



Office of the City Manager

CONSENT CALENDAR  
December 3, 2024

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract: Azul Works, Inc. for Ohlone Park Restroom and Lighting project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Ohlone Park Restroom and Lighting Project;
2. Accepting the bid of the lowest responsive and responsible bidder, Azul Works, 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 Azul Works, Inc., for the Ohlone Park Restroom and Lighting Project at 1502 Delaware Street, 1641 Hearst Ave, 1701 Hearst Ave, and 1800 Hearst Ave, in an amount not to exceed \$882,278 which includes a base contract amount of \$698,000, plus \$69,198 for Add Alternates No. 2 and 3, and a 15% contingency in the amount of \$115,080.

FINANCIAL IMPLICATIONS

Funding in the amount of \$882,278 is available in the FY25 Measure T1 Fund (Fund 511) budget.

**Construction**

Azul Works, Inc. (lowest bid)	\$767,198
15% Contingency	\$115,080
<hr/>	
Total Construction Cost	<hr/> \$882,278

**Funding**

Measure T1 Fund (Fund 511)	\$882,278
<hr/>	
Total Funding	<hr/> \$882,278

Contract: Azul Works for  
Ohlone Park Restroom and Lighting Project

CONSENT CALENDAR  
December 3, 2024

### CURRENT SITUATION AND ITS EFFECTS

Ohlone Park is a five-block linear park that hosts a variety of recreational amenities, including but not limited to a softball field, playgrounds, volleyball court, basketball court, grass fields, dog park, community garden, and outdoor exercise equipment. It is popular amongst people of all ages and is heavily used, but the only restroom facilities currently available at this park are porta-potties. In addition to recreational users, the pathways are used by commuters as Ohlone Park provides a connection to North Berkeley BART.

This project includes a new pre-fabricated, two-stall restroom located in the block between California Street and McGee Avenue, between the Ohlone soccer field and volleyball court. This project also includes the addition of dark sky-compliant light fixtures in existing dark spots along the Ohlone pathway.

The Ohlone Park Restroom and Lighting Project is funded by Measure T1, the 2016 voter-approved bond to pay for improvements to City infrastructure and facilities.

### BACKGROUND

The project was advertised for bids on Friday, September 6, 2024, and bids were opened on Tuesday, October 17, 2024. The City received 5 bids, from a low base bid of \$698,000 to a high base bid of \$1,012,133. With the exception of the lowest bid, all bids were above the amount budgeted for this project. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

In the evaluation and review of construction bids, the City considers the Bidder's qualifications, and conducts reasonable investigations and reference checks of the Bidder and other persons and organizations as the City deems necessary to assist in the evaluation of any bid, and to establish the Bidder's responsibility, qualifications, and ability to perform the Work in accordance with our contract documents. The City reserves the right to consider information provided by sources other than the Bidder. If the City believes that it would not be in the best interest of the Project to make an award to that Bidder, or the Bidder fails to meet other pertinent standards or criteria established by the City, the City may reject the Bid as non-responsive.

The lowest bidder is Azul Works, Inc. (Azul). In reviewing Azul Works' references and qualifications, it was discovered that Azul was involved in a case that resulted in a federal criminal complaint with the City of San Francisco's former Public Works Director that surfaced in 2020. The City of San Francisco currently has a pending request to debar the ex-CEO of Azul, Balmore Hernandez, and his former company, from being awarded City of San Francisco projects. This request has been pending with an order to stay debarment proceedings pending resolution of the federal criminal complaint. At this point, neither Balmore Hernandez nor his former company Azul Works, Inc. have been disbarred.

Contract: Azul Works for  
Ohlone Park Restroom and Lighting Project

CONSENT CALENDAR  
December 3, 2024

Upon review, Azul has no previous history working with the City of Berkeley and their references checks, including recently completed projects with other public agencies, were satisfactory. Additionally, Azul's submittal met all City requirements.

Based on these findings and that the City is required to award to the lowest responsive and responsible bidder, Staff recommends that it would be in the City's best interest to award the construction contract to Azul Works, 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 AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy and Construction and Demolition Waste program of at least 50%.

#### RATIONALE FOR RECOMMENDATION

The new pre-fabricated restroom and light fixtures are needed as part of the City's ongoing program to repair, renovate and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 510-981-6700

Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 510-981-6430

#### Attachments:

- 1: Resolution
- 2: Bid Results

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

CONTRACT: AZUL WORKS, INC. FOR OHLONE PARK  
RESTROOM AND LIGHTING PROJECT

WHEREAS, the Ohlone Park Restroom and Lighting Project is a Measure T1 project; and

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

WHEREAS, invitation for bids was duly advertised on September 6, 2024, bids were opened on October 17, 2024, and the City received 5 bids; and

WHEREAS, Azul Works Inc. was determined to be the lowest responsive and responsible bidder, and references for Azul Works Inc. were provided and were satisfactory; and

WHEREAS, funding is available in Measure T1 (Fund 511),

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 24-11649-C for the Ohlone Park Restroom and Lighting Project are approved; and

BE IT FURTHER RESOLVED that that the construction contract is awarded to Azul Works, Inc. as the lowest responsive and responsible bidder for a total contract amount of \$767,198, which includes the base bid and two additive alternates; 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 Azul Works Inc. for the Ohlone Park Restroom and Lighting Project in an amount not to exceed \$882,278, which includes a contract amount of \$767,198 and a 15% contingency in the amount of \$115,080 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



