



# AGENDA REPORT

**TO:** Steven Falk  
Interim City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works

**SUBJECT:** Award Construction Contract for  
Mosswood Community Center

**DATE:** April 24, 2023

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City Administrator Approval

*Elizabeth Lake*

Date: May 12, 2023

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## **RECOMMENDATION**

### **Staff Recommends That The City Council Adopt A Resolution:**

- 1. Awarding A Construction Contract To JUV, Inc., The Lowest Responsive And Responsible Bidder, In Accordance With The Plans And Specifications For The Mosswood Community Center Project (Project No. 1003625) And The Contractor's Bid, For An Amount Not To Exceed Twenty-One Million Dollars (\$21,000,000.00); And**
- 2. Accepting And Appropriating Macarthur Transit Village Development Impact Funds In The Amount Of Twenty-Five Thousand Dollars (\$25,000.00) For Use On The Project; And**
- 3. Adopting Appropriate California Environmental Quality Act Findings.**

## **EXECUTIVE SUMMARY**

Approval of the proposed resolution will allow for the award and execution of a construction contract in an amount not to exceed twenty-one million dollars (\$21,000,000.00) for the Mosswood Community Center Project (Project). with JUV, Inc., the lowest responsive and responsible bidder. Additionally, the resolution will authorize the appropriation of twenty-five thousand dollars (\$25,000.00) from Macarthur Transit Village Development Impact Funds for use on the Project and adopt appropriate California Environmental Quality Act (CEQA) findings.

The Project is located at 3612 Webster Street, in Mosswood Park in Council District 3, at the border of District 1 (see **Attachment A** – Project Location Map), and will include constructing a new Recreation Center. The City of Oakland (City) issued a Notice of Inviting Bids for the project on November 18, 2022, with bids opened on March 16, 2023. JUV, Inc. was deemed the

lowest responsible bidder.

## **BACKGROUND / LEGISLATIVE HISTORY**

Established in 1910, Mosswood Park is an eleven-acre public park managed by the Oakland Parks, Recreation and Youth Development Department (OPRYD). Current park amenities include a playground and tot lot, community garden, dog run, basketball courts, tennis courts, baseball field, a small outdoor amphitheater, a carriage house storage building, and the historic J. Mora Moss House (now closed). The park has a large, open lawn bowl with many stands of large-canopy mature trees, and is host to many events, including music, art and cultural festivals. The park is located in Council District 3, at the border of District 1 and is used daily by residents from both Districts (see **Attachment A** – Project Location Map). Special events draw visitors from the greater Bay Area and beyond.

The former Mosswood Recreation Center building was an 8,235-square foot structure constructed circa 1953. The recreation center hosted programs and classes year-round, and a thriving summer camp program. After-school programs featured cooking, computer lab and homework help for children 5 to 11 years of age. In November 2016, the Mosswood Recreation Center suffered major damage from a fire, requiring the City to tear down the original structure. Temporary facilities to house programs at the park have been installed to restore on-site programming until the new community center is built.

The Mosswood Park Master Plan was adopted through Council Resolution No. 88516 C.M.S. on February 11, 2021. The Master Plan is the result of a year of community engagement, analysis and recommendations guided by an equity framework; it also provides the overall vision for the park and guidance for incremental phasing of projects. The new Mosswood Community Center is Phase 1.

The new community center will greatly expand and improve recreational amenities and services at the park. The Mosswood Project will construct a new two-story 12,193 square-foot recreation center building and park improvements. The work includes, but is not limited to, demolition of structures and existing park elements, construction of the new Recreation Center which will include a social hall, kitchen, classrooms, computer lab and maker space, offices, support spaces, elevator, restrooms and an outdoor terrace. The Project also includes improvements to planting, pathways and lighting at the southern portion of the park property, existing parking lot, a new fire access road at the north side of the building, modifications to existing and new fence enclosures, and improvements on and off property to facilitate new utilities.

On November 8, 2022, Oakland voters approved the 2022 Affordable Housing and Infrastructure Bond (Measure U), which authorized the issuance of up to \$850 million in general obligation bonds to fund various City infrastructure and affordable housing projects. Funding for the construction phase of the Project is identified in the fiscal year (FY) 2023-25 Capital Improvement Program Budget and will be provided by Measure U from First Series bond proceeds.

## **ANALYSIS AND POLICY ALTERNATIVES**

This significant Project will advance the Citywide priorities of **holistic community safety** and **vibrant, sustainable infrastructure** by replacing damaged infrastructure and improving community access to recreational facilities.

The City issued a Notice of Inviting Bids for the project on November 18, 2022. Notifications were distributed by several means as discussed under the Public Outreach section below. Construction Bids were due on February 9<sup>th</sup>, 2023, however the Project Bid opening was delayed five weeks due to the ransomware attack on the City. Bids were opened on March 16, 2023. The City Clerk received two bids for the project, as shown in **Attachment B**: Bid Summary and as shown in **Table 1** below.

**Table 1: Project Bids Received**

Company	Bid Amount
JUV, Inc	\$20,297,621.00
Thompson Builders	\$22,550,000.00
<b>Engineer's Estimate</b>	<b>\$17,331,766.00</b>

The Department of Workforce and Employment Standards (DWES) conducted a compliance analysis of bids received and determined JUV, Inc. to be the lowest responsive and responsible bidder, as shown in **Attachment C**: Compliance Analysis, dated April 13, 2023. The second firm, Thompson Builders, failed to meet the minimum 50% Local/Small Local Business Enterprise (L/SLBE) requirements, as well as the trucking requirement, and was therefore deemed non-responsive to the L/SLBE Program.

The Project has a grant from State of California Proposition 68 Cultural Community and Natural Resources (State grant) with a funding expenditure and Project completion deadline of March 2025, which requires construction start no later than July 2023. Though the low bid exceeded the engineer's estimate by 17%, City staff have determined that it would be in the best interest of the City to award the contract to the low bidder, in order to maintain the Project schedule.

City Council approval of this resolution is needed to award a contract and start construction by July 2023. This approval will help ensure that Oakland Public Works (OPW) can begin construction to meet the State grant deadline.

The Second Amendment to the MacArthur Transit Village Project Development Agreement identified \$250,000 for Mosswood Park capital improvements. Previously, \$225,000 was allocated to the Project, leaving \$25,000 in remaining funds that require City Council authorization to appropriate. Approval to accept and appropriate funds from the MacArthur Transit Village Development Impact Funds will enable the implementation of the Mosswood Community Center and Park Improvements Project.

On November 8, 2022, Oakland voters approved the 2022 Affordable Housing and Infrastructure Bond (Measure U), which authorized the issuance of up to \$850 million in general obligation bonds to fund various City of Oakland infrastructure and affordable housing projects.

Without the City Council’s approval to award a construction contract to JUV, Inc., the Mosswood Project will be unable to move forward with construction and would be forced to forfeit grant funding of \$5,675,500 and other Project-related funds in excess of \$6,000,000 which is tied to the Project completion.

**FISCAL IMPACT**

Funding for this construction contract is available in the funding sources shown in **Table 2** below.

**Table 2: Mosswood Construction Contract Funding Allocated To Date**

<b>FUNDING</b>	<b>Amount</b>
Measure KK (5332); Award (23687); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$1,590,075
Proposition 68 Grant (2159); Award (23801); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$2,201,000
Development Impact Fund (2421); Award (23902); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$219,456
Kaiser Donation (2999); Award (23911); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$3,449,500
Facilities Insurance Recoveries Funds (4400); Award (23305); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$2,223,258.57
<b>Total Available Funding</b>	<b>\$9,683,290</b>

The funding to be allocated through this resolution is shown in **Table 3** below.

**Table 3: Mosswood Construction Contract Funding Proposed Allocation**

<b>FUNDING</b>	<b>Amount</b>
Development Impact Fund (2421); Award (23902); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06)	\$25,000

In addition to the amount required to award a construction contract, additional costs to the Project during the construction phase include construction management, project management, special inspections and testing, construction contingency, public art, and archeological monitoring.

Funding for the construction phase of the Project in the amount of \$14,500,000 is identified in the FY 2023-25 Capital Improvement Program Budget and will be provided by Measure U bond proceeds.

### **PUBLIC OUTREACH / INTEREST**

Since the former recreation center burned in 2016, community members and groups have actively participated in developing the vision for the future community center. A community workshop, 'Rebuild Mosswood: Envisioning the Future – A Community Engagement Event', was held on Saturday, December 10th, 2016 from 12:30 – 2:30 pm at Mosswood Park, shortly after the former recreation center burned. A survey/questionnaire was simultaneously circulated. The intent of both the event and questionnaire was to solicit community ideas and engage the community in the planning and vision for the new community center and potential improvements to Mosswood Park.

The Mosswood Park Master Plan community engagement process gave voice to the older generation of Mosswood residents and their families, particularly the Black or African American community, that have a deep connection to the park, but many of whom have been displaced over recent years to other parts of Oakland. To preserve the local history and ensure the new Community Center continues to be welcoming to those residents, this sector of the community was a key stakeholder in the Master Plan's engagement effort. Additionally, families and children who are active users of the park – from Oakland Unified School District (OUSD), OPRYD's Town Camp, the Mosswood Community Center's Inclusion Program and the surrounding neighborhoods – were also important stakeholders of the engagement process.

An inclusive engagement plan was developed at the outset of the Project with input from the Department of Race and Equity (DRE). After identifying key stakeholders and engaging park users and community leaders, the design team used a variety of methods to ensure equity and respect for the community history. In addition to six in-person workshops, the design team went to many events in Oakland, hosted an online survey, and conducted stakeholder interviews. In addition to targeted outreach to community organizations, groups and leaders; the team distributed print flyers, posted banners and posters, tabled at local events, and took out a full spread advertisement in the East Bay Express, in order to increase visibility and awareness of the Project.

For this construction Request for Bids (RFB) solicitation, OPW-Project & Grant Management Division (OPW-PGM) worked with OPW-Capital Contracts Division (OPW-CCD) and DWES to conduct public outreach through enhanced notifications, legal ads, and a pre-proposal meeting.

As part of the enhanced notification and OPW's Capital Contract Equity Initiative, public outreach engagement includes professional organizations representing women-owned and African American-owned firms, groups identified in the 2019 Mason Tillman Disparity Study as firms not receiving a proportional amount of contracting dollars from the City of Oakland.

Specifically, OPW-CCD shares notifications with an established disparity outreach list of local women-owned, African American-owned, and other global majority associations such as the

National Association of Women Business Owners and the National Black Contractors Association of California.

The City's iSupplier system also distributed notifications of solicitations to Oakland- certified local and non-local professional service providers (e.g., landscape architects, architects, engineers, contractors, and planning firms); regional trade and business groups, including the Oakland Metropolitan Chamber of Commerce, Oakland Black Board of Trade & Commerce, Bay Area Business Roundtable, and the Construction Bidboard. Within a few days of registering in iSupplier, can access and review proposal requests in this system, including by searching for specific projects based on North American Industry Classification System (NAICS) code.

In addition to iSupplier and the established disparity outreach list, OPW-CCD also utilizes CIPList.com, a free, web-enabled site used to announce and distribute solicitations through push notifications to plan rooms and builders' exchanges such as ARC North America, Builders Exchange of Alameda County, Contra Costa Builders Exchange, Dodge Data & Analytics, East Bay Blueprint, East Bay Blueprint, iSqFT, Northern California Electrical Construction Industry, Peninsula Builders Exchange, San Francisco Builders Exchange, and Solano-Napa Builders Exchange. Through CIPList.com, any company or entity may register to receive automatic notification of all City of Oakland solicitations without restrictions.

Prior to the start of Project construction, the immediate neighboring residents and establishments affected by the work will be notified of the construction activities and receive Project contact information. Temporary construction fencing, protective mitigation measures, and compliance with the Americans with Disabilities Act (ADA) shall be implemented to minimize disruptions to the public.

## **COORDINATION**

The work to be done under this contract has been coordinated between OPRYD, OPW – Bureau of the Environment, Environmental Services and Capital Contracts Divisions, and DWES.

The Project team has worked closely with OPRYD to ensure that the park goals and program support of the mission to expand recreational opportunities for underserved communities of Oakland. OPRYD has provided key demographic data on existing program and rental users to support the project Racial Equity Impact Analysis (REIA) and contributed their experience and expertise to identify opportunities for closing racial disparities and goals for improving outcomes for the Oakland community through the park renovation. The REIA and goals have informed the development of the Mosswood Park Master Plan and park program.

The Finance Department has reviewed this report, and the resolution has been reviewed for form and legality by the Office of the City Attorney.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** Businesses associated with the implementation of the Project phases will receive economic opportunities through contracting for services, construction, material, and supplies. Completion of the capital projects can also contribute to economic opportunities for those who utilize the programs housed in the facilities and in the park.

**Environmental:** As part of the City's policies and mandates, all capital projects must meet various environmental and sustainable programs such as the Green Building Ordinance, Bay Friendly Landscaping, and Equitable Climate Action Plan objectives. The projects recommended by the Mosswood Park Master Plan will be implemented in accordance with various City's programs to protect and conserve natural resources, address climate change impacts and build resiliency, meeting requirements of the City's Equitable Climate Action Plan.

**Race & Equity:** Based on evidence that the Mosswood Park community includes many residents originally from East and West Oakland, and the documented disparities in those communities, the Project has aspired to improve equity outcomes for the disadvantaged communities that it serves, and maintain and support engagement with those communities into the future. Mosswood Park and Community Center have the potential to positively impact three key sectors of the City's Racial Equity Indicators through physical design and programmatic activation – Education, Public Health, and Neighborhood and Civic Life.

The completion of physical construction of a Community Center and park improvement project is only the first step. Ongoing programming and stewardship of the park by OPRYD that has the potential to achieve the targeted equity outcomes, and OPRYD is committed to advancing racial equity through its programs and partnerships to achieve equity and improve outcomes for disadvantaged communities. OPRYD will continue to track past and current enrollment statistics to Alameda County and City of Oakland census, providing a roadmap of target audience and proportionate improvements to programming. OPRYD will measure success by comparing data of enrollments including age, race/ethnicity, gender, and geographic area against this baseline, and adjust outreach strategies and programming to encourage diverse participation.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

An Initial Study was been prepared under the requirements of the California Environmental Quality Act (CEQA). The Initial Study evaluated the potential environmental impacts of the proposed Project. Based on the results of the Initial Study, it has been determined that the Project will not have a significant effect on the environment. Therefore, a Negative Declaration was adopted in Resolution No. 88516 C.M.S. on February 16, 2021. The Project will be subject to the City's Standard Conditions of Approval that will reduce any potential environmental impact to a less-than-significant level.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a resolution:

1. Awarding a Construction Contract to JUV, Inc., the Lowest Responsive And Responsible Bidder, In Accordance With The Plans and Specifications For the Mosswood Community Center Project (Project No. 1003625) And The Contractor's Bid, For An Amount Not To Exceed Twenty-One Million Dollars (\$21,000,000.00); And
2. Accepting And Appropriating Macarthur Transit Village Development Impact Funds In The Amount Of Twenty-Five Thousand Dollars (\$25,000.00) For Use On The Project; And
3. Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Christine Reed, Project Manager at (510) 238-6540.

Respectfully submitted,



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G. HAROLD DUFFEY  
Director, Public Works

Reviewed by:  
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Bureau of Design & Construction

Prepared by:  
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Attachments (3):  
**Attachment A** – Project Location Map  
**Attachment B** – Bid Summary  
**Attachment C** – Compliance Analysis