



Office of the City Manager

CONSENT CALENDAR
September 15, 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 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 \$200,000 for a total amount not to exceed of \$5,905,668.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the Parks Tax Fund (138-52-545-000-0000-000-461-663110-PRWT119005) and will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance. 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 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.

Site improvements to be included as part of this exterior improvements package include removal and replacement of old seating elements around a fallen tree, modifications to the existing play area, improvements to exterior stairs, protection of existing site features, incorporation of art from the Civic Arts Commission, and exterior signage.

Staff determined that the exterior improvements are necessary to prevent recurring maintenance to deferred items and to prevent the need for future projects to complete these improvements. The city can utilize the current contractor that is working 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.

The originally planned renovations at Live Oak Community Center incorporated upgrades needed for code compliance and also as many energy efficiency upgrades as possible. At the time, improvements to the exterior entry of the building were limited to code compliance upgrades only.

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 exterior site improvements allow for work on deferred maintenance items to be completed without additional impacts to the public at a later time. 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, an increase of \$200,000 to the not to exceed contract amount is necessary to perform exterior site improvements to Live Oak Community Center; and

WHEREAS, funds will be appropriated as part of the First Amendment to the FY 2021 Annual Appropriations Ordinance in the Parks Tax Fund (Fund 138).

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 \$200,000, for a total amended amount not to exceed \$5,905,668. A record signature copy of any amendments to be on file in the Office of the City Clerk.

