To:       Honorable Mayor and Members of the City Council
From:    Dee Williams-Ridley, City Manager
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
Subject: Recess Item: Reject All Bids and Negotiate in the Open Market for the John Hinkel Park Improvement Project, Specification No. 19-11321-C

RECOMMENDATION
Adopt a Resolution ratifying the action taken by the City Manager during recess to reject all bids and direct staff to negotiate in the open market for the work associated with the John Hinkel Park Improvement Project, Specification No. 19-11321-C.

NEGATIVE EFFECT IF ACTION IS DELAYED UNTIL AFTER COUNCIL RECESS
After an extensive public process, the project is currently ready for construction and can be completed prior to the upcoming 2019/20 winter season. It is in the City’s best interest to negotiate with a contractor as soon as possible to avoid the potential difficulties, delays, and additional costs of construction during the winter season.

FISCAL IMPACTS OF RECOMMENDATION
Funding is available in the FY 2020 budget in the Measure WW Parks Bond Fund (Fund 345) and the Parks Tax Fund (Fund 138). A small amount of additional staff and consultant time will be required to negotiate a contract to complete the project. This project is one of two remaining projects that are partially funded by Measure WW. The City has already incurred design-related expenses using Measure WW Grant funds that may only be reimbursed at the completion of the project.

CURRENT SITUATION AND ITS EFFECTS
The John Hinkel Park Improvement project was advertised for bids on June 13, 2019 and bids were opened on July 9, 2019. The City received one bid at $1,139,500 from CF Contracting, Inc. This bid is 211% higher than the City’s available funding for the project and therefore the project cannot proceed. Staff recommends that Council reject all bids and authorize the City Manager to negotiate in the open market in accordance with the City Charter Article XI, Public Works and Supplies, Section 67(a.).

BACKGROUND
The John Hinkel Park site was designated a City Landmark in 2001. In early 2015, a fire destroyed the John Hinkel Clubhouse and the remains were demolished in April of that year. Since that time, the upper area of the park has been fenced off-limits for
safety reasons. The area is in need of restoration, renovation, and safety improvements. Over the past three years, an extensive public process was conducted, comprised of community and Parks and Waterfront Commission meetings, to develop appropriate improvements that respond to community needs and also respect the historic nature of its Landmark designation. In late May of 2019, the project scope was finalized and the project is ready for construction. This project supports the City’s Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY
The construction contract includes requirements to comply with the City’s Environmentally Preferable Purchasing Policy.

RATIONALE FOR RECOMMENDATION
The City is not able to accept the one bid from CF Contracting, Inc. because it exceeds the City’s available funding for the project. 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, 981-6700
Evelyn Chan, Supervising Civil Engineering, PRW, 981-6430

Attachments:
1: Resolution
   Exhibit A: Bid Abstract
RESOLUTION NO. ##,###-N.S.

REJECT ALL BIDS AND DIRECT STAFF TO NEGOTIATE IN THE OPEN MARKET FOR THE WORK ASSOCIATED WITH THE JOHN HINKEL PARK IMPROVEMENT PROJECT, SPECIFICATION NO. 19-11321-C

WHEREAS, the John Hinkel Park site was designated a City Landmark in 2001. In early 2015, a fire destroyed the John Hinkel Clubhouse and the remains were demolished in April of that year. Since that time, the upper area of the park has been fenced off-limits for safety reasons. The area is in need of restoration, renovation, and safety improvements; and

WHEREAS, over the past three years, an extensive public process was conducted, comprised of community and Parks and Waterfront Commission meetings, to develop appropriate improvements that respond to community needs and also respect the historic nature of its Landmark designation. In late May of 2019, the project scope was finalized and the project is ready for construction; and

WHEREAS, on June 13, 2019, the John Hinkel Park Improvement project was advertised for bids, and bids were opened on July 9, 2019. The City received one bid at $1,139,500 from CF Contracting, Inc. (Exhibit A). This bid is 211% higher than the City’s available funding for the project and therefore the project cannot proceed. Staff recommends that Council reject all bids and authorize the City Manager to negotiate in the open market in accordance with the City Charter Article XI, Public Works and Supplies, Section 67(a.); and

WHEREAS, funding is available in the FY 2020 budget in the Measure WW Parks Bond Fund (Fund 345) and the Parks Tax Fund (Fund 138). A small amount of additional staff and consultant time will be required to negotiate a contract to complete the project. This project is one of two remaining projects that are partially funded by Measure WW. The City has already incurred design-related expenses using Measure WW Grant funds that may only be reimbursed at the completion of the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of that the Council ratifies the action taken by the City Manager during recess to reject all bids and direct staff to negotiate in the open market for the work associated with the John Hinkel Park Improvement Project, Specification No. 19-11321-C.

Exhibit A: Bid Abstract
## Exhibit A: Bid Abstract

### City of Berkeley
Abstract of Bids Worksheet

<table>
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<th>Specifications: 19-11521-C</th>
<th>Bidders</th>
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<th>Opp. States</th>
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Bid Recorder: [Signature] 7/9/19
Bid Opener: [Signature] 7/9/19
Project Manager: [Signature] 7/9/19