors. The bid submittal date is scheduled for October 27, 2003. The bid results will be available by the October 28, 2003, Public Works Committee meeting. It is recommended that the lowest, responsible, and responsive bidder be selected and awarded the construction contract. If the initial bids received are non-responsive and/or non-responsible, the City Manager shall be authorized to reject all bids, informally re-bid or negotiate a contract, and award the contract, in order to maintain project schedule.

## **PROJECT DESCRIPTION**

Since the establishment of the Redwood Grove donated by Save the Redwoods League to the City of Oakland in 1928, Joaquin Miller Park has been extensively used by a multitude of user groups including: scouts, picnickers, hikers, motorcyclists, day campers, bird watchers, naturalists, bicyclists, dog-walkers and joggers. The Cascade, in particular, is a popular location for special events.

The project will focus on improvements at the lower Cascade in a planting area of approximately 25,000 square feet. Work includes removing and general clearing of dead or overgrown plants, replacing and installing a new irrigation system to two of the four large planting areas

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surrounding the large (Oval) pool, installing new native grass areas and trees, installing new flowering plants in the garden beds surrounding the Oval pool at the foot of the Cascade, minor, repairing of existing stone stairs, minor repairing of pathways, and adding new trash receptacles and new benches.

### **KEY ISSUES AND IMPACTS**

The Cascade, with its natural beauty and majesty, is a favorite place for special events, such as weddings and ceremonies. Traditionally, the City rents the Cascade area for special events from late spring through early fall. In anticipation of the improvement project, construction is scheduled to occur after fall season and be completed before next spring.

The construction documents for the project are complete and currently issued for bid. The construction is estimated to take 90 calendar days, barring adverse weather delays. In order to avoid impacting the Cascade's use next spring and to maximize the good weather conditions before winter season arrives, the construction contract needs to be awarded as quickly as possible.

This project meets the City Council's Goal #6 to Maintain and Enhance Oakland's Physical Assets. The site will provide a renewed, safe, clean park and facilities for the public's use. The project will also meet Council's Goal #7 to Inspire Creativity and Civic Engagement by fostering and engaging neighboring communities to use and take ownership of the beautiful surroundings of the Cascade.

### **SUSTAINABLE OPPORTUNITIES**

Environmental: The project design will incorporate recycled-content building products, such as recycled plaster benches and trash receptacles. The construction contractor will be required to meet the City's construction debris waste recycle and management mandate as applicable to the project.

Social Equity: The improvements to the Cascade in Joaquin Miller Park will provide open space access and benefit the public, the neighboring community and children who use the Park.

Economic: The contractor will generate business tax, sales tax, and other revenues for the City by working on the project. The project will provide job opportunities for Oakland residents through compliance with local/small local business requirements or demonstrate a good faith effort in an attempt to achieve the goals.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

The existing park is accessible to persons with disabilities and senior citizens to the extent practicable. The project will not revise existing topography or access. All new construction will be in compliance with ADA and the Older Americans Act.

**RECOMMENDATION(S) AND RATIONALE**

Staff recommends that the City Manager be authorized to award a construction contract to the lowest, responsible, and responsive bidder for the improvement of the Joaquin Miller Park Cascade Landscaping Project in accordance with project number C197230 and contractor's firm, fixed bid to be submitted on October 27,2003, in an amount not to exceed \$91,000. If the initial bids received are non-responsive and/or non-responsible, the City Manager shall be authorized to reject all bids, informally re-bid or negotiate, and award a contract for the project without return to City Council.

By awarding the project, the construction can be completed during a time to avoid impact to the Cascade's schedule for special events.

**ACTION REQUESTED OF THE CITY COUNCIL**

City Council is requested to approve the resolution proposed above for the Joaquin Miller Park Cascade Landscaping project.

Respectfully submitted,



**CLAUDETTE R. FORD**

Director, Public Works Agency

Reviewed by:

Jeanne Zastera, Manager  
Facilities Planning & Development Division  
Public Works Agency

Prepared by:

Lily Soo Hoo, Project Manager  
Facilities Planning & Development Division  
Public Works Agency

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE



**OFFICE OF THE CITY MANAGER**

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OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No: \_\_\_\_\_ C.M.S. 2003 OCT 15 PM 3:15

REQUIRES TWO-THIRDS \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIBLE, AND RESPONSIVE BIDDER IN ACCORDANCE WITH THE JOAQUIN MILLER PARK CASCADE LANDSCAPING PROJECT, PROJECT NO. C197230, AND CONTRACTOR'S FIRM, FIXED BID FOR AN AMOUNT NOT TO EXCEED THE CITY'S ENGINEER'S ESTIMATE, NINETY ONE THOUSAND DOLLARS (\$91,000), OR, IF INITIAL BIDS ARE NON-RESPONSIVE AND/OR NON-RESPONSIBLE, AUTHORIZING THE CITY MANAGER TO REJECT ALL SUCH BIDS AND RE-BID AND/OR NEGOTIATE A CONTRACT, AND AWARD A CONSTRUCTION CONTRACT FOR SAID PROJECT WITHOUT RETURN TO CITY COUNCIL

**WHEREAS**, construction documents for the Joaquin Miller Park Cascade Landscaping, project No. C197230, have been prepared and construction bids are due on October 27, 2003 by the Office of the City Clerk of the City of Oakland; and

**WHEREAS**, there are sufficient funds in the project budget for work, and the project budget includes (\$100,000) for the construction work, and the engineer's estimate for the work is (\$91,000); and

**WHEREAS**, the City desires to complete the work before the next Cascade event reservation season begins in spring 2004; and

**WHEREAS**, the project is designated in the Capital Improvement Plan for FY2002-2003, and funding exists in Fund 5500 (Municipal Capital Improvement), Organization No. 92110, Project C197230, and in Fund 5500 (Council Discretionary Fund, District 4); and

**WHEREAS**, the City lacks the equipment and qualified personnel to perform the necessary work; and

**WHEREAS**, the City Council finds and determines that the performance of this contract is in the public interest because of economy; and

**WHEREAS**, the City Council finds that services under this contract will be temporary; 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

**PUBLIC WORKS CMTE**

**RESOLVED:** That the City Council hereby authorizes the City Manager, or her designee, to award a construction contract for the Joaquin Miller Park Cascade Landscaping Improvement, Project No. C197230 to the lowest, responsible, and responsive bidder, in accordance with the

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terms of the City's Notice Inviting Bids for said project and contractor's bid in an amount not-to-exceed the City's Engineer's estimate which is ninety one thousand dollars (\$91,000) and to reject all other bids; and, be it

**FURTHER RESOLVED:** That the plans and specifications prepared by the Director of Public Works for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the amount of the bond for faithful performance of 100% and the amount for a bond to guarantee payment of all claims for labor and materials of 100% furnished and for the amount due under the Unemployment Insurance Act with respect to such work accompanied to the said bid is hereby approved; and be it

**FURTHER RESOLVED:** That if the initial bids are non-responsive and/or non-responsible, the City Manager is authorized to reject all bids, re-bid and/or negotiate a contract, and award a construction contract on behalf of the City of Oakland for this project without return to the City Council; and, be it

**FURTHER RESOLVED:** That the City Manager, or her designated representative, is hereby authorized to enter into a contract with the lowest, responsible, and responsive, on behalf of the City of Oakland and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That all documents shall be reviewed and approved for form and legality by the City Attorney and placed on file with the City Clerk; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN AND PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

**7**  
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ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California