



# INTER OFFICE MEMORANDUM

**TO:** Mi Kyung Lew,  
Exempt Limited Duration

**FROM:** Deborah Barnes, Director  
Contracts and Compliance

**THROUGH:** Shelley Darensburg, *Shelley Darensburg*  
Sr. Contract Compliance Officer

**PREPARED BY:** Sophany Hang, *Sophany Hang*  
Contract Compliance Officer

**SUBJECT:** Jack London Aquatic Center  
(JLAC) Rowing Dock Deck Installation  
Inspection Services

**DATE:** September 25, 2019

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Per your request in an availability analysis of the City's database of local certified firms was performed. Under current council policy (see page 6 of the L/SLBE Program), the awarding authority may request an availability analysis if there is reason to believe that the availability of certified firms will not be sufficient to satisfy the 50% L/SLBE requirement.

The scope of services for the above project consists of the following:

*Construction Services for the removal of an existing 128-foot floating wood decking; and delivery coordination and installation of a new pre-fabricated HDPE deck at the Jack London Aquatic Center.*

The Scope of work, while considered Engineering Services is highly specialized, requiring engineers skilled in "dock-design" and "dock conditions". This specialized work separate out 94% of the certified firms under the 541330 NAICS Code.

To determine the availability of the City's certified firms, the Contracts & Compliance Unit researched the certification database utilizing NAICS codes 541330 Engineering Services, a general category that carries a number of sub-categories. The results indicated that there were 94 certified firms under that general NAICS code. An email was sent to all 94 firms to determine if any could perform the scope of services as a specialized service. Zero firm responded as skill in this area.

Because the certified pool was large, additional outreach conducted by placing calls to 16 of the 94 certified firms. None of the 15 firms responded that they could perform the scope of work.

Based on the "Rule of Three", there must be at least three certified businesses listed in the industry, trade or profession that constitutes a major category of work. If at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be adjusted between 49 % and 0%.

Based on the above results it has been determined that the Local and Small Local Business Enterprise Program is waived for this project as there were only two (2) certified firms who responded.

If you have questions or need additional information, please contact Sophany Hang, Contract Compliance Officer at (510) 238-3723.