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Approved as to Form and Legality



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 87069 C.M.S.

Introduced by Councilmember _____

RESOLUTION WAIVING ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO

1) INCREASE THE CONSTRUCTION CONTRACT AMOUNT FOR THE RAINBOW RECREATION CENTER RENOVATION AND EXPANSION PROJECT (PROJECT NO. 1000854) WITH JUV, INC., FROM EIGHT MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$8,700,000.00) TO TEN MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$10,150,000.00); AND

2) APPROVE AND REALLOCATE TOTAL ADDITIONAL FUNDS OF TWO MILLION ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$2,165,000.00) AGGREGATED FROM THE FOLLOWING EAST BAY REGIONAL PARKS DISTRICT OPEN SPACE WILDLIFE, SHORELINE AND PARKS MEASURE WW BOND SOURCES (FUND 2260): THE CITY STABLE PROJECT (NO. 1001014), ALLENDALE RECREATION CENTER PROJECT (NO. 1003376), CALDECOTT TRAIL PROJECT (NO. 1001412) AND CURT FLOOD FIELD PROJECT (NO PROJECT NUMBER ESTABLISHED) TO THE RAINBOW RECREATION CENTER RENOVATION AND EXPANSION PROJECT (NO. 1000854) FOR CONSTRUCTION AND PROJECT CONTINGENCY, AND SUBMIT THE PROJECT TO THE EAST BAY REGIONAL PARKS DISTRICT PER MEASURE WW BOND REQUIREMENT, OR CONSIDER AND APPROVE ALTERNATE FUNDING SOURCES, INCLUDING MEASURE KK

WHEREAS, the Rainbow Recreation Center was identified as a priority project in the FY11-13 Park Project Prioritization list approved by Council under Resolution No. 83725 C.M.S. in February 2012; and

WHEREAS, on May 17, 2011 the City Council approved Rainbow Recreation Center project as one of six projects to apply for Round 2 of the Proposition 84, the Clean Water, Parks and Coastal Protection Act competitive grant in Resolution No. 83367 C.M.S.; and

WHEREAS, in October 2013 the City was awarded and entered into an agreement with the State of California Department of Parks & Recreation receiving Proposition 84 grant funds for the project; and

WHEREAS, on March 1, 2016 the City Council approved Resolution No. 86028 C.M.S. allowing staff to apply for, accept and appropriate grant funds from the California Department of Housing and Community Development for the 2015 Housing Related Parks Program (HRPP) for the Rainbow Recreation Center; and

WHEREAS, on October 4, 2016 the City Council approved Rainbow Recreation Center as one of two projects to apply for the Proposition 40 California Youth Soccer and Recreation Development Program in Resolution No. 86407 C.M.S.; and

WHEREAS, in November 2016 the Measure KK General Obligation Bond was approved by the voters of Oakland to fund \$600 million of vital infrastructure improvements and anti-displacement and affordable housing projects; and

WHEREAS, in February 2017 the City entered into Agreement with the State of California Department of Housing and Community Development receiving grant funds for the project; and

WHEREAS, on June 19, 2017 the City Council approved Rainbow Recreation Center in the list of projects commencing with the first Measure KK bond issuance in Resolution No. 86779 C.M.S.; and

WHEREAS, on September 1, 2017 the City advertised the Rainbow Recreation Center Renovation & Expansion Project No. 1000854 for bid and 2 bids were received in the amounts of \$10,795,000 and \$11, 282,000 by the City Clerk on September 28, 2017; and

WHEREAS, in October 2017 the City is in the process of entering an Agreement with the State of California Department of Parks & Recreation receiving Youth Soccer grant funds for the project; and

WHEREAS, on November 28, 2017, the City Council approved Resolution No. 86975 C.M.S. to reject all bids, waive further competitive bidding, and authorized negotiation of a construction contract in the open market for an amount not-to-exceed \$8,700,000.00 to meet original project scope; and

WHEREAS, in December, 2017, staff conducted a limited bid inviting three interested firms to submit a bid for the project; and

WHEREAS, the submitted bids are above the approved construction contract limit; and

WHEREAS, OMC Section 2.04.050.I.5 provides an exception to the advertising and competitive bidding requirements of the OMC upon a finding and determination by the City Council that it is in the best interests of the City to do so and Section 2.04.050.J states that if no valid bids are received after advertising as required, the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market; and

WHEREAS, advertising and competitive re-bidding will delay the construction project which is

to be completed and opened to the public by December 31, 2018 before grant funds expire;

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 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 services; now, therefore, be it

RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 in order to meet the grant schedule and because of current construction market indications, a rebid of the project would not guarantee lower pricing or generate more interest in the project, and per Section 2.04.050.J that the City Administrator may proceed to hire or have the services performed or purchase the supplies in the open market since no valid bids are received after advertising as required; and be it

FURTHER RESOLVED: That the City Council approves and authorizes the City Administrator, or Designee, to award and execute a construction contract with JUV, Inc., a local business, without return to Council for the construction of Rainbow Recreation Center Renovation and Expansion Project No. 1000854 for an amount not to exceed ten million one hundred fifty thousand dollars (\$10,150,000.00) in accordance with the project plans and specifications; and be it

FURTHER RESOLVED: That the City Council hereby approves and reallocates additional funds of two million one hundred sixty-five thousand dollars (\$2,165,000.00) aggregated from the following East Bay Regional Parks District Open Space Wildlife, Shoreline and Parks Measure WW Bond (Fund 2260): The City Stable Project (no. 1001014), Allendale Recreation Center Project (No. 1003376), Caldecott Trail Project (No. 1001412) and Curt Flood Field project (No Project Number Established) to the Rainbow Recreation Center Renovation and Expansion Project (No. 1000854) for construction and project contingency, or considers and approves alternate funding sources, including Measure KK; and be it

FURTHER RESOLVED: That the project is submitted to the East Bay Regional Parks District for review per Measure WW Bond requirements; and be it

FURTHER RESOLVED: That the plans and specifications, including any subsequent changes during construction, consistent with the approved design, 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, or Designee, is authorized to execute any amendments or modifications of the contract within the limitations of the project specifications; and be it

FURTHER RESOLVED: That JUV, Inc., complies with all City contracting and compliance program requirements that apply to this contract, including Local Business Enterprise and Small Local Business Enterprise (LBE/SLBE) participation and be verified by the Contracts and Compliance Division; 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 and for the amount of 100% of the contract price and due under the Unemployment Insurance Act prior to execution of the contract; 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.

FEB 20 2018

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

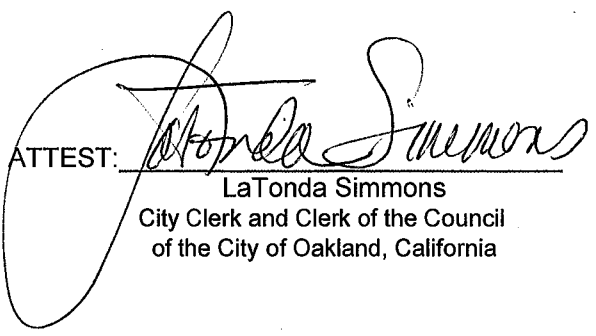
AYES - Brooks, ~~Washington~~, ~~Reid~~, GALLO, GUILLEN, ~~Washington~~, KAPLAN, McElhaneey
and ~~Washington~~ - 5

NOES - 0

ABSENT - 0

ABSTENTION - Halb - 1

Excused - Campbell Washington +
Reid

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California