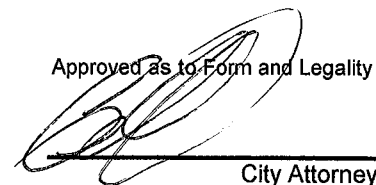


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City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 87459 C.M.S.

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO INCREASE THE CONSTRUCTION CONTRACT CHANGE ORDER AMOUNT FOR THE RAINBOW RECREATION CENTER RENOVATION AND EXPANSION PROJECT (PROJECT NO. 1000854) WITH JUV, INC., FROM TEN PERCENT (10%) TO FIFTEEN PERCENT (15%) OF THE ORIGINAL CONTRACT AMOUNT OF TEN MILLION ONE HUNDRED FIFTY THOUSAND (\$10,150,000) FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED ELEVEN MILLION SIX HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$11,672,500.00)

WHEREAS, the Rainbow Recreation Center was identified as a priority project in the FY11-13 Park Project Prioritization list approved by Council under Resolution No. 83725 C.M.S. in February 2012; and

WHEREAS, on May 17, 2011 the City Council approved Rainbow Recreation Center project as one of six projects to apply for Round 2 of the Proposition 84, the Clean Water, Parks and Coastal Protection Act competitive grant in Resolution No. 83367 C.M.S.; and

WHEREAS, in October 2013 the City was awarded and entered into an agreement with the State of California Department of Parks & Recreation receiving Proposition 84 grant funds for the project; and

WHEREAS, on March 1, 2016 the City Council approved Resolution No. 86028 C.M.S. allowing staff to apply for, accept and appropriate grant funds from the California Department of Housing and Community Development for the 2015 Housing Related Parks Program (HRPP) for the Rainbow Recreation Center; and

WHEREAS, on October 4, 2016 the City Council approved Rainbow Recreation Center as one of two projects to apply for the Proposition 40 California Youth Soccer and Recreation Development Program in Resolution No. 86407 C.M.S.; and

WHEREAS, in November 2016 the Measure KK General Obligation Bond was approved by the voters of Oakland to fund \$600 million of vital infrastructure improvements and anti-displacement and affordable housing projects; and

WHEREAS, on June 19, 2017 the City Council approved Rainbow Recreation Center in the list of projects commencing with the first Measure KK bond issuance in Resolution No. 86779 C.M.S.; and

WHEREAS, in February 2017 the City entered into Agreement with the State of California Department of Housing and Community Development receiving grant funds for the project; and

WHEREAS, in October 2017 the City entered into an Agreement with the State of California Department of Parks & Recreation receiving Youth Soccer grant funds for the project; and

WHEREAS, on September 1, 2017 the City advertised the Rainbow Recreation Center Renovation & Expansion Project No. 1000854 for bid and 2 bids were received in the amounts of \$10,795,000 and \$11, 282,000 by the City Clerk on September 28, 2017; and

WHEREAS, on November 28, 2017, the City Council approved Resolution No. 86975 C.M.S. to reject all bids, waive further competitive bidding, and authorized negotiation of a construction contract in the open market for an amount not-to-exceed \$8,700,000.00 to meet original project scope; and

WHEREAS, in December, 2017, staff conducted a limited bid inviting three interested firms to submit a bid for the project; and

WHEREAS, in February 2018, City Council approved Resolution No. 87069 C.M.S. to: a) increase the construction contract amount to \$10,150,000 to JUV, Inc and b) reallocate total additional funds of \$2,165,000 for the project from Measure WW; and

WHEREAS, various change orders, including unforeseen and changed field conditions, new work to replace aged equipment or areas not included in the original scope, and planned changed orders such as the public art installation or utility work that could not be fully defined during design, are required to be completed in the project; and

WHEREAS, existing funds approved and appropriated for the construction are available in the Rainbow Recreation Center Renovation/Expansion Project No. 1000854 from various sources totaling \$11,165,000:

- Measure WW East Bay Regional Park Bond Fund 2260 (Award No. 21044)
- Measure KK Affordable Housing & Infrastructure Bond Fund 5330 (Award No. 23253)
- State Parks Grant Fund 2134 (Award No. 22011)
- State Youth Soccer Grant Fund 2134 (Award No. 23439)
- Housing Related Parks Program Fund 2144 (Award Nos. 23321 and 23163); and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so; and

WHEREAS, advertising and competitive re-bidding will delay the on-going construction project and to maintain continuity and minimize costly delays;

WHEREAS, the City Council finds and determines based on the representations set forth in the City Administrator's report accompanying this Resolution that the construction contract approved hereunder is temporary in nature; and

WHEREAS, the City lacks the equipment and qualified personnel to perform the necessary work, that the performance of this contract is in the public interest because of economy or better performance; 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 finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 in order to meet the grant schedule; and be it

FURTHER RESOLVED: That the City Council approves and authorizes the City Administrator, or Designee, to increase the construction contract change order amount for the Rainbow Recreation Center Renovation and Expansion Project (Project No. 1000854) with JUV, Inc., from 10% to 15% of the original contract for a total contract amount not to exceed eleven million six hundred seventy-two thousand five hundred dollars (\$11,672,500.00), utilizing existing project funds available in the following sources as needed:

- Measure KK Affordable Housing & Infrastructure Bond Fund 5330 (Award No. 23253) up to \$333,500.00
- State Parks Grant Fund 2134 (Award No. 22011) up to \$174,000.00; and be it

FURTHER RESOLVED: That the City Administrator, or Designee, is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 11 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~10~~ CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, GIBSON MCELHANEY, and PRESIDENT REID 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Books

ATTEST: _____

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