

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
City Attorney's Office

2019 NOV 21 PM 1:50

## OAKLAND CITY COUNCIL

RESOLUTION NO. 87966 C.M.S.

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**RESOLUTION 1) AWARDING A CONTRACT TO NATIONAL FITNESS CAMPAIGN LLC IN AN AMOUNT NOT TO EXCEED \$316,000 FOR THE PURCHASE OF THREE FITNESS COURTS AT A DISCOUNTED RATE; 2) ACCEPTING A DONATION FROM NATIONAL FITNESS CAMPAIGN LLC VALUED AT \$90,000 IN THE FORM OF THE DISCOUNTED FITNESS COURTS; 3) AWARDING A CONTRACT TO ENGINEERED INSTALLATION SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$75,000 FOR INSTALLATION OF FITNESS COURTS; AND 4) WAIVING ADVERTISING AND BIDDING REQUIREMENTS FOR BOTH CONTRACTS**

**WHEREAS**, for over 40 years the National Fitness Campaign, LLC (NFC), a Social Enterprise Organization, has been dedicated to helping communities fund, build and activate the world's best outdoor gym and make world-class fitness free; and

**WHEREAS**, the NFC is committed to creating healthy communities across the country and envisions a world that is digitally connected through the common goal of life-long wellness; and

**WHEREAS**, the NFC offers discounts to aid with cost of installation, promotion and implementation of the outdoor Fitness Court; and

**WHEREAS**, the Oakland Parks, Recreation and Youth Development Department (OPRYD) believes the outdoor Fitness Court is an important mechanism to support the health of the community; and

**WHEREAS**, OPRYD will collaborate with NFC to implement the construction of outdoor Fitness Courts and make fitness free to the community; and

**WHEREAS**, Fitness Court is trademarked and owned by NFC and no other vendor, distributor or organization sells the National Fitness Campaign Ecosystem, a collection of resources and services that include the Fitness Court, an outdoor bodyweight circuit training system, the Digital Fitness Court App, Certified Ambassador Training Program, and a community activation promotions and marketing package; and

**WHEREAS**, the City Administrator recommends awarding a contract to National Fitness Campaign, LLC for the purchase of the three Fitness Courts at a discount of \$30,000 each, for a total discount valued at \$90,000; and

**WHEREAS**, the City Administrator recommends awarding a contract to Engineered Installation Solutions for the installation of the Fitness Courts; and

**WHEREAS**, the City Administrator has determined that the service contract is temporary and of a professional, scientific or technical 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**, Oakland Municipal Code (OMC) section 2.04.050.A requires the City Administrator to conduct advertising and bidding and award to the lowest responsible responsive bidder for the purchase of products or goods, and OMC 2.04.050.1.5 allows the City Council to waive advertising and bidding requirements upon a finding by the Council that it is in the best interest of the City to do so; and

**WHEREAS**, City Administrator recommends waiving the advertising and bidding requirements for the contract with National Fitness Campaign, LLC because NFC is offering the Fitness Courts at a discounted rate and the discount is restricted to the purchase of NFC's Fitness Court and Ecosystem which provides resources and services designed to activate, encourage and support participation in outdoor fitness activities, and will assist OPRYD with community activation of the Fitness Courts and implementation of the Community Ambassador Program; and

**WHEREAS**, City Administrator recommends waiving the advertising and bidding requirements for the contract with Engineered Installation Solutions (EIS) for the installation of the Fitness Courts because as a trusted national partner of NFC, EIS is experienced with the construction specifications for the Fitness Court insuring proper installation to meet warranty requirements; and

**WHEREAS**, funds to complete the fitness court projects are available in the adopted FY 2019-2021 budget in the Measure HH/Sugar-Sweetened Beverage Tax Fund (1030); Office of the Director Organization (501110), Project to be determined; now, therefore, be it

**RESOLVED:** That the Council hereby accepts a donation from National Fitness Campaign, LLC valued at \$90,000 as the discount for three Fitness Courts; and be it

**FURTHER RESOLVED:** That pursuant to OMC 2.04.050.1.5 and for the reasons stated above and in the City Administrator's report accompanying this item, the City Council hereby finds and determines that it is in the best interest of the City to waive advertising and bidding requirements for the contracts to purchase and install the fitness courts, and so waives the requirements; and be it

**FURTHER RESOLVED:** That the City Council hereby awards a contract to National Fitness Campaign, LLC in the amount not to exceed three hundred sixteen thousand dollars (\$316,000) for the purchase of three fitness courts; and be it

**FURTHER RESOLVED:** That the City Council hereby awards a contract to Engineered Installation Solutions in an amount not to exceed seventy-five thousand dollars (\$75,000) for the installation of three fitness courts; and be it

**FURTHER RESOLVED:** That based on the information provided by the City Administrator, the City Council hereby finds that these contracts are temporary and of a professional, scientific or technical nature, are 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 be it

**FURTHER RESOLVED:** That all agreements authorized hereunder are subject to City Attorney approval for form and legality and shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 1 0 2019

PASSED BY THE FOLLOWING VOTE:

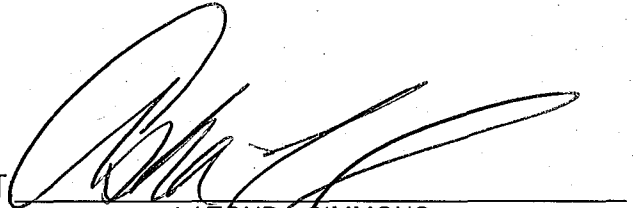
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND  
PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST



LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California