



Office of the City Manager

RECESS ITEM
CONSENT CALENDAR
April 14, 2020

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: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project

RECOMMENDATION

Adopt a Resolution ratifying the action taken by the City Manager during recess to:

1. Approve the plans and specifications for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, Specification No. 19-11294-C; and
2. Waive an inconsequential defect and accepting the bid of the lowest responsive and responsible bidder, Ghilotti Construction Company, Inc.; and
3. Execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Ghilotti Construction Company, Inc., for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project at 1200-1201 Euclid Avenue, Berkeley, CA 94708, in an amount not to exceed \$3,491,917, which includes a contract amount of \$3,174,470 and a 10% contingency in the amount of \$317,447.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS

The Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project is funded by the Measure T1 Phase 1 bond program, which requires that Phase 1 projects be 85% completed by November 2020.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Measure T1 Fund, Parks Tax Fund, and Capital Improvements General Fund, and will be included in the third annual appropriations ordinance of FY20. No other funding is required, and no other projects will be delayed due to this expenditure.

Ghilotti Construction Company (lowest bid).....	\$2,858,470
Bid Additives 1 and 2	\$316,000
Total contract amount.....	\$3,174,470
10% Contingency	\$317,447
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Total construction cost	\$3,491,917

Measure T1 Fund \$3,074,470
(511-52-545-000-0000-000-461-663110-PRWT119012)

Parks Tax Fund.....	\$317,447
(138-52-545-000-0000-000-461-663110-PRWT119012)	
Capital Improvements General Fund.....	\$100,000
(501-52-545-000-0000-000-461-663110-PRWT119012)	
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Total funding	\$3,491,917

CURRENT SITUATION AND ITS EFFECTS

This improvement project is at Berkeley Rose Garden, located at 1200 Euclid Avenue, with ancillary work at Codornices Park, located at 1201 Euclid Avenue, and improvements to Codornices Creek at 1231 Glen Avenue.

The Berkeley Rose Garden was built in 1937, and was designated as a City of Berkeley Historical Landmark in 1995. From 2016-2017, the City performed initial efforts to renovate the site by demolishing the existing historic pergola which was in disrepair, reconstructing a portion of the historic pergola, and making several ADA access and site improvements to the site. This project will complete the reconstruction of the historic redwood pergola.

The work to be done also includes, but is not limited to, providing ADA-compliant access through Codornices Park to the Rose Garden pergola, demolishing and reconstructing existing historic retaining walls, repairing tennis courts and pathways, repairing erosion at the lower portion of Codornices Creek, renovating the Rose Garden restroom for ADA compliance, new fencing, flagstone paving, handrails, signage, and providing several site and access improvements throughout the site.

The contract will include a 10% contingency to cover related unexpected or miscellaneous construction services. The term of the contract is 180 calendar days, which includes a performance period of 150 days and an additional 30 days for project closeout.

BACKGROUND

The project was advertised for bids on Monday, January 13, 2020, and bids were opened on February 11, 2020. The City received three bids, from a low bid of \$2,858,470 to a high bid of \$4,339,989 for base bid work, and from \$3,174,470 to \$4,643,522 for the base bid plus additive Bid Alternates 1 and 2. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

Ghilotti Construction Company, Inc. was the lowest responsive and responsible bidder. It should be noted that in Ghilotti Construction Company’s bid, the base bid was incorrectly indicated as \$2,870,470 rather than \$2,858,470, or a difference of \$12,000. The math error was in the final addition of bid amounts per the bid schedule. Since the variance is an inconsequential defect and does not provide Ghilotti Construction Company with a competitive advantage in the bidding process, the City Council may waive the defect. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to Ghilotti Construction Company.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor will need to submit a Certification of Compliance for the Equal Benefits Ordinance. The contract will be subject to the Community Workforce Agreement.

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 reconstruction of the Berkeley Rose Garden Pergola and renovation of several park amenities are needed as part of the City's ongoing program to repair, renovate, and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 981-6430

Attachments:

- 1: Resolution
- 2: Bid Results

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

CONTRACT: GHILOTTI CONSTRUCTION COMPANY, INC. FOR THE BERKELEY ROSE GARDEN PERGOLA RECONSTRUCTION AND SITE IMPROVEMENTS PROJECT

WHEREAS, the Berkeley Rose Garden is in need of several site improvements including the reconstruction of the historic redwood Pergola; and

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

WHEREAS, an invitation for bids was duly advertised on January 13, 2020, bids were opened on February 11, 2020, and the City received three bids; and

WHEREAS, Ghilotti Construction Company's bid incorrectly indicated a base bid price of \$2,870,470 rather than \$2,858,470, and this variance is an inconsequential defect and does not provide Ghilotti Construction Company with a competitive advantage in the bidding process; and

WHEREAS, Ghilotti Construction Company submitted costs for additive bid alternates (Bid Items BA1 and BA2); and

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

WHEREAS, funding is available in the Measure T1 Fund (Fund 511), the Parks Tax Fund (Fund 138) and the Capital Improvements General Fund (Fund 501)

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 19-11294-C for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley waives the aforementioned inconsequential defect in the bid from Ghilotti Construction Company, Inc., and the construction contract is awarded to Ghilotti Construction Company, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$3,174,470, which includes the base bid plus bid alternates BA1 and BA2; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley ratifies the action taken by the City Manager to execute a contract and any amendments, extensions, or change orders until completion of the project in accordance with the approved plans and specifications with Ghilotti Construction Company, Inc. for the Berkeley Rose Garden Pergola Rose Garden Reconstruction and Site Improvements Project in an amount not to exceed \$3,491,917, which includes a contract amount of \$3,174,470 and a 10%

contingency in the amount of \$317,447 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



City of Berkeley
Abstract of Bids Worksheet

Finance Department
General Service Division

For: Berkeley Rose Garden Pergola Reconstruction & Site Improvements

Specification#: 19-11294-C

Engineer's Estimate:

Bid Date:

	Bidders	Base Bid	Nuc Free	Work Force Comp	Opp. States	Living Wage	EBO	Bid Bond	Addenda
1	BAY CONSTRUCTION CO	3,405,588.00							✓
2	SHILOTTI CO	2,870,470.00						✓	✓
3	SABOO INC.	4,339,989.00						✓	✓
4									
5									
6									
7									
8									
9									
10									

Bid Recorder: [Signature] 2/11/2020

Bid Opener: [Signature] 2/11/20

Project Manager: [Signature] 2/11/2020