

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY CLERK
2006 JUL 11 PM 4:36

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency
DATE: July 11, 2006

RE: A Resolution Authorizing The City Administrator To: 1) Reject The Single Bid Submitted For The Municipal Boathouse Rehabilitation And Park Improvements Project (C241911); 2) Waive Further Competitive Bidding; 3) Authorize The City Administrator, Or Her Designee, To Negotiate, Award, And Execute A Construction Contract For The Construction Of The Municipal Boathouse Rehabilitation And Park Improvements Project In An Amount Not-To-Exceed Twelve Million Five Hundred Thousand Dollars (\$12,500,000.00) To BBI Construction; And 4) Appropriate Three Million Two Hundred Thousand Dollars (\$3,200,000.00) From The Sailboat House Renovation Project (C242010) Under Measure DD Series B Fund To The Municipal Boathouse Rehabilitation And Park Improvements Project (C241911)

SUMMARY

A resolution has been prepared authorizing the City Administrator, or her designee, to reject the single bid for the Municipal Boathouse Renovation and Park Improvements project (C241911); to waive further competitive bidding; to negotiate, award, and execute a construction contract for the construction of the Municipal Boathouse Rehabilitation and Park Improvements project (C241911) in the amount not-to-exceed twelve million five hundred thousand dollars (\$12,500,000.00) to BBI Construction (Oakland); and to appropriate three million two hundred thousand dollars (\$3,200,000.00) from the Sailboat House Renovation project (C242010) under Measure DD Series B Fund to the Municipal Boathouse Rehabilitation and Park Improvements project (C241911).

The project consists of the structural rehabilitation and renovation of the existing, historically significant, Municipal Boathouse building at Lakeside Park. Site improvements will include construction of new pathways, stairs, parking facilities, a concrete dock, bulkhead reconstruction, landscaping, irrigation, and other related work.

The Municipal Boathouse Rehabilitation and Park Improvement Project is consistent with the Mayoral and City Council Goals, to "Provide Effective Community Programs for Seniors, Youth, and People with Disabilities" and "Build Community and Foster Livable Neighborhoods," by renovating the existing building and providing a clean and accessible facility for various recreational programs and public functions. The project is located in Council District 3.

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FISCAL IMPACT

The total, original project construction budget is \$10,540,000.00. The engineer's initial construction cost estimate was \$9,500,000.00. Funding for construction is available from the following sources:

- \$4,400,000.00 from Measure DD Series A Bond Fund (5320), Municipal Boathouse Rehabilitation Project (C241910 & C241911), CIP Project Management Organization (92270).
- \$1,121,000.00 from Measure DD Series A Bond Fund (5320), Municipal Boathouse Rehabilitation Project, previously re-allocated from the Sailboat House Renovation Project (C242011 & C242012), CIP Project Management Organization (92270), per Council Resolution No 79084 C.M.S. dated March 1, 2005.
- \$668,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Retaining Walls Project allocated for Municipal Boathouse Rehabilitation Project (C242211), CIP Project Management Organization (92270).
- \$800,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Pedestrian and Bicycle Pathway Improvement Project (C242310 & C242311), CIP Project Management Organization (92270).
- \$838,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Systemwide Improvement Project (C242110 & C242111), CIP Project Management Organization (92270).
- \$100,000.00, a donation from Rotary Clubs of Oakland #3, East Oakland, North Oakland/Emeryville, Oakland Sunrise and Piedmont/Montclair for the Lake Merritt Municipal Boathouse Entry Plaza per Council Resolution 79225 C.M.S dated May 17, 2005.

Funding for construction will be available from the following sources:

- \$2,124,000.00 from Measure DD Series B Bond Fund, Lake Merritt Pedestrian and Bicycle Pathway Improvement Project.
- \$489,000.00 from Measure DD Series B Bond Fund, Lake Merritt Systemwide Improvement Project.

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In order to provide sufficient funding for construction, this resolution will request the City Council to take an advance action on the reallocation of Measure DD Series B Fund from the Sailboat House Renovation Project to provide \$3,200,000.00 of additional funding to the Municipal Boathouse Rehabilitation and Park Improvements Project. These two projects are in the same category of Lake Merritt Recreation and Youth Activities in the Measure DD Bond outline. The initial recommendations for the Sailboat House Renovation project include the addition of a new accessory building for boat storage and classrooms, the renovation of the meeting facility on the second floor, and the reconfiguration the access entry area and the parking lot. This facility is currently in full operating condition and was partially renovated several years ago. The original appropriation of the Sailboat House Renovation project is \$1,250,000.00 in Series A and \$3,750,000.00 in Series B of the Measure DD Bond Fund. This reallocation will leave \$550,000.00 in the Sailboat House project for priority renovation work. Fundraising efforts for the Sailboat House project will continue.

In the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the construction contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects which are on hold, and will be recovered from the Series B Bond when the funds do become available.

With the additional appropriation, the total construction budget will be \$13,540,000.00, which includes a \$1,040,000.00 (8.3%) construction contingency.

The Contract Compliance fee was assessed within Project C241520 and the Public Art fee was assessed within Projects C241920, C242020, C242120, C242220 and C242320. The operating and maintenance costs for the park are covered within the existing park budget. The operating and maintenance costs for Municipal Boathouse will be borne and covered within the negotiated leases between the City and the restaurant and the boating tenants.

BACKGROUND

The Municipal Boathouse Building and the surrounding Lakeside Park are registered landmarks of the City of Oakland. The improvements to the building and the site have been designed to preserve and enhance the historic characteristics and elements of the facilities. The existing building is built partially over the water and is supported by piles. Foundation work will require construction of a coffer-dam along the lake sides of the building. The entire building will be seismically strengthened with a combination of micro-piles, grade beams, brace frames and shear walls. In an effort to promote the City's mandate for sustainable development, the project is designed to be the first LEED (Leadership in Energy Efficient Design) Silver certified City building. Due to the complexity and uniqueness of the project construction, the City conducted a pre-qualification process for general contractors interested and qualified in bidding on the project.

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In May 2005, the City issued a request for pre-qualification to pre-qualify contractors suitable for the project based on their capabilities, capacity, experience, and past performance. In July 2005, five contractors out of nine firms who submitted pre-qualification statements were approved and placed on the pre-qualified list.

On December 19, 2005, the City Clerk received only one bid for the project. BBI Construction (Oakland) submitted a bid of \$15,840,600.00 for the base bid, which represents a difference of 66.7 percent above the engineer's initial cost estimate of \$9,500,000.00.

Staff and the consultants have reviewed and analyzed the bid results and have noted the following:

- Only one bid was received. Historically, low coverage of bidders often results in excessive bid pricing. During the bidding process of the project, the City determined, through the bid of another City project, Studio One Rehabilitation, that two of the five pre-qualified general contractors are ineligible to participate in the pre-qualified contractors' pool for submitting bids. Of the three remaining pre-qualified general contractors, two contractors decided not to submit bids and only one general contractor, BBI Construction, submitted a bid.
- The thriving construction economy has caused many contractors to reach their capacity, and labor in the construction industry is in short supply. This situation is resulting in unfavorable market conditions with bids that are considerably over the engineers' cost estimates on both the public and private sector bidding.
- According to the lone bidder, BBI Construction, subcontractor coverage was low and inconsistent. In several areas, no bids were received from subcontractors. Upon further comparison of the bids against the engineer's estimate, it appears that the bid prices are abnormally high in several areas: coffer-dam, micro-piles, concrete, structural steel, and metal fabrications. BBI Construction indicated that this was mainly because of the lack of competitive bids received from the subcontractors during the bid period. BBI further indicated that if more subcontractors were interested and involved in the project, there would be drastic reduction of prices in these areas.

Based upon the preliminary analysis of the bid received, the current market conditions, and bid climate, staff has concluded that the construction budget should be revised and increased to \$12,500,000.00, which is more reasonable for the size and the complexity of the project, and which also reflects the current market conditions of the construction industry. Initial discussions with BBI Construction have indicated that they will be able to meet this revised construction budget by directly soliciting multiple subcontractor bids, by clarifying portions of the design,

performing some minor value engineering, lowering the contractor's fees and overhead, and some minor scope reduction, such as simplifying the design of the grand stairway and deleting the restroom building.

Staff recommends that the initial bid from BBI Construction should be rejected because it substantially exceeds the engineer's estimate and the project budget. BBI Construction's original bid achieved 53% local business participation, which exceeds the 20% L/SLBE requirement, as verified by the Contract Compliance & Employment Services Division of the City Administrator's Office (see Attachment A). Any revised proposal will require BBI Construction to meet all the City local business and employment program requirements. In addition, BBI Construction has indicated that in their next proposal they should, at minimum, meet the local business program percentages achieved in their initial bid.

KEY ISSUES AND IMPACTS

The renovation of the historic Lake Merritt Municipal Boathouse is identified in the Lake Merritt Park Master Plan of July 2002 as one of the major, high priority projects scheduled for implementation. In November 2002, Oakland voters passed Measure DD, the Oakland Trust for Clean and Safe Parks Bond Measure, to fund the construction of the various projects, including the Municipal Boathouse. The design of the project began in June 2004. In April 2005, the selective demolition and hazardous materials abatement phase of the project was completed. The City is currently negotiating a lease with the prospective restaurant tenant, which will occupy the space on the main floor of the boathouse building. Time is of the essence for the completion of the work so that the Boathouse building shell and the site improvements are ready and available for the tenant improvement work to begin as early as possible.

Staff requests authorization to reject the initial bid form BBI Construction, and to negotiate, award, and to execute a construction contract for an amount not to exceed \$12,500,000.00, with BBI Construction. The contract will require compliance with the City's LBE/SLBE programs.

The City's Municipal Code, Title 2 Chapter 2.04.050 I (5) allows an exception to the competitive bidding process when it has been determined that it is not in the best interest of the City to formally bid the work. The formal bid process takes three to four months, or five to six months if a pre-qualification process is used. Re-bidding the project a second time will not necessarily provide any added interest or different bid results.

The approval of this resolution will help ensure the execution of a construction contract in August 2006 and for work to begin shortly thereafter. The project duration is 230 working days from the date of the Notice to Proceed and completion is anticipated in summer 2007. The construction contract specifies \$1,000.00 in liquidated damages per calendar day if the contract completion time of 230 working days is exceeded.

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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 Municipal Boathouse Rehabilitation and Park Improvements project is pursuing the Leadership in Energy and Environmental Design (LEED) Silver Rating Certification from the US Green Building Council (USGBC). The contractor is required to meet the USGBC's LEED Silver Rating standards in the areas of sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process. The standards also include the construction waste reduction goal of 75%, which exceeds the City's Recycling and Waste Reduction Program goal of 50%.

Social Equity: With this project, neighboring residents and the community citywide will gain improved access to the Municipal Boathouse, Lake Merritt, and the surrounding Lakeside Park. The improved facilities and site will also provide enhanced recreational venues for public functions.

DISABILITY AND SENIOR CITIZEN ACCESS

The existing building limits access for people with disabilities and senior citizens as the site, restrooms, and upper and lower floor are not wheelchair accessible. The renovated facility will comply with the California Code of Regulations, Title 24 and Americans with Disabilities Act (ADA) Guidelines. The renovated facility and site will include physical features such as designated disabled parking spaces, curb ramps, wheelchair lifts, and accessible walkways, and accessible entrances, restrooms, and drinking fountains.

RECOMMENDATION AND RATIONALE

It is recommended that the City Administrator, or her designee, be authorized to reject the single bid for the Municipal Boathouse Renovation and Park Improvements project (C241911); to waive further competitive bidding; to negotiate, award, and execute a construction contract for the construction of the Municipal Boathouse Rehabilitation and Park Improvements project (C241911) in an amount not-to-exceed twelve million five hundred thousand dollars (\$12,500,000.00) to BBI Construction; and to appropriate three million two hundred thousand dollars (\$3,200,000.00) from the Sailboat House Renovation project (C242010) under Measure DD Series B Fund to the Municipal Boathouse Rehabilitation and Park Improvements project (C241911).

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Appropriation of the additional funds will allow for the award of the construction contract, and provide for an adequate contingency for this project. In order for the tenant improvement work to start as soon as possible, the Municipal Boathouse building shell and the site improvements need to be completed as soon as possible.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Raul Godinez, II, P.E.
Director, Public Works Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, Public Works Agency
Design and Construction Services Department

Prepared by:
Jadia Wu, AIA
CIP Coordinator
Project Delivery Division

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Attachment A - Contract Compliance Memo and Analysis

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OFFICE OF THE CITY ADMINISTRATOR
Contract Compliance & Employment Services Division

Memo

TO: Gwen McCormick, PWA--Contract Administration
THROUGH: Deborah Barnes, CC&ES Manager *Deborah Barnes*
FROM: Shelley Darensburg, Contract Compliance Officer
CC: Contract Compliance Officer File
DATE: January 13, 2006

RE: **Municipal Boathouse Rehabilitation and Park Improvements**
Project No. G241911

Contract Compliance & Employment Services reviewed one (1) proposal received in response to the above referenced project. Below is the outcome of our compliance evaluation for the twenty percent (20%) minimum participation requirement and a preliminary review for compliance with the Equal Benefits Ordinance (EBO).

Company Name	Bid Amount (if applicable)	Proposed Participation				Total Credited	Preferences Bid Discounts	EBO Compliant ? Y/N
		Total	LBE	SLBE	Trucking			
BB1 Construction	\$15,840,600	53%	42%	11%	100%	22%	n/a	Y

As noted above, the bidder exceeded the 20% L/SLBE participation requirement and is in compliance with EBO. Bid Discounts were not applicable because there was only one bidder.

Should you have any questions please feel free to contact Shelley Darensburg at 238-7325.

Contract Compliance and Employment Services Evaluation Form

Project No.: C241911

Project Name: Municipal Boathouse Rehabilitation and Park Improvements

Contractor: BBI Construction

Contractor's Bid Amount: \$15,840,600

Engineer's Estimate: \$9,000,000

Over/Under the Engineers Estimate: -\$6,840,600

Bid Discounted Amount: \$0

Discount Points: 0

Discounted Bid Price: \$15,840,600

1. Did the 20% requirements apply? YES

2. Did the contractor meet the 20% requirement? YES

a) % of LBE 0%

b) % of SLBE 53%

3. Did the contractor meet the Trucking requirement? Yes

a) % of Local Trucking 100%

4. Did the contractor receive bid discount points? n/a
(If yes, list the points received)

5. Additional Comments.

6. Date evaluation completed and returned to Contract Admin./Initiating Dept. 1/11/2006

Reviewing

Officer: Shelley Rosenburg

Date: 1/11/2006

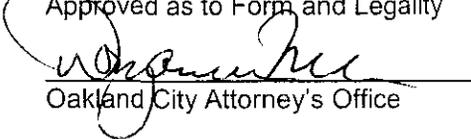
Approved By: Robert Barron

Date: 1/11/06

LBE/SLBE Participation Bidder 1

Project Name: Municipal Boathouse Rehabilitation and Park Improvements

Project No.: C241911		Engineers Est: \$9,000,000				Under/Over Engineers Estimate: -\$6,840,600						
Discipline	Prime & Subs	Location	Cert. Status	LBE	SLBE	Total L/SLBE	L/SLBE Trucking	Total Trucking	Total Dollars	For Tracking Only (Self-Reported)		
										Ethn.	MBE	WBE
PRIME	BBI Construction	Oakland	CB	4,930,440		4,930,440			4,930,440	C		
Windows & Doors	Quantum	Everett, WA	UB						621,610	NL		
Plaster	S. Nava	Hayward	UB						23,000	NL		
Wood Ceiling	Atlantis	Sausalito	UB						239,881	NL		
Wood Flooring	Merit	Stockton	UB						97,520	NL		
Paint	Koreen Bros.	Petaluma	UB						152,160	NL		
Plumbing, HVAC, & Flashing	PM & M Electric	Oakland	CB		930,000	930,000			930,000	NL		
Fire Protection	Paul's Plumbing	Oakland	CB		60,798	60,798			60,798	C		
Site Electric	Ray's Electric	Oakland	CB		362,000	362,000			362,000	C		
Bldg. Electric	Beci Electric	Oakland	CB		358,000	358,000			358,000	C		
Millwork	Union Planning	Stockton	UB						60,561	NL		
Landscape	Bauman	Richmond	UB						335,000	NL		
Demo	Penhall	San Leandro	UB						168,300	NL		
Hazmat	Micro Surge Env.	Oakland	UB						124,000	NL		
Site Work	Bay Cities	Concord	UB						978,655	NL		
Micro Piles/Piers	Condon Johnson	Oakland	CB	1,660,075		1,660,075			1,660,075	NL		
Site Concrete	Berkeley Cement	Berkeley	UB						740,490	NL		
Structural Concrete	Urata & Sons	Rancho Cordoba	UB						1,667,140	NL		
Rebar	Golden Gate	Emeryville	UB						165,290	NL		
CMU/Stone	Sullivan	SF	UB						446,455	NL		
Coffer Dam	Cooper Crane	Mare Island	UB						370,000	NL		
Metals	Oison & Company	Oakland	UB						1,015,000	NL		
Insulation	F. Rodgers	Livermore	UB						49,875	NL		
Clay Tile	ALCAL	Hayward	UB						71,272	NL		
Steel Doors	PGI	Hayward	UB						116,263	NL		
Gypsum Board	Concord Drywall	Concord	UB						76,115	NL		
Trucking	Williams Trucking	Oakland	CB		20,000	20,000	20,000	20,000	20,000	AA	20,000	
Project Totals				\$6,590,515	\$1,730,798	\$8,321,313	\$20,000	\$20,000	\$15,840,600		\$20,000	\$0
				42%	11%	53%	100%	100%	100%		0%	0%
Requirements: 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%						Ethnicity AA = African American A = Asian C = Caucasian H = Hispanic NA = Native American NL = Not Listed	
Legend				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				

Approved as to Form and Legality

Oakland City Attorney's Office

OFFICE OF

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2006 JUN 20 11:45:55

OAKLAND CITY COUNCIL

RESOLUTION No: _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: 1) REJECT THE SINGLE BID SUBMITTED FOR THE MUNICIPAL BOATHOUSE REHABILITATION AND PARK IMPROVEMENTS PROJECT (C241911); 2) WAIVE FURTHER COMPETITIVE BIDDING; 3) AUTHORIZE THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO NEGOTIATE AND AWARD A CONSTRUCTION CONTRACT TO BBI CONSTRUCTION FOR CONSTRUCTION OF THE MUNICIPAL BOATHOUSE REHABILITATION AND PARK IMPROVEMENTS PROJECT IN AN AMOUNT NOT-TO-EXCEED TWELVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$12,500,000.00); AND 4) APPROPRIATE THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000.00) FROM THE SAILBOAT HOUSE RENOVATION PROJECT (C242010) UNDER MEASURE DD SERIES B FUND TO THE MUNICIPAL BOATHOUSE REHABILITATION AND PARK IMPROVEMENTS PROJECT (C241911)

WHEREAS, the renovation of the historic Lake Merritt Municipal Boathouse 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, Safe Parks Bond Measure, to fund the construction of the project; and

WHEREAS, five general contractors were approved to bid on the project through the City's pre-qualification process; and

WHEREAS, on December 19, 2005, only one bid was received by the Office of the City Clerk for the Municipal Boathouse Rehabilitation and Park Improvement project (C241911) and the bid exceeded project estimate; and

WHEREAS, BBI Construction submitted the only bid for the project and their bid substantially exceeded the engineer's estimate and project budget; and

WHEREAS, funds totaling \$10,540,000.00 are available for the contract and contingency from the following sources: \$4,400,000.00 from Measure DD Series A Bond Fund (5320), Municipal Boathouse Rehabilitation Project (C241910 & C241911), CIP Project Management Organization (92270); \$1,121,000.00 from Measure DD Series A Bond Fund (5320), Municipal Boathouse Rehabilitation Project, previously re-allocated from the Sailboat House Renovation Project (C242011 & C242012), CIP Project Management Organization (92270), per Council Resolution No 79084 C.M.S. dated March 1, 2005; \$668,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Retaining Walls Project allocated for Municipal Boathouse Rehabilitation Project (C242211), CIP Project Management Organization (92270); \$800,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Pedestrian and Bicycle Pathway Improvement Project (C242310 & C242311), CIP Project Management Organization (92270); \$838,000.00 from Measure DD Series A Bond Fund (5320), Lake Merritt Systemwide

Improvement Project (C242110 & C242111), CIP Project Management Organization (92270); \$100,000.00, a donation from Rotary Clubs of Oakland #3, East Oakland, North Oakland/Emeryville, Oakland Sunrise and Piedmont/Montclair for the Lake Merritt Municipal Boathouse Entry Plaza per Council Resolution 79225 C.M.S dated May 17, 2005; \$2,124,000.00 from Measure DD Series B Bond Fund, Lake Merritt Pedestrian and Bicycle Pathway Improvement Project; \$489,000.00 from Measure DD Series B Bond Fund, Lake Merritt Systemwide Improvement Project; and

WHEREAS, additional funds totaling \$3,200,000.00 is required to award the construction contract from the Sailboat House Renovation project (C242010) under Measure DD Series B Bond Fund; and

WHEREAS, in the event the issuance of the Measure DD Series B Bond Fund is delayed and not in time for the payment of the construction contract, funding will be advanced from existing Measure DD Series A project funds that have not been spent or from the projects are on hold, and will be recovered from the Series B Bond when the funds do become available; 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 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 the City Council adopts the plans and specifications for the Municipal Boathouse Rehabilitation and Park Improvements Project; and, be it

FURTHER RESOLVED: That the City Council rejects the bid submitted by BBI Construction on December 19, 2005, for the Municipal Boathouse Rehabilitation and Park Improvement project as it substantially exceeded the engineer's estimated cost and budget; and, be it

FURTHER RESOLVED: That the City Council finds and determines that it is in the best interests of the City to waive further competitive bidding pursuant to Oakland Municipal Code Title 2, Chapter 2.04.050.I.5 and hereby does so because the first bid process did not render any responsible and responsive bid within budget and further competitive bidding would delay the project which may cause the City to miss the deadlines for expenditure of Measure DD funding and delay the execution of a lease agreement with the restaurant tenant; and, be it

FURTHER RESOLVED: That the City Administrator, or her designee, is hereby authorized to negotiate and award a construction contract to BBI Construction for the construction of the Municipal Boathouse Rehabilitation and Park Improvements Project in an amount not-to-exceed twelve million five hundred thousand dollars (\$12,500,000.00) in accord with project plans and specifications; and, be it

FURTHER RESOLVED: The negotiated construction contract will require contractor to meet all the City's local business and employment program requirements; and, be it

FURTHER RESOLVED: That additional funds of three million two hundred thousand dollars (\$3,200,000.00) from the Sailboat House Renovation project (C242010) under Measure DD Series B Fund will be appropriated to the Municipal Boathouse Rehabilitation and Park Improvements Project (C241911) and place the funds in Measure DD Fund 5320, CIP Project Management Organization (92270), Buildings Additions and Improvement Account (57212); and, be it

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

FURTHER RESOLVED: That the City Administrator, or her designated representative, is hereby authorized to approve any subsequent amendments, modifications, or extensions of said agreement, provided that such amendments or extensions shall be approved as to form and legality by the City Attorney's Office and filed with the Office of the City Clerk; and, be it

FURTHER RESOLVED: That the contract shall be reviewed and approved by the Office of the City Attorney and filed with the Office of the City Clerk; and, be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT OF THE COUNCIL DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California