

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 DEC -4 PM 3:58

## CITY OF OAKLAND AGENDA REPORT

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community And Economic Development Agency  
DATE: December 16, 2008

RE: **Resolution Authorizing The City Administrator, Or The City Administrator's Designee, To Award A Construction Contract to Bay Construction, Inc., For The Fremont Pool Improvement Project (No.P353410) In The Amount Of Three Hundred Ten Thousand Dollars (\$310,000.00)**

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### SUMMARY

A resolution has been prepared authorizing the City Administrator, or the City Administrator's designee, to award a construction contract to Bay Construction, Inc., (Oakland) for the Fremont Pool Improvement project in the amount of \$310,000.00. Bay Construction, Inc., is the lowest, responsive, and responsible bidder and has met the City's Local Business Program requirements. Sufficient funding is currently available to execute the construction contract.

The proposed exterior improvements for the Fremont Pool project include entryway improvements, the replacement of the exterior window security grilles, exterior painting, landscaping, irrigation, lighting, hardscape treatments, pool seating areas upgrades, and other related work. These improvements will enhance the services provided to the community, including the adjacent Fremont High School, and will also provide a positive visual impact on the surrounding neighborhood.

### FISCAL IMPACT

Approval of this resolution will authorize a construction contract in the amount of \$310,000.00 for the Fremont Pool Improvement project. The construction budget, including contingency, for the project is \$387,500.00. Funds are available from the Central City East (CCE) Redevelopment Fund (Project. No. P353410, Fund 7780). The Contract Compliance fee and the Public Art fee will also be allocated under Project No. P353410.

The operating and maintenance costs for the Fremont Pool improvements will be covered within the Fremont Pool facility budget. It is anticipated that there could be a marginal increase in the amount of \$1,000.00 to \$3,000.00 in the operating and maintenance costs for the increased lighting costs at Fremont Pool facility.

Item: \_\_\_\_\_  
Public Works Committee  
December 16, 2008

## **BACKGROUND**

Fremont Pool is located at 4559 Foothill Boulevard and serves the surrounding East Oakland community (including Fremont High School) with safe, outdoor recreation programs. The pool use is comprised of swimming classes and lessons for tiny tots, children and adults, swim team practice, water aerobics, and recreational and competitive swim activities.

The existing facility is in need of exterior improvements. On June 2, 2008, the CCE Project Area Committee (PAC) recommended the use of Redevelopment funds to address the issue of blight in the area by making exterior improvements to the Fremont pool facility. On June 24, 2008, the City Council approved Resolution No. 81480 C.M.S., which provides for the use of CCE Redevelopment Area Funds for the Fremont Pool Improvement project.

## **KEY ISSUES AND IMPACTS**

On November 13, 2008, the City Clerk received three bids for the Fremont Pool Improvements project. Bay Construction, Inc. (Oakland), AJF Builders, (Vallejo), and Rockridge Builders (Oakland), submitted bids of \$310, 000.00, \$378,647.00, and \$467,078.00, respectively. See *Attachment A* for a summary of the bids. The engineer's estimate for the base bid is \$540,000.00. The lowest, responsive, and responsible bid of \$310,000.00 was submitted by Bay Construction, Inc., and is within the project budget.

The City's L/SLBE and local trucking programs have been met by Bay Construction, Inc. There will be L/SLBE participation of \$216,000.00 (69%), which exceeds the 20% L/SLBE requirements. The local trucking requirement is not applicable for this project because trucking is not a substantial component of work for the project. The contractor is required to have 50% of the work hours performed by Oakland residents and 50% of all new hires are to be Oakland residents. The L/SLBE information has been verified by the Department of Contracting and Purchasing and is included as *Attachment B*.

Upon approval of the resolution, a contract will be awarded and construction can begin in February 2009. The project duration is 75 working days from the date of the Notice to Proceed and completion is anticipated by June 2009. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 75 working days is exceeded. The project schedule is shown on *Attachment A*.

## **PROJECT DESCRIPTION**

The proposed work consists of entryway improvements, including the construction of a new coiling security grille and automatic sliding doors at the main entrance, the replacement of existing window security grilles, improvements to existing irrigation system, new landscaping and trees in the front and back areas, new concrete planter and pavement treatments, repainting of the exterior of building, replacement of existing concrete paving in front on building, and other related work.

## **EVALUATION OF PAST PERFORMANCE**

There are no evaluation forms on file for Bay Construction, Inc. at this time.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The project will generate jobs for Oakland residents, and business tax, sales tax and other revenues for the City by those who work on the project.

**Environmental:** The contractor will be required to use recyclable construction materials to the maximum extent feasible and is required to recycle construction debris.

**Social Equity:** The enhancement of the Fremont Pool facility will address visual blight issues in the area, and will attract and encourage the use of the recreational facility by the community.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The Fremont Pool Improvements project will be built in compliance with the physical access requirements of the Americans with Disabilities Act (ADA).

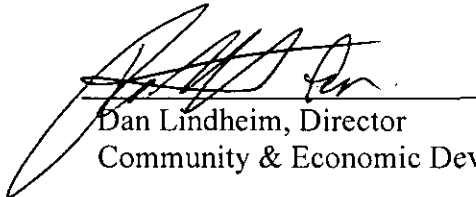
## **RECOMMENDATION AND RATIONALE**

It is recommended that the City Administrator, or the City Administrator's designee, be authorized to award a construction contract for the Fremont Pool Improvement project to Bay Construction, Inc., (Oakland) in the amount of \$ 310,000.00. Bay Construction, Inc., exceeded the City's 20% L/SLBE requirements, and there are sufficient funds available to construct this project. The Fremont Pool Improvements must proceed as soon as possible in order to complete construction before the 2009 summer swim season.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,

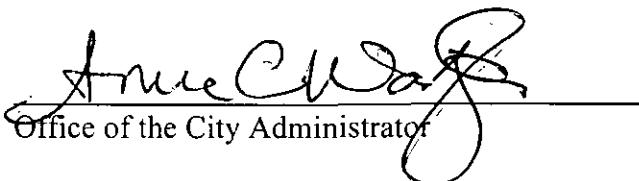


\_\_\_\_\_  
Dan Lindheim, Director  
Community & Economic Development Agency

Reviewed by:  
Michael J. Neary, P.E., Deputy Director, CEDA  
Department of Engineering and Construction

Prepared by:  
Sandra Ousley, CIP Coordinator  
Project Delivery Division

APPROVED AND FORWARDED TO THE  
PUBLIC WORKS COMMITTEE:



\_\_\_\_\_  
Office of the City Administrator

Attachments: A. List of Bidders/Schedule  
B. Contract Compliance Memo

Item: \_\_\_\_\_  
Public Works Committee  
December 16, 2008

*ATTACHMENT A*

Fremont Pool Improvements

Project No. P353410

**List of Bidders**

<u>Company/Bidder</u>	<u>Status</u>	<u>Location</u>	<u>Base Bid Amount</u>
Bay Construction, Inc.	SLBE	Oakland	\$310,000
AJF Builder, Inc.	N/A	Vallejo	\$378,647
Rockridge Builders	SLBE	Oakland	\$467,078

Project Schedule

Task Name	Start	Finish	2008						20	
			Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	
<b>Fremont Pool Improvements</b>	<b>11/19/07</b>	<b>6/30/09</b>								
Design Development	11/19/07	3/14/08								
Design	3/17/08	8/29/08								
Bid-Award/Contract Execution	9/1/08	1/30/09								
Construction	2/2/09	6/30/09								



# Memo

## Department of Contracting and Purchasing

Social Equity Division

To: Sandra Ousley - Project Manager  
 From: Sophany Hang - Acting Contract Compliance Officer  
 Through: Deborah Barnes - DC & P Director  
 Shelley Darensburg - Sr. Contract Compliance Officer *S. Darensburg*  
 CC: Gwen McCormick - Contract Administrator Supervisor  
 Date: **November 19, 2008**  
 Re: P353410-Fremont Pool Improvements

The Department of Contracting and Purchasing (DC&P), Division of Social Equity, reviewed three (3) bids in response to the above referenced project. Below is the outcome of the compliance evaluation for the minimum 20% Local and Small Local Business Enterprise (L/SLBE) participation requirement, 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 most recently completed City of Oakland project.

Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
Mark Lee and Yong Kay, Inc. dba Bay Construction	\$310,000	69.96%	0%	69.96%	NA	69.96%	5%	\$294,500.00	1%	Y
AJF Builders, Inc.	\$378,647	20.02%	7.78%	12.15%	NA	20.02%	2%	\$371,074.06	0%	N
Rockridge Builders	\$467,078	67.22%	0%	67.22%	NA	67.22%	5%	\$443,724.10	1%	Y

**Comments:** As noted above, Mark Lee and Yong Kay, Inc. dba Bay Construction, AJF Builders, Inc, and Rockridge Builders met and/or exceeded the minimum 20% Local/Small Local Business Enterprise participation requirement. All firms are EBO compliant except AJF Builders. They will have to come into compliance prior to contract award.

Non-Responsive		Proposed Participation				Earned Credits and Discounts			Banked Credits Eligibility	EBO Compliant? Y/N
Company Name	Original Bid Amount	Total LBE/SLBE	LBE	SLBE	Trucking	Total Credited participation	Earned Bid Discounts	Adjusted Bid Amount		
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

**Comments:** NA



**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:** Bay Construction  
**Project Name:** Live Oak Pool  
**Project No.** G251110

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

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

**15% Oakland Apprenticeship Program**

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

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.

Total Project Hours	50% Local Employment Program (LEP)							15% Apprenticeship Program				
	Core Workforce Hours Deducted	LEP Project Employment and Work Hours Goal		LEP Employment and Work Hours Achieved		# Resident New Hires	Shortfall Hours	% LEP Compliance	Total Oakland Apprenticeship Hours Achieved	Apprenticeship Goal and Hours		Apprentice Shortfall Hours
		Goal	Hours	Goal	Hours					Goal	Hours	
A	B	C		D		E	F	G	H	I		J
866	0	50%	433	91.22	733	0	0	100%	N/A	N/A	N/A	0

**Comments:** Bay Construction **exceeded** the Local Employment Program's 50% resident hiring goal with **91.22%** resident employment. The 15% Oakland Apprenticeship Program goals were waived because zero Oakland apprentices were available at the time of the request.

Should you have any questions, you may contact Shelley Darensburg at (510) 238-3970.

**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** P353410

**PROJECT NAME:** Fremont Pool Improvements

**CONTRACTOR:** Rockridge Builders

<b><u>Engineer's Estimate:</u></b> \$540,000	<b><u>Contractors' Bid Amount</u></b> \$467,078	<b><u>Over/Under Engineer's Estimate</u></b> \$72,922
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<b><u>Discounted Bid Amount:</u></b> \$443,724.10	<b><u>Amount of Bid Discount</u></b> \$23,353.90	<b><u>Discount Points:</u></b> 5%
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1. Did the 20% requirements apply? **YES**
  
2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0.00%**
  - c) % of SLBE participation **67.22%**
  
3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **0%**
  
4. Did the contractor receive bid discounts? **YES**

(If yes, list the percentage received) **5%**
  
5. Additional Comments.
  
6. Date evaluation completed and returned to Contract Admin./Initiating Dept.

**11/18/2008**

Date

**Reviewing  
Officer:**

*Sophy Hoj*

**Date:**

11/18/08

**Approved By**

*Shelley Darenburg*

**Date:**

11/18/08



## LBE/SLBE PARTICIPATION BIDDER 3

Project Name: Fremont Pool Improvements

Project No.: P353410		Engineers Est: 540,000				Under/Over Engineers Estimate: 72,922				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Painting Landscaping Overheat Grille Electrical Storefront/Aluminum Doors	Rockridge Builders	Oakland	CB		271,448	271,448			271,448	C		
	Sixtos Painting	Oakland	CB		42,500	42,500			42,500	H	42,500	
	Cleary Bros.	Danville	UB						56,350	C		
	R & S Overhead Garage Door, Inc.	San Leandro	UB						12,936	C		
	County Electric	Concord	UB						62,500	C		
	American Gazomg & Aluminum	Martinez	UB						21,344	H	21,344	
<b>Project Totals</b>				\$0	\$313,948	\$313,948	\$0	\$0	\$467,078		\$63,844	\$0
				0.00%	67.22%	67.22%	0%	0%	100%		13.67%	0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>		<b>TOTAL</b>	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>		LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise				UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise						



**DEPARTMENT OF CONTRACTING AND PURCHASING**

**Social Equity Division  
PROJECT EVALUATION FORM**

**PROJECT NO.:** P353410

**PROJECT NAME:** Fremont Pool Improvements

**CONTRACTOR:** Mark Lee and Yong Kay, Inc. dba Bay Construction Co.

<u>Engineer's Estimate:</u>	<u>Contractors' Bid Amount</u>	<u>Over/Under Engineer's Estimate</u>
\$540,000	\$310,000	\$230,000

<u>Discounted Bid Amount:</u>	<u>Amount of Bid Discount</u>	<u>Discount Points:</u>
\$294,500.00	\$15,500.00	5%

- 1. Did the 20% requirements apply? **YES**
- 2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **0%**
  - c) % of SLBE participation **69.96%**
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **100%**
- 4. Did the contractor receive bid discounts? **YES**  
(If yes, list the percentage received) **5%**

5. Additional Comments.

**Per the Project Manager, trucking is not warranted on this project. However, Bay Construction listed \$1,200 trucking dollars amount.**

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

11/18/2008

Date

**Reviewing  
Officer:**

Sophy Hung

**Date:**

11/18/08

**Approved By:**

Shelley Darsenbrug

**Date:**

11/18/08

## LBE/SLBE PARTICIPATION BIDDER 1

Project Name: Fremont Pool Improvements

Project No.: P353410		Engineers Est: 540,000				Under/Over Engineers Estimate: 230,000				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
PRIME Trucking	Mark Lee and Yong Kay, Inc. dba Bay Construction Co.	Oakland	CB		215,682	215,682			215,682	AP	215,682	
	Williams Trucking	Oakland	CB		1,200	1,200	1,200	1,200	1,200	AA	1,200	
Overhead Roll-up Grille	Barton Overhead	Modesto	UB						22,468	C		
Glassing Aluminum Storefront	MAZ Glass	Emeryville	UB						18,650	NL		
Window Grilles	UMO Steel, Inc.	Hayward	UB						24,000	NL		
Electrical	All Area Elect.	San Rancisco	UB						28,000	NL		
<b>Project Totals</b>				\$0 0%	\$216,882 69.96%	\$216,882 69.96%	\$1,200 100%	\$1,200 100%	\$310,000 100%		\$216,882 69.96%	\$0 0%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				LBE 10%	SLBE 10%	TOTAL LBE/SLBE	20% LBE/SLBE TRUCKING		TOTAL	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>				LBE = Local Business Enterprise	SLBE = Small Local Business Enterprise	Total LBE/SLBE = All Certified Local and Small Local Businesses	NPLBE = NonProfit Local Business Enterprise	NPSLBE = NonProfit Small Local Business Enterprise	UB = Uncertified Business	CB = Certified Business	MBE = Minority Business Enterprise	WBE = Women Business Enterprise

**DEPARTMENT OF CONTRACTING AND PURCHASING**



**Social Equity Division**

**PROJECT EVALUATION FORM**

**PROJECT NO.:** P353410

**PROJECT NAME:** Fremont Pool Improvements

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**CONTRACTOR:** AJF Builders, Inc.

<b><u>Engineer's Estimate:</u></b> 540,000	<b><u>Contractors' Bid Amount</u></b> \$378,647	<b><u>Over/Under Engineer's Estimate</u></b> 161,353
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<b><u>Discounted Bid Amount:</u></b> \$371,074.06	<b><u>Amount of Bid Discount</u></b> \$7,572.94	<b><u>Discount Points:</u></b> 2%
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\_\_\_\_\_

- 1. Did the 20% requirements apply? **YES**
  
- 2. Did the contractor meet the 20% requirement? **YES**
  - b) % of LBE participation **7.87%**
  - c) % of SLBE participation **12.15%**
  
- 3. Did the contractor meet the Trucking requirement? **NA**
  - a) Total SLBE/LBE trucking participation **100%**
  
- 4. Did the contractor receive bid discounts? **YES**
  - (If yes, list the percentage received) **2%**
  
- 5. Additional Comments.

**Per the Project Manager, trucking is not warranted on this project. However, AJF Builders, Inc. listed \$5,000 trucking dollars amount.**

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

11/18/2008  
Date

**Reviewing Officer:** Joseph Hung

**Date:** 11/18/08

**Approved By:** Shelley Dorensky

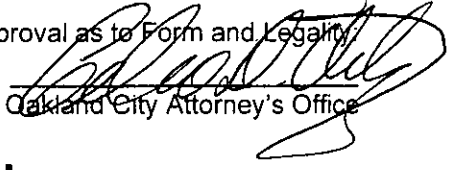
**Date:** 11/18/08

# LBE/SLBE PARTICIPATION

## BIDDER 2

Project Name: **Fremont Pool Improvements**

Project No.: <b>P353410</b>		Engineers Est: <b>540,000</b>				Under/Over Engineers Estimate: <b>161,353</b>				For Tracking Only		
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total LBE/SLBE	L/SLBE Trucking	Total Trucking	TOTAL Dollars	Ethn.	MBE	WBE
<b>PRIME</b>	AJF Builders, Inc.	Vallejo	UB						147,579	C		
Landscape	Cleary Bros.	Danville	UB						23,918	NL		23,918
Metal Fab	Bob's Iron	Oakland	CB		41,000	41,000			41,000	C		
Overhead Doors	Northbay Overhead Doors	San Rafael	UB						20,900	NL		20,900
Aluminum/Door Storefronts	Eastbay Glass Co.	Oakland	CB	29,800		29,800			29,800	AA	29,800	
Painting	Koreen Bros.	Petaluma	UB						19,450	NL		19,450
Electrical	Kroner Electric	Novato	UB						55,000	NL		55,000
Concrete	De Hero Ramirez Group	San Francisco	UB						36,000	H	36,000	
Trucking	Williams Truckig	Oakland	CB		5,000	5,000	5,000	5,000	5,000	AA	5,000	
<b>Project Totals</b>				\$29,800	\$46,000	\$75,800	\$5,000	\$5,000	378,647		\$70,800	\$119,268
				7.87%	12.15%	20.02%	100%	100%	100%		18.70%	31.50%
<b>Requirements:</b> The 20% requirements is a combination of 10% LBE and 10% SLBE participation. An SLBE firm can be counted 100% towards achieving 20% requirements.				<b>LBE 10%</b>	<b>SLBE 10%</b>	<b>TOTAL LBE/SLBE</b>	<b>20% LBE/SLBE TRUCKING</b>		<b>TOTAL</b>	<b>Ethnicity</b> AA = African American AI = Asian Indian AP = Asian Pacific C = Caucasian H = Hispanic NA = Native American O = Other NL = Not Listed MO = Multiple Ownership		
<b>Legend</b>	LBE = Local Business Enterprise SLBE = Small Local Business Enterprise Total LBE/SLBE = All Certified Local and Small Local Businesses NPLBE = NonProfit Local Business Enterprise NPSLBE = NonProfit Small Local Business Enterprise			UB = Uncertified Business CB = Certified Business MBE = Minority Business Enterprise WBE = Women Business Enterprise								

Approval as to Form and Legality  
  
Oakland City Attorney's Office

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2008 DEC -4 PM 3:58

# OAKLAND CITY COUNCIL

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

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO AWARD A CONSTRUCTION CONTRACT TO BAY CONSTRUCTION, INC., FOR THE FREMONT POOL IMPROVEMENT PROJECT (NO. P353410) IN THE AMOUNT OF THREE HUNDRED TEN THOUSAND DOLLARS (\$310,000.00)**

**WHEREAS**, the Fremont Pool facility at 4559 Foothill Boulevard is in need of exterior improvements to address issues of blight in the area; and

**WHEREAS**, on June 2, 2008, the Central City East Redevelopment Project Area Committee recommended the use of Redevelopment funds for the Fremont Pool Improvement project; and

**WHEREAS**, on June 24, 2008, the City Council approved Resolution No. 81840 C.M.S., which approved the use of the Central Central East Redevelopment Area funds for the Fremont Pool Improvement project; and

**WHEREAS**, on November 13, 2008, the City Clerk received three bids for the Fremont Pool Improvement project; and

**WHEREAS**, Bay Construction, Inc. (Oakland), AJF Builders (Vallejo), and Rockridge Builders (Oakland), submitted bids of \$310,000.00, \$378,647.00, and \$467,078.00 respectively; and

**WHEREAS**, the lowest, responsive, and responsible bid of \$310,000.00 was submitted by Bay Construction, Inc.; and

**WHEREAS**, Bay Construction, Inc., has met the City's L/SLBE program requirements; and

**WHEREAS**, sufficient funding of \$387, 500.00 is available for the construction contract (and contingency) from the Central City East Redevelopment Area fund (Fund 7780) in the Fremont Pool Improvement project (No. P353410); 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 service; now therefore be it

**RESOLVED:** That the City Administrator, or the City Administrator's designee, is hereby authorized to award a construction contract on behalf of the City of Oakland for the Fremont Pool Improvement project to Bay Construction, Inc., in the amount of three hundred ten thousand dollars (\$310,000.00) and to execute any amendments or modifications of said contract within the limitations of the project specifications; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared for this project are hereby approved; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to reject all other bids; and be it

**FURTHER RESOLVED:** The amount of the bond for faithful performance, \$310,000.00, and the amount for a bond to guarantee payment of all claims for labor and material furnished and for the amount due under the Unemployment Insurance Act, \$310,000.00, with respect to such work are hereby approved; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2009

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND  
PRESIDENT DE LA FUENTE

NOES -

ABSENT-

ABSTENTION-

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California