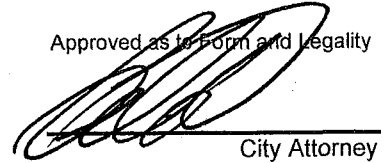


FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality



City Attorney

2018 NOV -1 PM 12:47

OAKLAND CITY COUNCIL

RESOLUTION NO. 87421 C.M.S.

Introduced by Councilmember _____

RESOLUTION TO WAIVE ADVERTISING AND COMPETITIVE BIDDING AND AUTHORIZE THE CITY ADMINISTRATOR, OR DESIGNEE, TO INCREASE THE CONSTRUCTION CONTRACT AMOUNT FOR THE LIONS POOL RENOVATION (PROJECT NO. 1003434) WITH BELIVEAU ENGINEERING CONTRACTORS, INC. BY SIX HUNDRED TEN THOUSAND TWO HUNDRED FIFTY DOLLARS (\$610,250.00) FROM SIX HUNDRED SEVENTY THOUSAND DOLLARS (\$670,000.00) TO ONE MILLION TWO HUNDRED EIGHTY THOUSAND TWO HUNDRED-FIFTY DOLLARS (\$1,280,250.00).

WHEREAS, Lions Pool is an Oakland Parks and Recreation Department operated outdoor pool at the Dimond Park located on the first-level of the Dimond Recreation Center at 3860 Hanly Road in Council District 4; and

WHEREAS, programming at Lions Pool provides a variety of aquatic programs for the community including swim team practices, swimming classes for toddlers/children/adults, and public recreational swims; and

WHEREAS, the Lions pool deck is uplifted and the concrete deck around the pool settled at several locations causing tripping hazards due to unstable hillside soil conditions and subgrade soil movements; and

WHEREAS, the geotechnical engineering firm initially hired to access the problem discovered that the pool deck, subgrade soil, retaining walls, foundations, and other pool appurtenances need to be replaced in part to stabilize the subgrade conditions and to comply with regulatory requirements; and

WHEREAS, on June 19, 2017, the City Council passed Resolution No. 86773 C.M.S appropriating \$1,015,000 of the City of Oakland General Obligation Bonds, Measure KK: Infrastructure and Affordable Housing Series 2017A-1 and 2017A-2 proceeds for the Lions Pool repair in the Fiscal Year 2017-2019 adopted budget; and

WHEREAS, on June 19, 2018 City Council approved and allocated \$4,403,500.00 of the Measure HH, Sugar-Sweetened Beverages Tax Fund (No. 1030) during the Fiscal Year 2017-2019 Midcycle Policy Budget Amendment for capital investment to playgrounds, tot lots, sports fields and pool; and

WHEREAS, on July 17, 2018 the City Council approved Resolution No. 87297 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 \$670,000.00; 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

WHEREAS, staff negotiated with Beliveau Engineering Contractors Inc., to value engineer and executed a construction contract for construction of the Lions Pool Renovation Project No. 1003434 Base Bid in the amount of \$670,000.00; and

WHEREAS, to complete the project Bid Alternative Number No. 1- replacement of the pool shell fiberglass liner with plaster and tile finishes, installation of new perimeter security fence; and Bid Alternate No. 2 - replacement of additional concrete deck that leads to the pool locker rooms need to be added in the contract; therefore, be it

RESOLVED: That the City Council finds and determines that it is the best interest of the City to waive further advertising and competitive bidding per OMC Section 2.04.050.I.5 in order to complete the construction schedule before the Summer of 2019 and because of current construction market indications, rebid of the project would not guarantee lower pricing or generate more interest in the project; and be it

FURTHER RESOLVED: That the City Council approves the increase construction contract amount with Beliveau Engineering Contractors, Inc. for the Lions Pool Renovation (Project No. 1003434) by Six Hundred Ten Thousand Two Hundred Fifty Dollars (\$610,250.00) from Six Hundred Seventy Thousand Dollars (\$670,000.00) to One Million Two Hundred Eighty Thousand Two Hundred and Fifty Dollars (\$1,280,250.00); and be it

FURTHER RESOLVED: That the City Council reallocate existing budgeted funds of \$600,000.00 from the Measure HH, Sugar-Sweetened Beverages Tax Fund (No. 1030) for the project Bid Alternatives No. 1 and No. 2, to replace the fiberglass liner with plaster finish, install a new perimeter fence, replace pool deck and additional concrete deck that leads to the pool locker rooms; and be it

FURTHER RESOLVED: That the Beliveau Engineering Contractor, Inc. shall comply 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 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.

NOV 27 2018

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

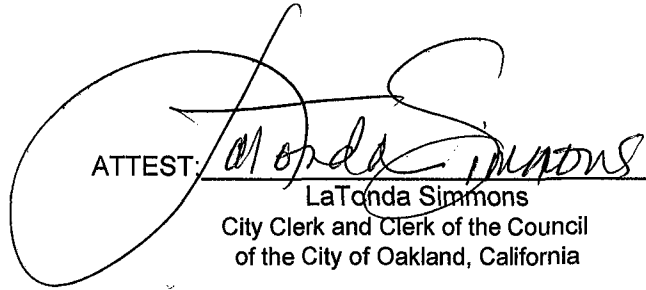
AYES - ~~WASHINGTON~~ CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Brooks

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