

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA

Office of the City Administrator
Dan Lindheim
Acting City Administrator

9462
OFFICE OF THE CITY CLERK
OAKLAND
2008 NOV 20 PM 7:02
(510) 8-3330

December 2, 2008

Public Works Committee
Oakland City Council
Oakland, California

Re: A Resolution Authorizing The City Administrator To Waive Advertising Requirements And Award A Construction Contract In An Amount Not To Exceed \$175,000.00 For Site Demolition, Grading, Installation Of Rubberized Safety Surfacing And Finish Work Required For Installation Of Playground Equipment At Cesar Chavez Annex Park And Accepting The Donation Of Playground Equipment Contributed By Kaboom

Chairperson Nadel and Members of the Committee:

The City Council requested to waive the advertising process for a construction contract to prepare and finish a playground site for the installation of play equipment to be donated and installed by Kaboom at Cesar Chavez Annex Park. The contract amount shall not exceed \$175,000.

FISCAL IMPACT

Funds for the project to be drawn from the District 5 Pay-Go account, if available.

KEY ISSUES AND IMPACTS

Kaboom is a national organization that supports communities and businesses to build much needed, safe and accessible playgrounds. Kaboom provides the play equipment through a corporate donor and helps organize volunteers for a work day to install the equipment. Kaboom has expressed an interest in a project at Cesar Chavez Annex Park in District 5.

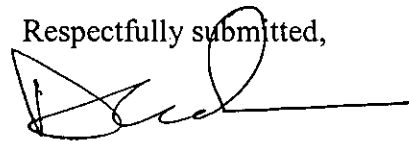
Item: _____
Public Works Comte.
December 2, 2008

In order to avail itself of the donation, the City would have to engineer and prepare the site for the day of the play equipment installation. Generally, Kaboom's project approval and installation process does not give much lead time to recipients. If Oakland wants to participate in Kaboom's offer to install play equipment at Cesar Chavez Annex Park, we need to condense the contract bidding process by waiving the advertising procedure, which could take up to three months, and conduct an informal bid process. The informal bid process will allow staff to obtain bids, within budget, from three or more licensed contractors and award the contract to the lowest responsible bidder, subject to all other City contracting policies.

RECOMMENDATION

Approve the resolution authorizing the City Administrator to waive advertising requirements and award a construction contract in an amount not to exceed \$175,000.00 for site demolition, grading, installation of rubberized safety surfacing and finish work required for installation of playground equipment at Cesar Chavez Annex Park and accepting the donation of playground equipment contributed by Kaboom

Respectfully submitted,



Dan Lindheim
Acting City Administrator

DRAFT

City Attorney

OAKLAND CITY COUNCIL**RESOLUTION No. _____ C.M.S.**Introduced by Councilmember Ignacio De La Fuente

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2009 NOV 20 PM 7:02

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE ADVERTISING REQUIREMENTS AND AWARD A CONSTRUCTION CONTRACT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR SITE DEMOLITION, GRADING, INSTALLATION OF RUBBERIZED SAFETY SURFACING AND FINISH WORK REQUIRED FOR INSTALLATION OF PLAYGROUND EQUIPMENT AT CESAR CHAVEZ ANNEX PARK AND ACCEPTING THE DONATION OF PLAYGROUND EQUIPMENT CONTRIBUTED BY KABOOM

WHEREAS, funding to rehabilitate Oakland's aging parks, ball fields and play structures is extremely limited due to the City's current budgetary constraints; and

WHEREAS, Cesar Chavez Park provides limited open space and almost no recreational opportunities to a neighborhood that is densely populated with children between the ages of 2 and 13; and

WHEREAS, Kaboom, a national non-profit organization, solicits donations of funds, equipment and other materials from corporate sponsors and community volunteers to purchase and install play equipment in parks close to where children live; and

WHEREAS, Kaboom wishes to donate and install much needed play equipment in Cesar Chavez Park on January 27, 2009; and

WHEREAS, successful participation in a Kaboom project would require the City to hire a contractor to prepare and grade the play equipment area and finish the site with rubberized safety surfacing; and

WHEREAS, the estimated cost of the work is \$175,000 and City staff will solicit bids within budget from 3 or more licensed contractors and award the contract to the lowest, responsible, responsive bidder subject to all City contracting policies; and

WHEREAS, Oakland Municipal Code Title 2, Section 2.04.020.A authorizes the City Administrator to award construction contracts up to \$250,000.00 provided advertising and bidding are conducted, or provided a Council waiver is obtained under Section 2.04.050.I; and

WHEREAS, Kaboom's application process gives recipients only a few weeks lead time to prepare for the project, making participation by the City difficult if it adheres to the construction project advertising requirements in the Oakland Municipal Code (OMC); and

WHEREAS, in light of the City’s budgetary constraints and the growing need for quality recreational opportunities, it is the Council’s desire to leverage public and private resources whenever feasible to improve city parks and neighborhoods; and

WHEREAS, a waiver of the advertising requirements would expedite the contracting process and make it feasible for Oakland to hire a licensed contractor and complete work needed for installation of rubberized safety surfacing within Kaboom’s project schedule; and

WHEREAS, the contract for which an advertising waiver is sought is of a technical and temporary nature, is in the public interest because of economy or better performance and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, funding for the site work contract is available in District 5 PayGo; now, therefore, be it

RESOLVED: That pursuant to Oakland Municipal Code Title 2, Section 2.04.050.1.5 and based upon information stated above, the City Council finds that it is in the best interests of the City of waive advertising for the construction contract for playground site preparation, installation of rubberized safety surfacing and finish work at Cesar Chavez park and so waives the requirement; and be it

FURTHER RESOLVED: That the successful bidder will be required to comply with all City contracting policies, such as Local/Small Local Business Enterprise, Equal Benefits, Prevailing Wage, Nuclear Free, etc.; and be it

FURTHER RESOLVED: That the contractor shall provide performance and payment bonds in the amounts required by law, and the contracts shall be approved for form and legality by the office of the City Attorney and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Council accepts the donation of playground equipment and other materials and services for the playground project at Cesar Chavez Park in Oakland, and wishes to acknowledge and thank Kaboom for its generous efforts to provide playgrounds to children in the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: **DRAFT**

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