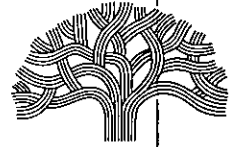


FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



2010 JUN 29 PM 1:37

CITY HALL · 1 FRANK H. OGAWA PLAZA · OAKLAND, CALIFORNIA 94612

JANE BRUNNER
President of the City Council

(510) 238-7001
FAX (510) 238-6910
TTD (510) 839-6451

TO: Chair Nadel and Members of the Public Works Committee
ATTN: Dan Lindheim
FROM: Council President Jane Brunner
DATE: July 13, 2010

RE: **RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER FOR THE HARDY PARK RESTROOM PROJECT (CITY PROJECT NO. C338710), IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) WITHOUT FURTHER COUNCIL REVIEW OR ACTION**

SUMMARY

A resolution has been prepared which awards a construction contract to the lowest, responsive, and responsible bidder for the Hardy Park Restroom Project (City Project No. C338710) in an amount not-to-exceed \$140,000.00. At the time of this report writing, it is anticipated that bids will be due on July 29, 2010 for the construction of a single-stall restroom structure, installation of necessary utility connections, and improvements to walkways to comply with the Americans with Disabilities Act (ADA).

The project is located at 491 Hardy Street in Council District 1.

FISCAL IMPACT

The resolution will authorize a construction contract up to \$140,000.00 to the lowest, responsive and responsible bidder for the project scope described above.

The engineer's estimate is \$100,000.00. Capital Reserve funds in the amount of \$140,000.00 are available to award the contract. The following funding sources are available to award the contract:

<u>Amount</u>	<u>Funding Description</u>
\$140,000.00	Capital Reserves Fund (5510), Capital Projects – Project Management Organization (92270), Hardy Park Restroom Project (C338710), Landscaping and Improvements Account (57112), Project Delivery Program (IN06)

Item: _____
Public Works Committee
July 13, 2010

In Exhibit A to Resolution No. 80674 C.M.S. dated June 21, 2007, the City Council appropriated \$500,000 to Districts 1 and 4 for park improvements. On March 4, 2008, the City Council adopted a report regarding the status of the City Council Modifications to the FY 2007-09 Policy Budget (Exhibit A to Resolution No. 80674 C.M.S.) to fund park improvements to District 1 identified as Hardy Park Restroom in the amount of \$250,000. During project design, Council approved the deferral of \$210,000 from the project (Resolution No. 81889 C.M.S.) on March 31, 2009 to address balancing the FY2008-09 deficit in the General Purpose Fund (1010). . By August 2009, Budget Office restored the project balance in the amount of \$210,000 from Capital Reserves Funds (5510)

Refer to *Key Issues and Impacts Section* for information on the impacts to the maintenance and operations associated with this improvement project.

BACKGROUND

The Hardy Park Restroom project was initiated by the community in collaboration with the Office of Parks & Recreation (OPR) and Council District 1 Office. Since 2008, stakeholder meetings were held at City offices and at the site with community representatives to solicit input and reach an agreement on the location of the restroom. The final location of the restroom is on State land under the purview of Caltrans. A Caltrans Encroachment permit No. 0408-NMC-1354 was submitted and approved for the restroom location and the necessary scope of work.

The restroom is a much desired amenity for Hardy Park which is part of the string of open recreational space of the Rockridge Greenbelt. The restroom will support two highly used tot lots, an active dog park, basketball court, walking/jogging path of the Greenbelt, picnic areas and informal play open space to best serve the community and neighborhood residents.

On July 29, 2010, the City Clerk will receive sealed bids for the Hardy Park Project. The Department of Contracting & Purchasing (DCP) Contract Administration and Social Equity Divisions will review all bids received by the bid due date to determine the lowest, responsive and responsible bidder who meets the bid submittal requirements and social equity goals.

KEY ISSUES AND IMPACTS

Construction Timeline

This project is being requested to move forward expeditiously to avoid construction delays due to the onset of winter and the upcoming City Council recess. For these reasons, construction is desired to be commenced in a timely fashion. The completion of this restroom is essential and has long been anticipated by park users.

Project Construction

Upon approval of the resolution, a contract will be awarded and construction is estimated to begin in September 2010, before the rainy season. The project duration is 60 working days from the date of the Notice to Proceed, and completion is anticipated no later than the end of December 2010. The construction contract specifies \$500.00 in liquidated damages per calendar day if the contract completion time of 60 working days is exceeded.

Completing the restroom will support park use for additional recreational use at the park – basketball court, jogging and walking paths, and play areas.

Operation and Maintenance Considerations

The Public Works Agency has determined that to maintain the new Hardy Park restroom at an acceptable level, additional custodial and maintenance staff will be required at an approximate cost of \$6,700 per year plus an additional \$2,500 per year for supplies, additional water usage and sewer fees. These costs will address routine custodial and maintenance needs as well as provide funds for potential graffiti abatement, plumbing repairs and solar-powered lighting system maintenance. The installation of a solar-powered lighting system mitigates any additional electrical operating costs.

The City will incur these expenses for the project in the future, but given the current budget constraints, it is not possible to fully budget for future maintenance. The project design considers durability, maintenance ease, and lifecycle costs for the new restroom building. However, there will be predictable and unfunded maintenance requirements that should be incorporated into future City budgets.

PROJECT DESCRIPTION

The restroom provides a much-needed amenity which allows extended park use. The project design and scope are based on the community group input provided at community meetings.

SUSTAINABLE OPPORTUNITIES

Economic: The project will generate business tax, sales tax, and other revenues for the City for work on the project. The project will provide the opportunity to use local contractors, which offer employment to Oakland residents, thereby strengthening the local economy.

Environmental: The contractor will be required to use recyclable construction materials to the extent feasible and is required to recycle construction debris in accordance with City standards. The solar-power system will self-generate electrical lighting needs and eliminates the reliance on purchased power.

Social Equity: The improvements to Hardy Park will benefit the neighborhood and the community at large by providing means for extended mixed recreational opportunities for users of all ages.

DISABILITY AND SENIOR CITIZEN ACCESS

The work will improve upon conditions at the park by improving walkway conditions within the park. All construction will meet the requirements of the Americans with Disabilities Act.

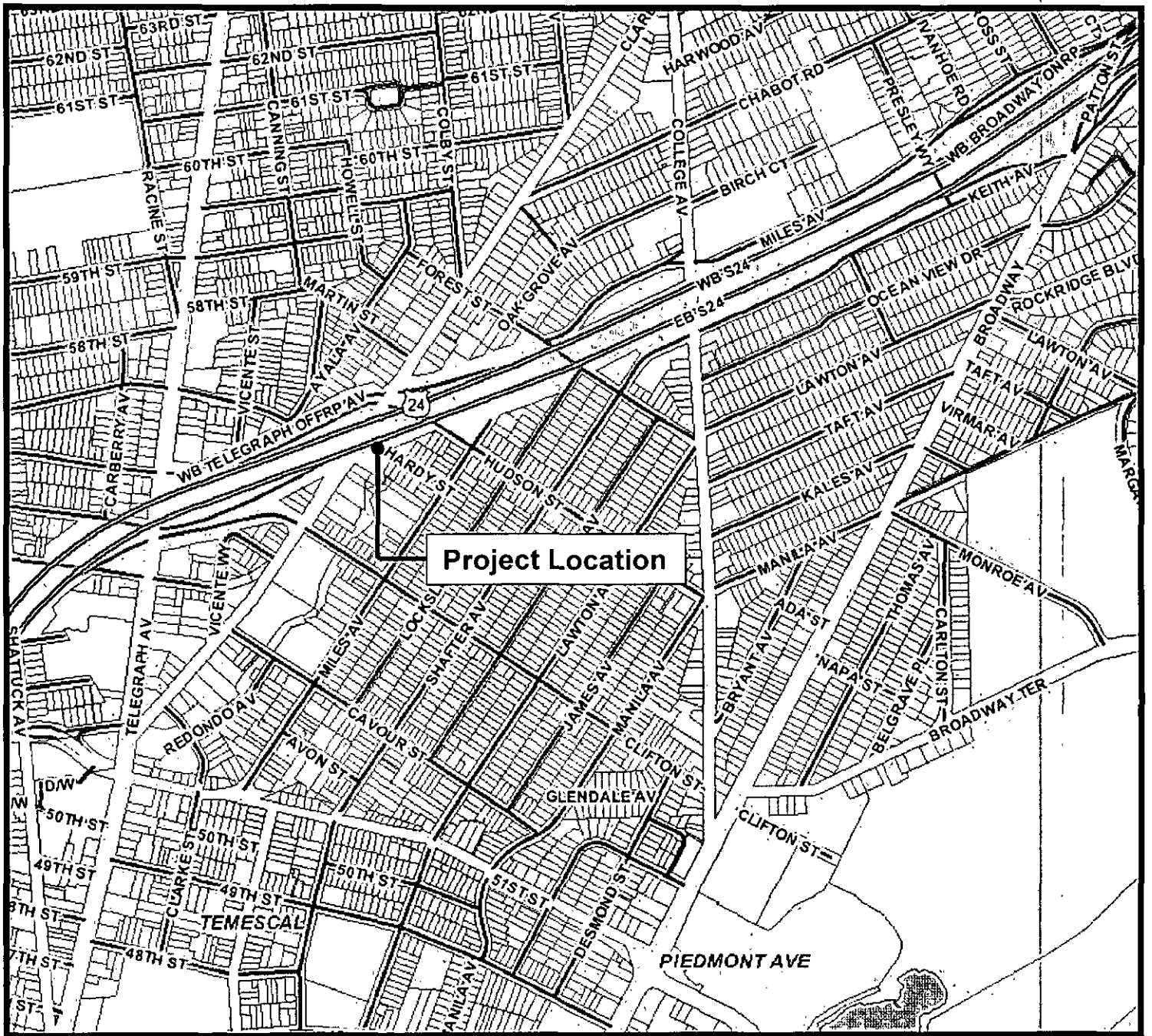
RECOMMENDATIONS AND RATIONALE

It is recommended that the Council authorize the City Administrator to award a construction contract to the lowest, responsive and responsible bidder for the Hardy Park Restroom Project (City Project No. C338710) in an amount not-to-exceed One Hundred Forty Thousand Dollars (\$140,000.00), without further Council review or action.

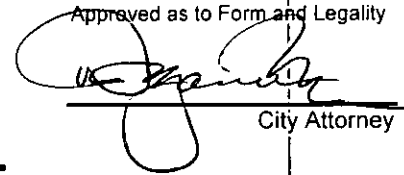
ACTION REQUESTED OF THE CITY COUNCIL

Adopt the resolution.

Attachment A: Project Location Map



Hardy Park Restroom
Project Location Map


City Attorney

2010 JUN 29 PM 2:51

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A CONSTRUCTION CONTRACT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER FOR THE HARDY PARK RESTROOM PROJECT (CITY PROJECT NO. C338710) IN AN AMOUNT NOT-TO-EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000.00) WITHOUT FURTHER COUNCIL REVIEW OR ACTION

WHEREAS, the City of Oakland wishes to provide amenities to residents who use our parks; and

WHEREAS, in Exhibit A to Resolution No. 80674 C.M.S. dated June 21, 2007, the City Council appropriated \$500,000 to Districts 1 and 4 for park improvements; and

WHEREAS, on March 4, 2008, the City Council adopted a report regarding the status of City Council Modifications to the FY 2007-09 Policy Budget (Exhibit A to Resolution No. 80674 C.M.S.) to fund park improvements to District 1 identified as Hardy Park Restroom in the amount of \$250,000.00; and

WHEREAS, sufficient funds for the Hardy Park Restroom Project construction contract are available in Capital Reserves Fund 5510, Project No. C338710, Capital Project Management Organization 92270; Landscape Improvement Account No. 57112, Program IN06; 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

WHEREAS, the City Council finds and determines that the performance of this contract is in the public interest because of economy, is professional, technical or scientific and temporary in nature, and shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, the contractor selected will be required to comply with all City of Oakland Contracting Programs, such as LBE/SLBE requirements, etc.; now, therefore, be it

RESOLVED: That the City Council authorizes the City Administrator to award a construction contract to the lowest, responsive, and responsible bidder for the construction of the Hardy Park Restroom Project (City Project No. 338710) in an amount not-to-exceed one hundred forty thousand dollars (\$140,000.00) without further council review or action; and be it

FURTHER RESOLVED: That the City Administrator, or designee, is hereby authorized to reject all other bids; and be it

FURTHER RESOLVED: That the faithful performance construction bond to guarantee payment of all claims for labor and materials furnished in the amount of 100% of the construction contract price as required under the Unemployment Insurance Act are provided by the construction contractor and hereby approved; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications for the Hardy Park Restroom project; and be it

FURTHER RESOLVED: That the contract shall be reviewed and approved as to form and legality by the Office of the City Attorney prior to execution and placed on file in the Office of the City Clerk; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to post conspicuously forthwith notice of the above award on the official bulletin board in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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