



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: David Ferguson
Interim Director, Public Works

SUBJECT: Waive Competitive Bidding for JLAC
Dock Construction Contract

DATE: November 2, 2020

City Administrator Approval 

Date: Nov 17, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Waiving Competitive Bidding And Awarding A Contract For The Installation Of The Jack London Aquatic Center Rowing Dock (Project No. 1004841) To Underwater Resources, Inc. For An Amount Not To Exceed One Hundred Ninety-Three Thousand Dollars (\$193,000).

EXECUTIVE SUMMARY

A structural evaluation of the existing docks at Jack London Aquatic Center was conducted in August of 2018. The evaluation found that all five of the existing docks are “well worn”. The rowing dock, used by the several rowing groups, Oakland Parks, Recreation and Youth Development and recreational kayakers. It is the most highly used of the five docks at the Aquatic Center and was therefore identified as the priority for replacement.

Approval of the proposed resolution will authorize the City Administrator or Designee to waive formal advertisement and competitive bidding pursuant to Oakland Municipal Code (O.M.C.) Section 2.04.051.B for the installation of the Jack London Aquatic Center (JLAC) rowing dock (Project No. 1004841) and execute a construction contract with Underwater Resources, Inc. (URI), within the City Administrator’s Authority.

BACKGROUND / LEGISLATIVE HISTORY

The replacement of the Jack London Aquatic Center rowing dock was identified by Oakland Parks Recreation and Youth Development (OPRYD) and presented to their Advisory Board for approval in May 2019 (see **Attachment A – Project Location Map**).

Measure HH, the Sugar-Sweetened Beverage Distribution Tax Ordinance, was approved by voters in 2016. In May 2019, as part of the Midcycle Budget for Fiscal Year 2018-19 under Resolution No. 87245 C.M.S., Council appropriated \$4,403,500.00 for Capital Improvement Projects investing in playgrounds, tot lots, City pools, and Sports facilities to support impacted

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neighborhoods, of which \$700,000 was allocated to the Jack London Aquatic Center. The remaining funds will be used to repair or replace other existing Aquatic Center docks.

On September 25, 2019, Contract Compliance, Department of Workplace and Employment Standards, completed an Availability Analysis (see **Attachment B – Compliance Memo** for details), waiving the 50% Local/Small Local Business Enterprise requirement, due to the specialty nature of the scope of work.

After completion of dock design, on April 17, 2020, given that the good faith estimate was below the \$50,000 threshold, an informal bid solicitation was initiated with three contractors, per Oakland Municipal Code (O.M.C.) Section 2.04.040, but resulted in no bids.

In coordination with the Capital Contracts Division, Staff began negotiating with a Bay-area firm recommended by the prefabricated dock manufacturer. URI's proposal of \$193,000 entails meeting all regulatory requirements, including Cal/OSHA and Federal OSHA "Commercial Diving Operations," not included in the original good faith estimate.

ANALYSIS AND POLICY ALTERNATIVES

The Jack London Aquatic Center offers Citywide sailing and kayaking programs for both youth and adults through OPRYD.

A structural evaluation of the existing docks at Jack London Aquatic Center was conducted in August of 2018. The evaluation found that all five of the existing docks are "well worn". The rowing dock is the most highly used of the five docks at the Aquatic Center, and was therefore identified as the priority for replacement. The rowing dock is used by several organizations, including Artemis Rowing, East Bay Rowing Club (Oakland Tech), and Berkeley High Rowing Club, which all have low-income youth participants.

According to Oakland's Equity Map, this project falls within a medium priority neighborhood, with more than 50% of the residents being low-income.

A timely replacement will ensure that the above organizations and City residents will be able to enjoy uninterrupted use of the rowing dock for decades to come.

Oakland Public Works (OPW)-Project & Grant Management Division engaged OPW Contract Services for assistance with the Construction Services Bid process. Since the initial engineer's estimate was below \$50,000, the Notice for the Request for Bids was informally advertised on April 17, 2020, to the following:

- One local contractor identified by Contracts Compliance; whose experience reflected construction for the specialized work
- Two additional contractors recommended by the prefabricated dock manufacturer

O.M.C. Section 2.04.050.A requires formal advertising and bidding for contracts to purchase services, supplies, or combination required by the City in any one transaction that exceeds \$50,000, and award to the lowest responsible, responsive bidder. However, O.M.C. Section

2.04.050 I.5 provides an exception to this formal advertisement in the form of a waiver if the City Council finds that it is in the best interest of the City to do so.

Staff requests that the City Council find and determine that it is in the best interest of the City to waive formal advertisement and bidding on the following basis:

- Contract Compliance’s analysis of the project, requiring specialty contractors related to waterway construction, identified only 2 local firms being able to perform the scope of work, and thus waived the 50% Local/Small Local Business Enterprise requirement
- Only one of the two contractors identified had a focus on installation rather than design, which is not a part of the scope of work for the project
- Along with the one firm identified by Contract Compliance, and two other Bay Area firms recommended by the prefabricated dock manufacturer, an informal bid solicitation was initiated, but no bids were submitted
- Staff began negotiating with one interested contractor based on the engineer’s estimate below \$50,000
- The original estimate did not account for all the regulatory requirements related to waterway construction, resulting in a negotiated proposal from URI exceeding the \$50,000 threshold.

FISCAL IMPACT

Approval of this resolution authorizes the City Administrator to award a construction contract to Underwater Resources, Inc. for an amount not to exceed one hundred ninety-three thousand dollars (\$193,000) for the installation of the Jack London Aquatic Center rowing dock. Funding for the construction contract is available in the following funding source:

<u>Fund Source</u>	<u>Organization</u>	<u>Project</u>	<u>AMOUNT</u>
1030 – Measure H.H. (SSBDT)	92270 – Engineer Design: Project Management	1004841 – Jack London Aquatic Center	\$193,000.00
Total Funding			\$193,000.00

There is no impact on the General Purpose Fund, and no additional funding is requested.

PUBLIC OUTREACH / INTEREST

Over the last several years, members of the Aquatic Center boating groups and the public have expressed concern about the condition of the existing rowing dock and have requested that it be replaced.

In collaboration with the boating groups and members of the public, OPRYD determined that replacement was a high priority.

Public support for the replacement of the rowing dock was confirmed during the Estuary Park Renovation and Expansion project public engagement process in FY 2018/19 during which participants expressed their support for water access and upgraded docks.

COORDINATION

The proposed fund allocation and scope of work to be completed have been coordinated with the Oakland Parks Recreation and Youth Development and appropriate divisions within the Public Works Department and Contract Compliance, Department of Workplace and Employment Standards.

This report and the resolution have been reviewed for form and legality by the Office of the City Attorney and the Budget Bureau of the Finance Department.

SUSTAINABLE OPPORTUNITIES

Economic: This project replaces the dilapidated Jack London Aquatic Center rowing dock, which is rented by rowing club organizations and is a source of revenue for the City.

Environmental: The contractor is required to comply with the City's Waste Recycling and Re-use Plan (WRRP). Best Management Practices shall be required to prevent debris from the construction process and stormwater runoff from the job site during construction.

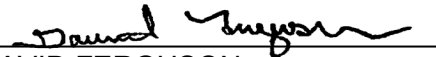
Race & Equity: Replacement of the rowing dock will provide improved recreational access to a medium priority neighborhood, with more than 50% of the residents being low-income, per Oakland's Equity Map. Specifically, the rowing dock is used for aquatic programs that include low-income participants. In addition, this project will improve A.D.A. access and equity to those with mobility constraints.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Waiving Competitive Bidding And Awarding A Contract For The Installation Of The Jack London Aquatic Center Rowing Dock (Project No. 1004841) To Underwater Resources, Inc. For An Amount Not To Exceed One Hundred Ninety-Three Thousand Dollars (\$193,000).

For questions regarding this report, please contact MI KYUNG G. LEW, Capital Improvement Project (CIP) Coordinator, at (510) 238-3087.

Respectfully submitted,



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Attachments (2):

- A: Project Location Map
- B: Contract Compliance Memo, September 30, 2019