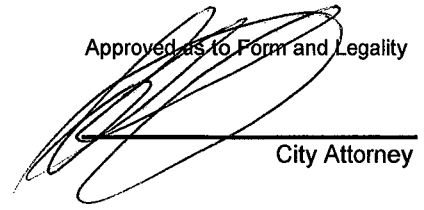


2018 JUL -3 AM 9:54

Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 87297 C.M.S.

Introduced by Councilmember _____

A RESOLUTION REJECTING ALL BIDS, WAIVING FURTHER ADVERTISING AND COMPETITIVE BIDDING, AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO NEGOTIATE, AWARD AND EXECUTE A CONSTRUCTION CONTRACT WITHOUT RETURN TO COUNCIL FOR AN AMOUNT NOT-TO-EXCEED SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$670,000) IN THE OPEN MARKET FOR THE CONSTRUCTION OF THE LIONS POOL RENOVATION (PROJECT NO. 1003434) IN ACCORDANCE WITH THE PROJECT PLANS AND SPECIFICATIONS.

WHEREAS, Lions Pool is an Oakland Parks and Recreation Department operated outdoor pool at the Dimond Park located on the first-level of the Dimond Recreation Center at 3860 Hanly Road in Council District 5; and

WHEREAS, programming at Lions Pool include swim team practices, swimming classes for toddlers/children/adults, and public recreational swims; and

WHEREAS, the concrete deck around Lions Pool uplifted and settled at several locations causing tripping hazards due to unstable hillside soil conditions and subgrade soil movements; and

WHEREAS, the geotechnical engineering firm initially hired to access the problem discovered that the pool deck, subgrade soil, retaining walls, foundations, and other pool appurtenances need to be replaced in part to stabilize the subgrade conditions and to comply with regulatory requirements; and

WHEREAS, on June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$1,015,000 of the City of Oakland General Obligation Bonds, Measure KK: Infrastructure and Affordable Housing Series 2017A-1 and 2017A-2 proceeds for the Lions Pool repair in the Fiscal Year 2017-2019 adopted budget; and

WHEREAS, Measure KK project appropriation was \$200,000 for design in Fiscal Year 2017-2018 and remaining \$815,000 in the beginning of Fiscal Year 2018-2019 for construction phase; and

WHEREAS, on May 17, 2018, the City Clerk received four bids for the Lions Pool Renovation (Project No. 1003434) and all four bids are over the current construction budget of \$670,000; and

WHEREAS, all four bids are deemed non-responsive since bids are significantly over the construction estimate of \$620,000 for the Base Bid item and the construction budget of \$670,000 for the project; 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 Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, the construction for the Lions Pool Renovation will take minimum four months to complete under dry weather conditions, and advertising and competitive re-bidding will delay the start of construction anticipated in the Fall 2018; and

WHEREAS, the Oakland Parks and Recreation Department requested that Lions Pool be open for the annual summer programs between June and August; and

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, and 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 all bids are hereby rejected; and be it

FURTHER 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; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is authorized to negotiate and execute a construction contract for the Lions Pool Renovation up to an amount of \$670,000 in the open market per OMC Section 2.04.050.J; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to approve any subsequent amendments or modifications of the contract within the limitation of the project specifications, extensions, payment requests, applications for permits, agreements

and execute all related actions for the completion of the said project without return to the City Council; and be it

FURTHER RESOLVED: That the project funding will be available through Measure KK: Infrastructure and Affordable House Fund (5330) in Capital Improvement Project (CIP) Organization (92270) for Dimond Park – Lions Pool Repair Project (No. 1003434); 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 Oakland Public Works Director, or designee, are hereby approved; and be it

FURTHER RESOLVED: That the contractor for the project shall comply with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 24 2018

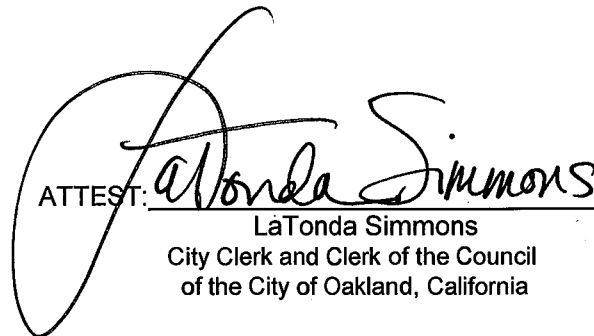
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID — 8

NOES - 0

ABSENT - 0

ABSTENTION 0

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