



Office of the City Manager

CONSENT CALENDAR
May 12, 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: Suarez and Munoz Construction, Inc. for San Pablo Park Playground and Tennis Court Renovation Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the San Pablo Park Playground and Tennis Court Renovation Project, Specification No. 20-11381-C; and
2. Rejecting the bid protest of Redwood Engineering Construction, the second lowest bidder; and
3. Accepting the bid of the lowest responsive and responsible bidder, Suarez and Munoz Construction, Inc.; and
4. Authorizing the City Manager to 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 Suarez and Munoz Construction, Inc., for the San Pablo Park Playground and Tennis Court Renovation Project at 2800 Park Street, Berkeley, CA 94702, in an amount not to exceed \$1,969,056, which includes a contract amount of \$1,790,051 and a 10% contingency in the amount of \$179,005.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2020 budget in the Measure T1 Fund (Fund 511) and the Parks Tax Fund (Fund 138). No other funding is required, and no other projects will be delayed due to this expenditure.

Suarez & Munoz Construction, Inc. (lowest bid).....	\$1,790,051
10% Contingency	\$179,005
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Total construction cost	\$1,969,056
Measure T1 Fund (FY2020)	\$1,028,208
(511-52-545-000-0000-000-461-663110-PRWT119009)	
Parks Tax Fund (FY2020)	\$940,848
(138-52-545-000-0000-000-461-663110-PRWT119009)	
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Total construction cost.....	\$1,969,056

CURRENT SITUATION AND ITS EFFECTS

The existing 2-5 and 5-12 playgrounds and tennis courts at San Pablo Park at 2800 Park Street, Berkeley, CA 94702 are in need of renovations. The existing play structures were installed during the early-1990s and no longer fulfill the play potential of the park due to their deterioration and ADA inaccessibility. The project includes removal and disposal of the 2-5 and 5-12 playgrounds and the installation of two new play areas in the existing locations. In addition to new play structures, accessible surfacing will be installed throughout both play areas to enhance the safety and access for park users. The project also includes resurfacing of the tennis courts, renovating the existing chain link fence including replacement of the fence fabric for the tennis courts, installing site furnishings including net assembly, bleachers, benches, drinking fountains, and bleachers, and improving pedestrian and ADA access in conformance with current ADA standards.

BACKGROUND

The project was advertised for bids on March 20, 2020, and bids were opened on April 16, 2020. The City received 4 bids, from a low base bid of \$1,729,351 to a high base bid of \$2,437,785. Suarez & Munoz Construction, Inc. ("SMC") was the lowest bidder.

On April 22, 2020, the City received a bid protest from the second lowest bidder, Redwood Engineering Construction ("REC") of Redwood City, California. REC claimed that on a previous bid proposal, one of SMC's listed subcontractors stated on their subcontractor's bid proposal that they would not agree to comply with the City's Community Workforce Agreement (CWA). Because the CWA is a required contract provision in the subject project, REC cited this as a reason to reject SMC's bid as nonresponsive. The City forwarded the protest letter to SMC and SMC responded on April 23, 2020. Based on information submitted, the City carefully considered and denied REC's protest claim, finding inadequate evidence for REC's claim that the subcontractor would refuse to comply with the CWA provisions for this project and that this would render the bid as nonresponsive. The City has determined SMC's bid is responsive to the City's invitation to bid.

SMC was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback. Staff recommends that a contract for this project be awarded to Suarez & Munoz Construction, Inc.

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 playgrounds and tennis courts at San Pablo Park are well-used and overdue for renovation and rehabilitation. There are ADA compliance issues throughout the playgrounds and tennis court, and the play equipment and tennis court amenities are in need of

Contract: Suarez & Munoz Construction, Inc. for
San Pablo Park Playground and Tennis Court Renovation Project

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renovations due to deteriorating conditions. The City does not have the in-house labor or equipment to complete this park renovation project.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700

Wendy Wellbrock, Associate Civil Engineer, Parks Recreation & Waterfront, (510) 981-6346

Attachments:

- 1: Resolution
- 2: Bid Results

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

CONTRACT: SUAREZ & MUNOZ CONSTRUCTION, INC. FOR SAN PABLO PARK
PLAYGROUND AND TENNIS COURT RENOVATIONS

WHEREAS, the playgrounds and tennis courts at San Pablo Park are 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 March 20, 2020, bids were opened
on April 16, 2020, and the City received 4 bids; and

WHEREAS, the second low bidder, Redwood Engineering Construction, protested the bid by
the apparent low bidder, Suarez & Munoz Construction, Inc.; and

WHEREAS, the City reviewed, considered and denied the bid protest, and deemed Suarez &
Munoz's bid responsive to the City's invitation to bid; and

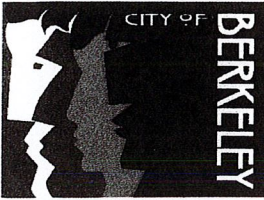
WHEREAS, Suarez & Munoz Construction, Inc. was determined to be the lowest responsive
and responsible bidder, and references for Suarez & Munoz Construction, Inc. were provided
and checked out satisfactorily; and

WHEREAS, funding is available in the FY 2020 budget from the Measure T1 Fund (Fund 511)
and the Parks Tax Fund (Fund 138).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans
and Specification No. 20-11381-C for the San Pablo Park Playground and Tennis Court
Renovation project are approved.

BE IT FURTHER RESOLVED that the bid protest of Redwood Engineering Construction, the
second lowest bidder, is rejected, and the construction contract is awarded to Suarez & Munoz
Construction, Inc. as the lowest responsive and responsible bidder for a total contract amount
of \$1,790,051, which includes the base bid and additive alternate no. 1; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes 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 Suarez
& Munoz Construction, Inc. for the San Pablo Park Playground and Tennis Court Renovation
project in an amount not to exceed \$1,969,056, which includes a contract amount of \$1,790,051
and a 10% contingency in the amount of \$179,005 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 Bid Worksheet

Finance Department
General Services Division

Spec. # 20-1131-C

Bid Date: 4/16/2020

FOR: San Pablo Park Playground and Tennis Courts Rehab

	Bidders	Base Bid	Alt. #1	Alt. #2	Alt. #3	required.									
						Bid Bond	Addenda	SC	LW	WF	EBO	OS	NF		
1	Redwood Engineering	\$1,779,706	\$49,774	\$14,350	\$9,000	✓	✓								
2	Saboo Inc,	\$2,437,785	\$97,120	\$21,000	\$9,000	✓	✓								
3	Suarez, Munoz Construction	\$1,729,351	\$60,700	\$17,500	\$18,000	✓	✓								
4	Bay Constructions	\$1,890,048	\$18,560	\$14,000	\$18,000	✓	✓								
5															
6															
7															
8															
9															
10															

Bid Recorder: Doom 4/14/2020
 Bid Opener: DARRYL SWEET 4/16/20
 Project Manager: renee 4/16/2020

