

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

City Attorney

OAKLAND CITY COUNCIL 4: 32

RESOLUTION No: _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER THE CITY ADMINISTRATOR'S DESIGNEE, TO: 1) AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER, MCGUIRE AND HESTER FOR THE PARK AND STREET IMPROVEMENTS FOR THE MUNICIPAL BOATHOUSE AND LAKESIDE DRIVE PROJECT IN THE AMOUNT OF THREE MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND FOUR HUNDRED DOLLARS (\$3,825,400.00) IN ACCORDANCE WITH THE SPECIFICATIONS FOR THE PROJECT AND CONTRACTOR'S BID; 2) APPROPRIATE ~~\$1,318,818.00~~ OF MEASURE DD SERIES B FUNDS IN THE LAKE MERRITT PATH IMPROVEMENT PROJECT (C242311); 3) APPROPRIATE ~~\$2,280,933.00~~ OF MEASURE DD SERIES B FUNDS IN THE LAKE MERRITT PATH IMPROVEMENT PROJECT (C242310) AND; 4) APPROPRIATE ~~\$278,032.00~~ OF MEASURE DD SERIES B FUNDS IN THE SYSTEMWIDE PROJECT (C242110) AMENDING RESOLUTION NO. 77965 C.M.S. TO REALLOCATE ADDITIONAL MEASURE DD, SERIES 2003A BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED THREE MILLION EIGHT HUNDRED SEVENTY SEVEN THOUSAND SEVEN HUNDRED EIGHTY THREE DOLLARS (\$3,877,783.00) TO THE PARK AND STREET IMPROVEMENTS FOR THE MUNICIPAL BOATHOUSE AND LAKESIDE DRIVE PROJECT, AND TO AUTHORIZE THE CITY ADMINISTRATOR, OR THE CITY ADMINISTRATOR'S DESIGNEE, TO REALLOCATE MEASURE DD, SERIES 2003A BOND PROCEEDS AND TO ALLOCATE TO MEASURE DD, SERIES B AND SERIES C FUNDS, AS THE CITY ADMINISTRATOR DEEMS NECESSARY AND APPROPRIATE FOR FUNDING AND THE TIMELY COMPLETION OF SPECIFIC MEASURE DD PROJECTS IN ACCORDANCE WITH MEASURE DD

WHEREAS, the Municipal Boathouse and Lakeside Drive and adjacent parklands are important elements in Lakeside Park and Lake Merritt, which are both a City of Oakland Landmark and a National Historic Landmark; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation, and in November 2002 the Oakland voters

passed Measure DD, the Oakland Trust for Clean Water, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project was included in the Environmental Impact Report for the City of Oakland Bond Measure DD projects, which was certified April 1, 2008, and no additional supplemental environmental clearance for this project is required; and

WHEREAS, the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project must be expedited in order to complete the work by April 2009, to coincide with the opening of the Municipal Boathouse restaurant; and

WHEREAS, on June 9, 2008, the City Clerk received three bids for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project and the lowest responsive and responsible bid of \$3,825,400.00 was submitted by McGuire and Hester; and

WHEREAS, the City's L/SLBE program requirements have been met by McGuire and Hester; and

~~**WHEREAS**, approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310), and \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110) in anticipation of Series B Funds that will become available in the 2008/2009 fiscal year; and~~

~~**WHEREAS**, there is sufficient cash fund balance available in Measure DD Series A to pay for this work until the Series B Bonds are issued; and~~

WHEREAS, the Rotary Clubs of Oakland #3, East Oakland, North Oakland/Emeryville, Oakland-Sunrise, and Piedmont/Montclair jointly raised \$100,000.00 for the purpose of constructing the Municipal Boathouse entry plaza to commemorate the 100th birthday of the Rotary International, which was accepted as a donation by the City on May 17, 2005, under Resolution No. 79225 C. M. S.; and

WHEREAS, upon approval of this resolution funds totaling \$4,200,000.00 are available for the construction project and contingency from the following sources:

- \$322,217.00 from Measure DD Series A the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110).
- ~~\$278,032.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks (Fund 5320, Capital Project Management Organization 92270), Systemwide Project (C242110). Approval of this resolution will authorize and direct the City Administrator to appropriate \$278,032.00 from the fund balance (Measure DD Series A).~~

- ~~\$1,318,818.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242311). Approval of this resolution will authorize and direct the City Administrator to appropriate \$1,318,818.00 from the fund balance (Measure DD Series A).~~
- ~~\$2,280,933.00 from Measure DD Series B the Oakland Trust for Clean Water and Safe Parks, (Fund 5320, Capital Project Management Organization 92270), Lake Merritt Path Improvement Project (C242310). Approval of this resolution will authorize and direct the City Administrator to appropriate \$2,280,933.00 from the fund balance (Measure DD Series A).~~
- \$100,000.00 donation from Rotary Clubs of Oakland #3, (Fund 1010, Organization 88229, Project No, to be determined; and

WHEREAS, the City will issue Measure DD general obligation bonds in three issuances (Series 2003A, Series B, and Series C); and

WHEREAS, in August 2003, Measure DD Series 2003A bonds were issued in the amount of \$70,579,000; and

WHEREAS, Resolution No. 77965 C.M.S., adopted on July 15, 2003, allocates Measure DD, Series 2003A proceeds to fund the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project, however, additional funds are necessary to complete the project; and

WHEREAS, in order to expedite overall completion of the Measure DD projects, the City Council reallocates additional Measure DD, Series 2003A bond proceeds in the amount not to exceed three million eight hundred seventy seven thousand seven hundred eighty three dollars (\$3,877,783.00) to the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project; now therefore be it,

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work and 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 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 bids for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project were received on June 9, 2008, and McGuire and Hester submitted the lowest, responsible, responsible bid; and be it

FURTHER RESOLVED: That the City Administrator, or City Administrator's her designee, is hereby authorized to award a construction contract on the behalf of the City of Oakland to McGuire and Hester for the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project (C242311) in the amount of three million eight hundred twenty-five thousand four hundred dollars (\$3,825,400.00) in accordance with the specifications for the project and the contractor's bid; and be it

~~**FURTHER RESOLVED:** That the City Administrator is authorized to appropriate \$1,318,818.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242311), \$2,280,933.00 of Measure DD Series B Funds in the Lake Merritt Path Improvement Project (C242310), and \$278,032.00 of Measure DD Series B Funds in the Systemwide Project (C242110) in anticipation of Series B Funds that will become available in the 2008/2009 fiscal year; and be it~~

FURTHER RESOLVED: That an amount not to exceed \$3,825,400.00 of Measure DD, Series 2003A, bond proceeds is reallocated and appropriated to fund the Park and Street Improvements for the Municipal Boathouse and Lakeside Drive Project; and be it

FURTHER RESOLVED: That the City Administrator, or the City Administrator's designee, is authorized to reallocate Measure DD, Series 2003A bond proceeds, and to allocate to Measure DD, Series B and Series C funds, as the City Administrator deems necessary and appropriate for funding and the timely completion of specific Measure DD projects in accordance with Measure DD; and be it

FURTHER RESOLVED: That the City Council and the City Administrator express their appreciation to the Rotary Clubs of Oakland #3, East Oakland, North Oakland Emeryville, Oakland-Sunrise, and Piedmont/Montclair for their generous contribution of \$100,000.00; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Park and Street Improvements for the Municipal Boathouse Project; and be it

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to execute any amendments or modifications of said contract within the limitations of the project specification; 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, \$3,825,400.00, 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, \$3,825,400.00, 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, _____, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, 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