



Office of the City Manager

CONSENT CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrence Davis, Director, Department of Public Works
Subject: Contract No. 32500095 Amendment: B-Bros Construction Inc. for Temporary Stabilization of Stair Tower Windows at 2180 Milvia Street

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500095 with B-Bros Construction, Inc. to complete the window stabilization and add additional scope to remediate flaking paint and repaint interior perimeter walls at 2180 Milvia Street, increasing the current authorized not-to-exceed (NTE) contract amount of \$400,000 by \$947,671, for a total NTE amount of \$1,347,671.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract amendment is available in the Capital Improvement Fund (501) in the Public Works budget. The overall project budget will increase by \$947,671.

No other funding is required and no other projects will be delayed due to this expenditure.

Original Authorized Contract Amount (NTE).....	\$400,000
<u>This Amendment</u>	<u>\$947,671</u>
Amended Contract Amount (NTE)	\$1,347,671

The additional funding is necessary since it will address staff concerns regarding the effects of occupying a building that contains lead-containing paint.

CURRENT SITUATION AND ITS EFFECTS

On or about August 28, 2024, Public Works staff was alerted to potential hazards caused by flaking paint at 2180 Milvia Street. A walk-through inspection was completed with Public Works' Building Safety Staff, and an industrial hygienist on Thursday, September 4, 2024. Public Works then engaged Acumen Industrial Hygiene (Acumen), an industrial hygiene consulting firm specializing in health and safety services, to conduct lead and asbestos testing.

Acumen was contracted to sample the areas of concern on September 13, 2024. While not all samples tested positive for lead, several paint samples did test positive for lead, but were below the threshold to be considered lead-containing paint. Following this

result, Acumen took air samples on September 30, 2024. Lead was below detection limits in the samples, indicating the absence of aerosolized lead. Following these tests, Acumen developed a remediation work plan that complies with the most stringent CDPH, EPA, OSHA, Cal/OSHA safety standards.

Additionally, Public Works has contracted B-Bros Construction Inc. to furnish labor and materials in accordance with the City's plans and specifications for necessary remediation of lead-containing paint at 2180 Milvia Street.

BACKGROUND

The City of Berkeley Civic Center is an office building for City employees and a designated historic landmark. In July, Public Works worked through emergency design procedures with the Planning Department to install fencing and safety nets to secure and mitigate the hazard caused by deteriorated windows in the secondary egress stairwells. This allowed staff to continue their engineering investigation and determine the appropriate steps to repair this landmark building.

On September 24, 2024, City Council authorized execution of a contract and any amendments, extension and/or change orders until completion of the window stabilization project at 2180 Milvia Street with B-Bros Construction, Inc. in an amount not to exceed (NTE) \$400,000 (Resolution No. 71,515-N.S.).

The work currently conducted by B-Bros on the secondary egress stairwells can be expanded within the existing contract to immediately address lead paint remediation requirements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Responsible remediation of lead-containing paint has long term health benefits for all staff and members of the public who may come into contact with the affected surfaces.

RATIONALE FOR RECOMMENDATION

The occupants of 2180 Milvia Street have expressed concern over flaking paint on interior perimeter walls. The City needs to address these concerns so employees and the public can feel comfortable in the building. The City plans to remediate the affected areas such that it conforms to the highest California Department of Public Health (CDPH), Environmental Protection Agency (EPA), Occupational Safety and Health Administration (OSHA), and Department of Industrial Relations – Division of Occupational Safety and Health (Cal/OSHA) standards. Whenever there is a conflict or overlap of these agencies, the most stringent provision shall apply. The City does not have the in-house expertise to perform the remediation work.

ALTERNATIVE ACTIONS CONSIDERED

A new Request for Proposals would take substantially longer than expanding an existing contract and would continue to expose staff and the public to lead-containing

paint. By expanding the scope of the current B Bros' contract, a fast and responsible remediation plan can move forward.

CONTACT PERSON

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Attachments:

1: Resolution

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

CONTRACT NO. 32500095 AMENDMENT: B-BROS CONSTRUCTION INC FOR
TEMPORARY STABILIZATION OF STAIR TOWER WINDOWS AT 2180 MILVIA
STREET

WHEREAS, on or about July 11, 2024, Public Works staff was alerted to potential hazards caused by windows in the secondary egress stairwells in 2180 Milvia Street; and

WHEREAS, glass from the windows could fall outside the building; and

WHEREAS, people and property outside the building could be at risk of being hit by it; and

WHEREAS, the City Council authorized execution of a contract and any amendments, extension and/or change orders until completion of the window stabilization project at 2180 Milvia Street with B-Bros Construction, Inc. in an amount not to exceed (NTE) \$400,000 (Resolution No. 71,515-N.S.); and

WHEREAS, on or about August 28, 2024, Public Works Staff was alerted to potential hazards caused by flaking paint within 2180 Milvia Street; and

WHEREAS, on or about September 13, 2024, Public Works engaged the services of an industrial hygienist to test the affected areas for lead and asbestos, resulting in the discovery of lead-containing paint in several areas; and

WHEREAS, on or about September 30, 2024, the industrial hygienist collected air samples in affected areas for lead, the results of which were below detection limits indicating the absence of airborne lead; and

WHEREAS, the industrial hygienist developed a remediation work plan based on the sampling and testing results; and

WHEREAS, the lead-containing paint should be stabilized and the affected areas should be repainted per the remediation work plan;

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. 32500095 with B-Bros Construction Inc. for the stabilization of the stair tower windows and to remediate flaking paint and repaint the interior perimeter walls at 2180 Milvia Street increasing the current NTE contract amount of \$400,000 by \$947,671, for a total NTE contract amount of \$1,347,671.