

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

85 593


City Attorney

2015 APR 29 PM 1:00

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE A CONSTRUCTION CONTRACT WITH BAY CONSTRUCTION COMPANY, INC., THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, IN ACCORDANCE WITH PROJECT PLANS AND SPECIFICATIONS FOR THE LAKE CHABOT GOLF COURSE DRIVING RANGE IMPROVEMENT PROJECT (PROJECT NO. C322810) AND WITH CONTRACTOR'S BID, IN THE AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND EIGHT HUNDRED NINETEEN DOLLARS AND THIRTY-TWO CENTS (\$462,819.32)

WHEREAS, the Lake Chabot Golf Course (LCGC) is owned by the City of Oakland and provides an important recreational amenity for the residents of Oakland and its surrounding communities; and

WHEREAS, green fees and cart fees at LCGC have remained reasonable in comparison to other local courses, making LCGC one of the best golf values in the Bay Area and making the game of golf accessible to the residents of Oakland and its surrounding communities; and

WHEREAS, LCGC serves as home to three youth programs, including the Lake Chabot Golf Academy, the Oakland Parks and Recreation Department's ACE Kids Golf Program and the Oakland First Tee Program and these programs provide hands-on golf instruction, on-course playing and competitive opportunities for 1,000 youth per year for youth ages 7 through 17; and

WHEREAS, the City Council authorized and approved the execution of a management and operation agreement for LCGC with Touchstone Golf, LLC, per Resolution No. 83671 C.M.S. on December 20, 2011, and this agreement was subsequently executed on April 10, 2012, and includes responsibility for the administration of capital improvement projects on LCGC; and

WHEREAS, the existing driving range at LCGC is significantly deficient and does not provide an adequate facility for players to learn and improve their game nor is it acceptable for preparing for a round of golf; and

WHEREAS, the proposed improvements to the driving range will increase revenues, which are projected to pay for the project investment within 10 years and, thereafter, will support additional capital improvements at LCGC; and

WHEREAS, the LCGC Driving Range Improvement Project was approved by the City of Oakland Planning Commission on September 17, 2014 and the construction documents were approved by the Oakland Parks and Recreation Director on January 14, 2015; and

WHEREAS, this project was advertised by the City of Oakland Contracts and Compliance Unit on January 20, 2015, and five bids were received by the Office of the City Clerk on February 26, 2015; and

WHEREAS, two of the bidders were deemed non-responsive to the City's LBE/SLBE or bid program submittal requirements and three bidders were deemed responsive and responsible in meeting the City's LBE/SLBE and bid program submittal requirements; and

WHEREAS, Bay Construction Company, Inc. submitted the lowest, responsive and responsible bid meeting the City's LBE/SLBE and bid program submittal requirements; and

WHEREAS, sufficient funds are available in the Golf Fund (3200) for award of the construction contract and to provide for a reasonable construction contingency; and

WHEREAS, the City Administrator has determined that 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 Administrator has determined that the performance of this contract is temporary in nature and 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 the City Administrator or his Designee, is authorized to execute a construction contract with Bay Construction Company, Inc., the lowest responsive and responsible bidder, in accordance with project plans and specifications for the LCGC Driving Range Improvement Project (Project No. C322810) and with contractor's bid, in the amount of Four Hundred Sixty-Two Thousand Eight Hundred Nineteen Dollars and Thirty-Two Cents (\$462,819.32); and be it

FURTHER RESOLVED: That the City Council hereby rejects all other bids; 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 Director of Oakland Parks and Recreation Department, or her designee, are hereby approved; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That based on the information provided by the City Administrator, the City Council hereby finds that this contract is in the public interest because of economy or better performance and that the contract shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and be it

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

FURTHER RESOLVED: That Touchstone Golf, LLC, under the authority of their management agreement with the City, is responsible for administering the construction contract under the direction of the Director of the Oakland Parks and Recreation Department; 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.

MAY 19 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ and PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST: LaTonda Simmons for
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California