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JUNE 28, 2005

IGNACIO DE LA FUENTE, PRESIDENT  
CITY COUNCIL  
OAKLAND, CALIFORNIA

PRESIDENT DE LA FUENTE AND MEMBERS OF THE CITY COUNCIL

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO: 1) INCREASE THE SCOPE OF WORK AND CONTRACT AMOUNT FOR THE ROCKRIDGE GREENBELT PHASE II PROJECT DESIGN-BUILD CONTRACT WITH BBI CONSTRUCTION, INC., BY AN AMOUNT NOT-TO-EXCEED \$212,000.00, (FOR A TOTAL CONTRACT AMOUNT NOT-TO-EXCEED \$635,081.00) FOR ADDITIONAL ADA IMPROVEMENTS, PLANTING AND IRRIGATION, AND 2) WAIVE COMPETITIVE BIDDING OR RFP/RFQ REQUIREMENTS AND 3) ACCEPT A GIFT-IN-PLACE DONATION OF ADDITIONAL SWINGS, BENCHES AND OTHER IMPROVEMENTS WITH AN ESTIMATED VALUE OF \$45,000.00 FROM THE FRIENDS OF THE ROCKRIDGE GREENBELT AND FRIENDS OF PARKS AND RECREATION**

**PURPOSE AND SCOPE**

In accordance with the Measure H Charter Amendment, which was passed by the voters at the General election of November 5, 1996, we have made an impartial financial analysis of the Proposed Resolution and Agenda Report. We also obtained additional information and clarification from Agency staff.

The City Auditor is elected by the citizens of Oakland to serve as an officer in charge of an independent department auditing City government activities. The independence of the City Auditor is established by the City Charter.

Since the Measure H Charter Amendment specifies that our impartial financial analysis is for informational purposes only, we did not apply Generally Accepted Government Auditing Standards as issued by the Comptroller General of the United States. Moreover, the scope of our

analysis was impaired by Administrative Instruction Number 137, effective May 21, 1997, which provides only two (2) weeks for us to plan, perform and report on our analysis.

**SUMMARY**

The project involves the development, design and construction of an approximately 3.8 acre site located at Claremont Avenue and Hudson Street. The original scope of work for the project included removing and replacing deteriorated asphalt pedestrian paths, replacing landscaping, replacing unstable park fence, installing a drinking fountain, resurfacing existing asphalt surfaces including the basketball court, removing and replacing existing play equipment, installing benches, cleaning up the creek, and installing miscellaneous site furnishings.

The Council designated the Friends of Park and Recreation (FOPR) to manage project funds, perform project management, and deliver design and construction services for the project pursuant to Resolution No. 76723 C.M.S., which was adopted September 25, 2001. FOPR selected and negotiated a design-build contract with BBI Construction, Inc., for the project. in an amount not-to-exceed \$423,081.

The Proposed Resolution would:

1. increase the scope of work and contract amount for the Rockridge Greenbelt phase ii project design-build contract with BBI Construction, Inc., by an amount not-to-exceed \$212,000, (for a total contract amount not-to-exceed \$635,081) for additional Americans with Disabilities Act (ADA) improvements, planting and irrigation;
2. waive competitive bidding or Request for Proposal (RFP) or Request for Qualifications (RFQ) requirements; and
3. accept a gift-in-place donation of additional swings, benches and other improvements with an estimated value of \$45,000.00 from the friends of the Rockridge Greenbelt and Friends of Parks and Recreation (FOPR).

**CONTRACT AWARD PROCESS**

Generally, it is preferable to award contracts on a competitive basis. However, the base contract and the proposed amendment (totaling \$635,081) will have been awarded without going through the competitive process:

<b>Description</b>	<b>Amount</b>
Base contract	\$423,081
Proposed amendment	<u>212,000</u>
Total	<b><u>\$635,081</u></b>

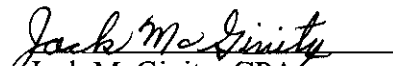
According to the Agenda Report, staff considers this to be “the most cost-efficient method to obtain the improvements and continue to serve the City Council’s management directive”.

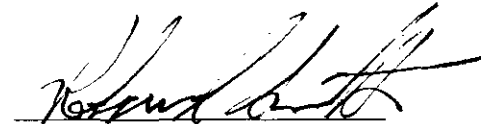
**CONCLUSION**

We consider it important to bring to the Council's attention that the base contract and the proposed amendment (totaling \$635,081) will have been awarded without going through the competitive process.

Prepared by:

Issued by:

  
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Roland E. Smith, CPA, CFS  
City Auditor

Report completion date:  
June 10, 2005