



Office of the City Manager

## **REVISED AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** July 12, 2022

**Item Number:** 10

**Item Description:** Contract No. 32200076 Amendment: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project

**Submitted by:** Scott Ferris, Director, Parks, Recreation & Waterfront

After the item was submitted into the Agenda Process, the City determined that a revised contract amount was needed in order to complete the construction project. The Recommendation and Resolution sections were updated to reflect this revised amount.



Office of the City Manager

## CONSENT CALENDAR

July 12, 2022

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. 32200076 Amendment: OBS Engineering, Inc. for John Hinkel Park Amphitheater Area Improvements Project

### RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200076 with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Improvements Project, increasing the amount by ~~\$8026,000~~ for an amended total amount not to exceed \$1,19945,580.

### FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment will be recommended for appropriation through the FY 2023 first amendment to the appropriations ordinance in the Parks Tax Fund (138-52-545-000-0000-000-461-663110-PRWPK19004). No other funding is required, and no other projects will be delayed due to this expenditure.

### CURRENT SITUATION AND ITS EFFECTS

The contract with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Improvements Project, was approved on July 27, 2021 for a total amount not to exceed \$1,119,580. During construction, unforeseen existing conditions required that additional drainage work, paving, tree removal, and fencing be performed. The City has negotiated these change orders with OBS Engineering, Inc. This work was not included in the original contract scope, but is necessary to maintain proper drainage and safety conditions at the City's parks, and improves the finish of the completed project.

### BACKGROUND

The project includes a new play area (ages 5-12), picnic area, and repairs and restoration of the existing masonry work and amphitheater and improvements to other site feature in conformance with current ADA standards. John Hinkel Park was designated as a historic landmark by the Landmarks Preservation Commission in April 2001 and work is done in compliance with Structural Alteration Permit LMSAP2020-0002. These park improvements are part of the City's ongoing program to repair, renovate, and improve safety and accessibility at non-compliant or aging Parks facilities.

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Contract No. 32200076 Amendment: OBS Engineering, Inc.  
John Hinkel Park Amphitheater Area Improvements Project

CONSENT CALENDAR  
July 12, 2022

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The project was advertised for bids on Monday, June 7, 2021, and bids were opened on June 22, 2021. The City received 5 bids, from a low base bid of \$1,007,100 to a high base bid of \$1,667,500. OBS Engineering, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback.

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

The City and OBS Engineering, Inc. have negotiated a price within the City's budget for renovations and safety improvements. This increase to the contract is necessary to perform deferred maintenance repairs, and correct deficiencies with existing infrastructure. The City does not have the in-house labor or equipment resources to complete these construction activities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Evelyn Chan, Senior Civil Engineer, PRW, (510) 981-6430  
Isaac Carnegie, Associate Civil Engineer, PRW, (510) 981-6432

Attachments:  
1: Resolution

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

CONTRACT NO. 32200076 AMENDMENT: OBS ENGINEERING, INC. FOR THE  
JOHN HINKEL PARK AMPHITHEATER AREA IMPROVEMENTS PROJECT

WHEREAS, John Hinkel Park, Amphitheater Area is in need of renovation; and

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

WHEREAS, an invitation for bids was duly advertised on June 7, 2021, and bids were opened on June 22, 2021, and the City received 5 bids;

WHEREAS, OBS Engineering, Inc. was determined to be the lowest responsive and responsible bidder, and references for OBS Engineering, Inc. were provided and checked out satisfactorily; and

WHEREAS, on July 27, 2021, by Resolution No. 69,979-N.S., the City Council authorized Contract No. 32200076 with OBS Engineering, Inc. in an amount not to exceed \$1,119,580 for the John Hinkel Park Amphitheater Area Improvements Project; and

WHEREAS, an increase of \$~~8026~~,000 to the amended not to exceed contract amount is necessary to make repairs and complete change orders; and

WHEREAS, funds are available in the FY 2023 Parks Tax (Fund 138) budget.

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. 32200076 with OBS Engineering, Inc. for the John Hinkel Park Amphitheater Area Improvements Project, increasing the contract amount by \$~~8026~~,000, for a total amended amount not to exceed \$1,~~19945~~,580. A record signature copy of any amendments to be on file in the Office of the City Clerk.