



Office of the City Manager

CONSENT CALENDAR
September 29, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Contract No. 32600193 Amendment: Bay Construction Co. for Transfer Station Aboveground Storage Tank Specification No. 25-11733-C

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32600193 with Bay Construction Co. for the Transfer Station Aboveground Storage Tank Project, increasing the contract amount by \$110,964.00 for a revised total amount not to exceed \$765,600.00, for the contract term beginning June 23, 2026, through December 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is available in the Fiscal Year 2027 budget in Zero Waste Fund 601 consistent with the funding source identified in the original Council report for this project. The \$110,964.00 requested for this amendment is within the approved project budget. It is being requested to match the intended Not to Exceed (NTE) recommendation.

Council Approved Amounts per resolution 72,278-N.S.

Original Approved NTE.....	\$545,530.00
Original Contingency.....	\$109,106.00
Original (NTE)	\$654,636.00

This Amendment.....\$110,964.00

Amended Contract Amount (NTE) \$765,600.00

CURRENT SITUATION AND ITS EFFECTS

The original resolution NTE did not provide enough funds to honor the intended NTE allocation of \$765,600.00. This is due to a clerical error in the text of the resolution; the body of the accompanying council report contained the intended NTE value of \$765,600.00.

This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

Refer to Resolution No. 72,278-N.S. Contract: Bay Construction Co. For Transfer Station Aboveground Storage Tank; 1201 Second Street

On May 19, 2026, council authorized Resolution 72,278-N.S. to fund construction, but due to a clerical error, the amount authorized is short of the intended NTE allocation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will address the City's sustainability and climate goals by reducing the risk of tank leaks into the surrounding soil/groundwater. There are no anticipated negative environmental effects of this action.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work. The City maintains an on-site diesel fueling source to ensure reliable fuel access for public works vehicles. During emergencies or supply disruptions, a municipal fuel depot helps guarantee that critical operations can continue. A centralized fueling facility improves operational efficiency by allowing municipal vehicles to refuel quickly at a dedicated location, and gives the City more control over fuel inventory, usage tracking, and compliance for storage and environmental regulations.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Wahid Amiri, Deputy Director, Department of Public Works (510) 981-6396
Priya Chopra, Associate Civil Engineer, Department of Public Works (510) 981-6338

Attachments:

- 1: Resolution
- 2: Resolution No. 71,949-N.S. Contract: Bayview Industrial Services, Inc. For removal of Transfer Station Underground Storage Tanks, 1201 Second Street
- 3: Resolution No. 72,278-N.S. Contract: Bay Construction Co. For Transfer Station Aboveground Storage Tank; 1201 Second Street
- 4: Contract: Bay Construction Co. for Transfer Station Aboveground Storage Tank

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

CONTRACT NO. 32600193 AMENDMENT: BAY CONSTRUCTION CO. FOR
TRANSFER STATION ABOVEGROUND STORAGE TANK; 1201 SECOND STREET

WHEREAS, to meet the California Water Resources Control Board requirements, the City removed two single-walled 10,000-gallon underground diesel storage tanks (USTs), associated piping, and fueling equipment at the Transfer Station prior to December 2025 per Resolution No. 71,949-N.S.; and

WHEREAS, City is installing one 10,000-gallon aboveground storage tank at the Transfer Station per Plans and Specifications; and

WHEREAS, funding in the amount of \$110,964.00 is available in the FY 2027 budget in Zero Waste Fund 601; and

WHEREAS Council authorized Resolution No. 72,248-N.S. to construct this project; and

WHEREAS The Not to Exceed (NTE) amount authorized in Resolution 72,248-N.S. is insufficient to cover a sufficient project contingency and;

WHEREAS, an increase of \$110,964.00 to the NTE contract amount is required to match the intended NTE allocation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with Bay Construction Co. for the Transfer Station Aboveground Storage Tank Project, increasing the contract amount by \$110,964.00 for a revised total amount not to exceed \$765,600.00, for the contract term beginning June 23, 2026, through December 30, 2026.

RESOLUTION NO. 71,949-N.S.

CONTRACT: BAYVIEW INDUSTRIAL SERVICES, INC. FOR REMOVAL OF TRANSFER STATION UNDERGROUND STORAGE TANKS; 1201 SECOND STREET

WHEREAS, to meet the California Water Quality Control Board requirements, the City requires the removal two 10,000-gallon undergrounds storage tanks (USTs), associated piping, and fueling equipment per Plans and Specifications; and

WHEREAS, the California Water Quality Control Board requires that all single-walled USTs and associated single-walled piping must be permanently closed and removed from service by December 31, 2025, or be subject to enforcement actions including civil penalties; and

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

WHEREAS, informal bids (Plans and Specifications) were duly requested, and Bayview Industrial Services, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2026 budget in the Zero Waste Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Removal of Transfer Station Underground Storage Tanks Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of Bayview Industrial Services, Inc. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager, or designee, 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 (Bayview Industrial Services, Inc.) for the Removal of Transfer Station Underground Storage Tanks Project in an amount not to exceed \$292,200, which includes a contingency in the amount of \$48,360. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on September 9, 2025 by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.



Adena Ishii, Mayor

Attest: 

Mark Numainville, City Clerk

RESOLUTION NO. 72,278-N.S.

CONTRACT: BAY CONSTRUCTION CO. FOR TRANSFER STATION
ABOVEGROUND STORAGE TANK; 1201 SECOND STREET

WHEREAS, to meet the California Water Resources Control Board requirements, the City removed two single-walled 10,000-gallon underground diesel storage tanks (USTs), associated piping, and fueling equipment at the Transfer Station prior to December 2025 per Resolution No. 71,949-N.S; and

WHEREAS, the City will be installing one 10,000 gallon aboveground storage tank at the Transfer Station per Plans and Specifications; and

WHEREAS, an invitation for bids (Plans and Specifications No. 25-11733-C) were duly advertised, and Bay Construction Co. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2026 budget in the Zero Waste Fund; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Transfer Station Aboveground Storage Tank Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of Bay Construction Co. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager, or designee, 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 Bay Construction Co. for the Transfer Station Aboveground Storage Tank in an amount not to exceed \$654,636.00, which includes a contingency in the amount of \$109,106.00. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on May 19, 2026 by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.



Adena Ishii, Mayor

Attest: 

Mark Numainville, City Clerk



Office of the City Manager

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Wahid Amiri, Interim Director, Public Works Department
Subject: Contract: Bay Construction Co. for Transfer Station Aboveground Storage Tank

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for Transfer Station Aboveground Storage Tank (Project), Specification No. 25-11733-C; and
2. Accepting the bid of Bay Construction Co. as the lowest, responsive and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed \$654,636.00, which includes a contingency of \$109,106.00.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is available in the Fiscal Year 2026 budget in Zero Waste Fund.

Low bid by Bay Construction Co.....	\$638,000.00
20% Contingency	\$127,600.00
Total Construction Cost NTE	\$765,600.00

Fiscal Year 2026 Funding:	
Zero Waste Fund	\$765,600.00

CURRENT SITUATION AND ITS EFFECTS

The Project was advertised for bids on March 17, 2026, and bids were opened on April 7, 2026. The City received three bids ranging from \$545,530.00 to \$758,665.84. The lowest bidder was determined to be non-responsive. The lowest, responsive and responsible bidder was determined to be Bay Construction Co. Staff recommends that a construction contract for the Project be awarded to Bay Construction Co.

Since its construction, the Transfer Station has maintained an onsite diesel fueling source for City vehicles. As a result of California state mandate, SB 445, the existing underground diesel storage tanks were removed in November 2025. Currently the Transfer Station does not have an onsite diesel fueling source and is utilizing mobile fueling. This project will reestablish the Transfer Station's onsite fueling source by installing a new aboveground diesel storage tank.

The Project advances the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3204.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The Transfer Station was constructed and began operation in 1983. It replaced the previous City landfill and has since served as the City's primary location for solid waste transfer and recycling operations. Effective September 25, 2014, SB 445 (Stats. 204, Ch. 547) required permanent closure of single-walled underground storage tanks (USTs) by December 31, 2025. The State Water Resources Control Board administers the CA Health & Safety Code and Code of Regulations sections concerning USTs, and penalties for non-compliance include fines of up to \$5,000 per day per UST.

On September 9, 2025, Council approved plans and specifications and authorized the City Manager to enter into a construction contract with Bayview Industrial Services, Inc for removal of two USTs per Resolution No. 71,949 N.S. Two 10,000 gallon, single-walled underground diesel storage tanks on site were removed prior to the December 31, 2025, deadline.

Public Works engaged the services of an architectural consultant, structural engineer, and environmental consultant in 2024, to create the bid documents to replace those underground tanks with one aboveground tank.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will address the City's sustainability and climate goals by reducing the risk of tank leaks into the surrounding soil/groundwater. There are no anticipated negative environmental effects of this action.

RATIONALE FOR RECOMMENDATION

Contracted services are required for this project as the City does not have the in-house expertise to complete this specialized work. The City maintains an on-site diesel fueling source to ensure reliable fuel access for public works vehicles. During emergencies or supply disruptions, a municipal fuel depot helps guarantee that critical operations can

continue. A centralized fueling facility improves operational efficiency by allowing municipal vehicles to refuel quickly at a dedicated location, and gives the City more control over fuel inventory, usage tracking, and compliance for storage and environmental regulations.

ALTERNATIVE ACTIONS CONSIDERED

None. The City may choose not to proceed with installing the Aboveground Storage Tank at the Transfer Station. However, this would leave the Transfer Station without a consistent and reliable fueling source for essential operations and function. The Transfer Station would continue to rely on mobile funding, which adds a recurring expenditure to the Zero Waste Budget, and adds additional staff time procuring vendors and managing mobile fueling locations.

CONTACT PERSON

Priya Chopra, Associate Civil Engineer, Department of Public Works (510) 981-6338
Wahid Amiri, Interim Director, Public Works (510) 981-6396

Attachments:

- 1: Resolution
- 2: Bid Abstract

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

CONTRACT: BAY CONSTRUCTION CO. FOR TRANSFER STATION
ABOVEGROUND STORAGE TANK; 1201 SECOND STREET

WHEREAS, to meet the California Water Resources Control Board requirements, the City removed two single-walled 10,000-gallon underground diesel storage tanks (USTs), associated piping, and fueling equipment at the Transfer Station prior to December 2025 per Resolution No. 71,949-N.S ; and

WHEREAS, the City will be installing one 10,000 gallon aboveground storage tank at the Transfer Station per Plans and Specifications; and

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

WHEREAS, an invitation for bids (Plans and Specifications No. 25-11733-C) were duly advertised, and Bay Construction Co. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are available in the FY 2026 budget in the Zero Waste Fund; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Transfer Station Aboveground Storage Tank Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of Bay Construction Co. as the lowest responsive and responsible bidder.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley authorizes the City Manager, or designee, 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 Bay Construction Co. for the Transfer Station Aboveground Storage Tank in an amount not to exceed \$765,000 which includes a contingency in the amount of \$127,600.00. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.

