

  
Celso Ortiz (Oct 28, 2020 17:34 PDT)

City Attorney's Office

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**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. IN A NOT-TO-EXCEED AMOUNT OF \$193,000**

**WHEREAS**, 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; and

**WHEREAS**, 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 2017-19 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 neighborhoods, of which \$700,000 was allocated to the Jack London Aquatic Center Rowing Dock Project (No. 1004841). The fund was appropriated in the FY 2017-19 budget in Fund 1030; and

**WHEREAS**, On September 25, 2019, Contract Compliance, Department of Workplace and Employment Standards, completed an Availability, waiving the 50% Local/Small Local Business Enterprise requirement, due to the specialty nature of the scope of work; and

**WHEREAS**, 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 (OMC) Section 2.04.040, but resulted in no bids; and

**WHEREAS**, URI's proposal of \$193,000 entails meeting all regulatory requirements, including Cal OSHA and Fed OSHA "Commercial Diving Operations", not included in the original good faith estimate; and

**WHEREAS**, funding is available from Measure HH (SSBDT) Fund (1030); Capital Projects Organization (92270); Construction Account (57212); JLAC Aquatic Center Project (1004841); Award (23584); Program (IN06); and

**WHEREAS**, OMC Section 2.04.050.A requires formal advertising and bidding for contracts for the purchase of services, supplies or combination required by the City in any one transaction which exceeds \$50,000 and award to the lowest responsive, responsible bidder. However, OMC Section 2.04.050 I.5 provides an exception to the advertisement and bidding requirement in the form of a waiver, if the City Council finds that it is in the best interest of the City; and

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

**WHEREAS**, The City Council finds and determines that the service is temporary and professional, scientific or technical in nature, and 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; and

**WHEREAS**, the City Council finds that the City lacks the equipment and qualified personnel to perform the necessary repairs and that the performance of this contract is in the public interest because of economy or better performance; now, therefore, be it

**RESOLVED:** The City Council finds and determines that it is in the best interest of the City to waive formal advertising and competitive bidding per OMC Section 2.04.050 I.5 in order to complete the project to meet operational needs in a timely manner and the other reasons discussed in the staff report that accompanies this Resolution, and thus hereby waives these requirements; and be it

**FURTHER RESOLVED:** That the City Council hereby awards a contract to Underwater Resources, Inc. in the not-to-exceed amount of \$193,000 for the installation of the Jack London Aquatic Center Rowing Dock Project (No. 1004841); and be it

**FURTHER RESOLVED:** That the contractor shall provide a faithful performance bond and payment bond to guarantee payment of all claims for labor and materials furnished and for the amount due under the Unemployment Insurance Act for one hundred percent (100%) of the contract amount prior to execution of the contract; and be it

**FURTHER RESOLVED:** That the plans and specifications prepared, including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of Public Works, are hereby approved; and be it

**FURTHER RESOLVED:** That the contract authorized hereunder shall be reviewed and approved by the Office of the City Attorney for form and legality and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
ASHA REED  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California