


Celso Ortiz (May 12, 2023, 08:10 PDT)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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**

WHEREAS, the Mosswood Community Center Project (Project) will construct a new two-story Recreation Center building and park improvements; and

WHEREAS, the Project is Phase 1 of the Mosswood Park Master Plan which was adopted through Council Resolution No. 88516 C.M.S. on February 11, 2021; and

WHEREAS, the City issued a Notice of Inviting Bids for the project on November 18, 2022, with Bids due on March 16, 2023; and

WHEREAS, JUV, Inc. is deemed the lowest responsive and responsible bidder for the Project with a Bid of \$20,297,621.00; and

WHEREAS, this Project advances Citywide priorities of holistic community safety, vibrant, sustainable infrastructure, and responsive, trustworthy government; and

WHEREAS, 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 by Summer 2023; and

WHEREAS, project funds have been previously appropriated and allocated from Measure KK (5332); Award (23687); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06); Proposition 68 Grant (2159); Award (23801); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06) Development Impact Fund (2421); Award (23902); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06); Kaiser Donation (2999); Award (23911); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06) Insurance Settlement Funds (4400); Award (23305); Capital Projects Organization (92270); Construction Account (57112); Mosswood Project (1003625); Project Delivery Program (IN06); and

WHEREAS, \$9,683,290 is available for the construction contract, and additional funding in an amount of \$14,500,000 is needed to complete construction phase costs for the Project, including the construction contract; and

WHEREAS, 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; 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, that the performance of this contract is in the public interest because of the economy or better performance; and

WHEREAS, the City Council finds and determines that the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

WHEREAS, An Initial Study was prepared under the requirements of the California Environmental Quality Act (CEQA), and a Negative Declaration has been adopted in Resolution No. 88516 C.M.S. on February 16, 2021 and recorded; and

WHEREAS, 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; and

WHEREAS, on November 8, 2016, Oakland voters approved the City of Oakland 2016 Infrastructure Bond ordinance (Measure KK), which authorized the issuance of up to \$600 million in general obligation bonds to fund various City of Oakland infrastructure and affordable housing projects; and

WHEREAS, 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; and

WHEREAS, the Second Amendment to the MacArthur Transit Village Project Development Agreement identified \$250,000 for Mosswood Park capital improvements; and

WHEREAS, \$225,000 has been previously allocated to the Project, leaving \$25,000 remaining funds that require Council authorization to appropriate; and

WHEREAS, 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; now, therefore, be it

RESOLVED: That City Council accepts and appropriates MacArthur Transit Village Development Impact Funds in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for use on the Mosswood Community Center Project (#1003625); and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to award a construction contract to JUV, Inc., the lowest responsive and responsible bidder, in accordance with the project plans, specifications, and the contractor's bid dated March 16, 2023 for the Construction of The Mosswood Community Center Project, Project No. 1003625, in an amount not to exceed Twenty-One Million Dollars (\$21,000,000.00); and be it

FURTHER RESOLVED: That all other bids are rejected; and be it

FURTHER RESOLVED: That the City Council hereby approves the plans and specifications, including any subsequent changes during construction, that will be reviewed and adopted by the Assistant Director of the Oakland Public Works Department for this Project; and be it

FURTHER RESOLVED: That the City Administrator is authorized to execute any amendments or modifications of the contract within the limitations of project specifications; and be it

FURTHER RESOLVED: That the successful contractor shall comply with all City contracting and compliance program requirements that apply to this contract, and be verified by the Workplace and Employment Standards Department; and be it

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

FURTHER RESOLVED: That the Council hereby finds and determines that an Initial Study was prepared under the requirements of the California Environmental Quality Act (CEQA) which evaluated the potential environmental impacts of the proposed Project and based on the results of the Initial Study, that the Project will not have a significant effect on the environment; and be it

FURTHER RESOLVED: That a Negative Declaration was adopted in Council Resolution No. 88516 C.M.S. on February 16, 2021 and recorded; and be it

FURTHER RESOLVED: 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; and be it

FURTHER RESOLVED: That the City Administrator shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda for this Project; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, RAMACHANDRAN, JENKINS and PRESIDENT
FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California