



Office of the City Manager

CONSENT CALENDAR
April 20, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
Subject: Contract No. 32000082 Amendment: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000082 with Mar Con Builders, Inc. for the Live Oak Community Center Seismic Upgrade Project, increasing the contract amount by \$160,562 for a total amount not to exceed of \$6,066,230.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the FY 2021 Parks Tax Fund budget for FY 2021 (138-52-545-000-0000-000-461-662110-PRWT119005). No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The existing community center at Live Oak Park is in need of renovation and is one of the City's identified care and shelter facilities. The scope for the existing contract with Mar Con Builder's Inc. includes seismic upgrades to the foundations, roofing, and wall systems, upgrades to current building codes, ADA accessibility improvements, and various energy upgrades and building improvements.

The contract at the time of bid did not incorporate the additive alternates for the renovation of the kitchen, installation of the fireside room divider, or the social hall floor refinishing due to funding constraints. These improvements were added onto the project scope in order to maintain consistency with the City's Climate Action Plan and Resiliency Plan, and provide a more completely renovated building giving a more flexible programmatic approach to the implementation of recreation programs in the future.

The contract at time of bid also did not include exterior site improvements outside of the originally planned code-related improvements. During construction, staff explored exterior site improvements to enhance the site, fix deferred maintenance items, and remove old infrastructure to prevent future recurring maintenance issues.

Following these additions, staff has continued to address unforeseen conditions such as termite damage, utility coordination with EBMUD, PGE, and ATT, and explore additional value-add and finishing items.

City staff determined that the additive alternate work does not negatively impact the project schedule and that the pricing has been continuously negotiated to be within reasonable amounts. Because the building remains closed for programming due to COVID response, it was advantageous to use the continued closure of the facility to perform additional work. It was also determined that the City can utilize the current contractor currently mobilized at the site to reduce overhead, mobilization fees, downtime and future site closures, and administrative costs to complete this work. Staff has been able to identify funding within Parks Tax to be used for this work.

BACKGROUND

On September 24, 2019, Council adopted Resolution No. 69,112-N.S., authorizing the City Manager to execute a contract and any amendments with Mar Con Builders Inc. for the seismic upgrade of the Live Oak Community Center. The total contract was for \$5,415,927, which included a contingency in the amount of \$492,357.

On December 10, 2019, Council adopted Resolution No. 69,219-N.S., authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the Kitchen Additive Alternate which included a switch from natural gas to electrification, and various energy and building code upgrades. The contract amendment was for \$289,741 for a total amended amount not to exceed \$5,705,668.

On September 15, 2020, Council adopted Resolution No. 69,554-N.S., authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the exterior site improvements to fix deferred maintenance and repair or replace old infrastructure. The contract amendment was for \$200,000 for a total amended amount not to exceed \$5,905,668.

The originally planned renovations at Live Oak Community Center incorporated upgrades needed for code compliance and also as many energy efficiency upgrades as possible. The improvements to the kitchen, fireside room, and social hall floor were additive alternates to maintain consistency with the City's Climate Action Plan and Resiliency Plan and add flexibility recreational programming. The exterior improvements and other related improvements are to provide a more complete and enhanced project.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The project is a renovation of a developed urban site and therefore will not negatively affect natural habitat.

RATIONALE FOR RECOMMENDATION

These final improvements provide the most complete and upgraded finished project that the City can achieve at this time with available funding. These additions help mitigate future construction activity impacts to PR&W programming and efficiency under

combination with the current construction contract. The City does not have the in-house labor or equipment resources to complete this renovation project.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront (PRW), 981-6700

Evelyn Chan, Supervising Civil Engineering, PRW, 981-6430

Isaac Carnegie, Associate Civil Engineer, PRW, 981-6432

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000082 AMENDMENT: MAR CON BUILDERS, INC., FOR LIVE OAK COMMUNITY CENTER SEISMIC UPGRADE

WHEREAS, the community center at Live Oak Park is in need of renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this project; and

WHEREAS, an invitation for bids was duly advertised on July 22, 2019, bids were opened on August 29, 2019, and the City received eight bids; and

WHEREAS, Mar Con Builders, Inc. was determined to be the lowest responsive and responsible bidder, and references for Mar Con Builders, Inc. were provided and checked out satisfactorily; and Mar Con Builders, Inc. was awarded Contract No. 32000082; and

WHEREAS, on December 10, 2019, Council adopted Resolution No. 69,219-N.S. authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the Kitchen Additive Alternate which included a switch from natural gas to electrification, and various energy and building code upgrades. The contract amendment was for \$289,741 for a total amended amount not to exceed \$5,705,668; and

WHEREAS, on September 15, 2020, Council adopted Resolution No. 69,554-N.S. authorizing the City Manager to execute an amendment to the contract with Mar Con Builders, Inc. for the exterior site improvements. The contract amendment was for \$200,000 for a total amended amount not to exceed \$5,905,668; and

WHEREAS, an increase of \$160,562 to the not-to-exceed contract amount is necessary for final improvements to provide the most complete and upgraded finished project that the City can achieve at this time with available funding for Live Oak Community Center; and

WHEREAS, funding for this contract amendment is available in the FY 2021 Parks Tax Fund budget for FY 2021 (138-52-545-000-0000-000-461-662110-PRWT119005).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000082 with Mar Con Builders Inc. for the Live Oak Community Center Seismic Upgrade project, increasing the amount by \$160,562, for a total amended amount not to exceed \$6,066,230. A record signature copy of any amendments to be on file in the Office of the City Clerk.