



Office of the City Manager

CONSENT CALENDAR  
September 24, 2019

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: Mar Con Builders, Inc. for Live Oak Community Center Seismic Upgrade Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Live Oak Community Center Seismic Upgrade project, Specification No. 19-11320-C; and
2. Accepting the bid of the lowest responsive and responsible bidder, Mar Con Builders, Inc.; and
3. 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 Mar Con Builders, Inc., for the Live Oak Community Center Seismic Upgrade project at 1301 Shattuck Avenue, Berkeley, CA 94704, in an amount not to exceed \$6,271,635, which includes a contract amount consisting of base bids and three alternates of \$5,226,363 and a 20% contingency in the amount of \$1,045,272.

FISCAL IMPACTS OF RECOMMENDATION

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

Mar Con Builders, Inc. (lowest bid) .....	\$4,923,570
Additive Alternate 1 (Partition in Fireside Room) .....	\$31,509
Additive Alternate 2 (Refinish wood flooring) .....	\$29,833
Additive Alternate 3 (Kitchen remodel) .....	\$241,451
20% Contingency .....	\$1,045,272
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Total construction cost .....	\$6,271,635

Measure T1 Fund FY2020 (Fund 511-52-545-000-0000-000-461-663110-PRWT119005) ..... \$6,271,635

CURRENT SITUATION AND ITS EFFECTS

The existing community center at Live Oak Park, 1301 Shattuck Avenue, Berkeley, CA 94704 is in need of renovations. The center has been identified as a location to be used as a mass care site in the event of an earthquake per the City of Berkeley's Local

Hazard Mitigation Plan. This project will provide seismic upgrades to foundations, roofing, and wall systems to achieve an “Immediate Occupancy” rating to serve the community in the event of an earthquake or other disaster.

In addition, the previous ADA improvements to the building no longer meet current code. This projects includes updating the path of entry to the building, theater restroom and seating, and community center restrooms to current accessibility standards.

#### BACKGROUND

The project was advertised for bids on Monday, July 22, 2019, and bids were opened on August 29, 2019. The City received eight bids, from a low base bid of \$4,923,570 to a high base bid of \$6,218,000. Mar Con Builders, Inc. 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 Mar Con Builders, 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. The project includes a complete upgrade of the HVAC system to an all electrical option. This will increase the resiliency of the building as well as prepare the building for solar power.

#### RATIONALE FOR RECOMMENDATION

The Local Hazard Mitigation Plan identified the Live Oak Community Center as a Care and Shelter Facility for the community and a seismic upgrade to the “Immediate Occupancy” level will reduce the chance of building collapse in the event of a moderate or major earthquake. Various upgrades to the building are overdue including accessibility upgrades to adhere to current code. This work supports the City of Berkeley’s strategic plan goal #1: Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700  
Taylor Lancelot, Associate Civil Engineer, Parks Recreation & Waterfront, 981-6421

Attachments:

- 1: Resolution  
Exhibit A - Bid Results

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

CONTRACT: 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

WHEREAS, funding is available in the FY 2020 budget the Measure T1 Fund (Fund 511).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 19-11320-C for the Live Oak Community Center Seismic Upgrade project are approved.

BE IT FURTHER RESOLVED that the construction contract is awarded to Mar Con Builders, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$5,226,363; 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 Mar Con Builders Inc. for the Live Oak Community Center Seismic Upgrade project in an amount not to exceed \$6,271,635, which includes a contract amount of \$5,226,363 and a 20% contingency in the amount of \$1,045,272 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.

Attachment

Exhibit A – Bid Abstract

Exhibit A – Bid Abstract



City of Berkeley  
Abstract of Bids Worksheet

Finance Department  
General Service Division

For: 19-11320-C - Live oak Community center Seismic upgrade

Specification#: 19-11320-C

Engineer's Estimate:

Bid Date:

	Bidders	Base Bid	Nuc Free	Work Force Comp	Opp. States	Living Wage	EBO	Bid Bond	Addendum
1	Mar Con Builders Inc	4,923,570.00						✓	✓
2	CWS construction	6,130,000.00						✓	✓
3	Rodan Builders Inc	5,267,000.00						✓	✓
4	SCI	6,218,000.00						✓	✓
5	W.A. Thomas Company Inc.	5,063,000.00						✓	✓
6	EF Brett and Company Inc.	4,965,000.00						✓	✓
7	Atten Construction	5,100,000.00						✓	✓
8	DL Falk Construction Inc.	5,296,000.00						✓	✓
9									
10									

Bid Recorder: PJom 8/29/19

Bid Opener: Shari Deegan 8/29/19

Project Manager: W/L 8/29/2019

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