



Office of the City Manager

## REVISED AGENDA MATERIAL

**Meeting Date:** June 1, 2021

**Item Number:** 4

**Item Description:** Contract No. 32000228 Amendment: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project

**Supplemental/Revision Submitted By:** Scott Ferris, Director, Parks, Recreation & Waterfront Dept

**“Good of the City” Analysis:**

*The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.*

The Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project is currently under construction and is nearing completion. In the spring of 2021, staff worked with the contractor to identify the change orders that were needed to complete the project and submitted a contract amendment council report into the City’s agenda system. However, since that time, additional change order work was identified that must be performed in order to complete the project. The revised recommendation will increase the construction contract amendment amount from \$225,000 to \$300,000, and the project has sufficient funds to cover this change order work.

***Consideration of supplemental or revised agenda material is subject to approval by a two-thirds roll call vote of the City Council. (BMC 2.06.070)***

A minimum of **42 copies** must be submitted to the City Clerk for distribution at the Council meeting. This completed cover page must accompany every copy.

Copies of the supplemental/revised agenda material may be delivered to the City Clerk Department by 12:00 p.m. the day of the meeting. Copies that are ready after 12:00 p.m. must be delivered directly to the City Clerk at Council Chambers prior to the start of the meeting.

Supplements or Revisions submitted pursuant to BMC § 2.06.070 may only be revisions of the original report included in the Agenda Packet.



Office of the City Manager

CONSENT CALENDAR

June 1, 2021

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. 32000228 Amendment: Ghilotti Construction Company, Inc. for Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32000228 with Ghilotti Construction, Inc. for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, increasing the amount by \$300,000 for an amended total amount not to exceed \$3,791,917.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the FY 2021 budget in the Parks Tax Fund and Measure T1 Fund. No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The contract with Ghilotti Construction, Inc. for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project was executed on May 19, 2020 for a total amount not to exceed \$3,491,917 (Resolution No. 69,339-N.S.). During construction, unforeseen existing conditions required that additional work be performed. Additionally, the City's parks maintenance staff identified additional deferred maintenance repairs and necessary replacements. The City has negotiated these change orders with Ghilotti Construction, Inc. This work was not included in the original contract scope, but is necessary to complete the project, and to increase accessibility and safety.

BACKGROUND

The project was advertised for bids on Monday, January 13, 2020, and bids were opened on February 11, 2020. The City received three bids, from a low bid of \$2,858,470 to a high bid of \$4,339,989 for base bid work, and from \$3,174,470 to \$4,643,522 for the base bid plus additive Bid Alternates 1 and 2.

The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents. Ghilotti Construction Company, Inc. was the lowest responsive and responsible bidder. Staff conducted references checks and received satisfactory feedback.

This improvement project is at Berkeley Rose Garden, located at 1200 Euclid Avenue, with ancillary work at Codornices Park, located at 1201 Euclid Avenue. The Berkeley Rose Garden was built in 1937, and was designated as a City of Berkeley Historical Landmark in 1995. From 2016-2017, the City performed initial efforts to renovate the site by demolishing the existing historic pergola which was in disrepair, reconstructing a portion of the historic pergola, and making several ADA access and site improvements to the site. This project will complete the reconstruction of the historic redwood pergola. The work to be done also includes, but is not limited to, providing ADA-compliant access through Codornices Park to the Rose Garden pergola, demolishing and reconstructing existing historic retaining walls, repairing tennis courts and pathways, renovating the Rose Garden restroom for ADA compliance, new fencing, flagstone paving, handrails, signage, and providing several site and access improvements throughout the site.

#### 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 City and Ghilotti Construction, Inc. have negotiated a price within the City's budget for renovations and safety improvements. This increase to the contract is necessary to address unforeseen conditions, perform additional deferred maintenance repairs, safety enhancements, and to complete current change orders. The City does not have the in-house labor or equipment resources to complete these construction activities.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Evelyn Chan, Supervising Civil Engineer, PRW, (510) 981-6430

Attachments:

1: Resolution

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

CONTRACT NO. 32000228 AMENDMENT: GHILOTTI CONSTRUCTION COMPANY,  
INC. FOR BERKELEY ROSE GARDEN PERGOLA RECONSTRUCTION AND SITE  
IMPROVEMENTS PROJECT

WHEREAS, the Berkeley Rose Garden is in need of several site improvements including the reconstruction of the historic redwood Pergola; and

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

WHEREAS, an invitation for bids was duly advertised on January 13, 2020, and bids were opened on February 11, 2020, and the City received three bids;

WHEREAS, Ghilotti Construction, Inc. was the lowest responsive and responsible bidder, and references for Ghilotti Construction, Inc. were provided and checked out satisfactorily; and

WHEREAS, the contract with Ghilotti Construction, Inc. for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project was executed on May 19, 2020 for a total amount not to exceed \$3,491,917 (Resolution No. 69,339-N.S.); and

WHEREAS, an increase of \$300,000 to the not-to-exceed contract amount is necessary to make deferred maintenance repairs and complete change orders; and

WHEREAS, funds are available in the FY 2021 budget in the Parks Tax Fund (Fund 138) and Measure T1 Fund (Fund 511).

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. 32000228 with Ghilotti Construction, Inc. for the Berkeley Rose Garden Pergola Reconstruction and Site Improvements Project, increasing the contract amount by \$300,000, for a total amended amount not to exceed \$3,791,917. A record signature copy of any amendments to be on file in the Office of the City Clerk.