



Office of the City Manager

CONSENT CALENDAR
September 9, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director, Public Works
Subject: Contract: Mar Con Builders, Inc. for the Corporation Yard Green Room and Building H Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving plans and specifications for the Corporation Yard Green Room and Building H Improvements Project, Specification No. 25-116706-C; and
2. Accepting the bid of Mar Con Builders, Inc. as the lowest, responsive, and responsible bidder; and
3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed \$2,170,003, which includes a contingency of \$283,004.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project is available in the Fiscal Year 2026 budget in Measure T1 Phase 2 Funds.

Low bid by Mar Con Builders, Inc (Base Bid).....	\$1,471,253
Additive Alternate #1: All work of Building H.....	\$415,706
15% Contingency	\$283,044
Total Construction Cost NTE	\$2,170,003

Fiscal Year 2026 Funding:
Measure T1 Phase 2 Fund: \$2,170,003

CURRENT SITUATION AND ITS EFFECTS

The Green Room and Building H are located in the City’s Corporation Yard at 1326 Allston Way. Both buildings have numerous deficiencies, and multiple systems are at the end of their useful life, including roofing, flooring, restrooms, furnishings, electrical systems, lighting, plumbing, and HVAC.

The project will consist of renovations to the Green Room, including new roofing, flooring, lockers, restroom renovations, lighting, audiovisual equipment, electrical,

HVAC, and plumbing upgrades, and other related improvements. The Building H improvements include partial re-roofing, new gates and hardware, structural improvements, exterior lighting, and electrical upgrades.

The project was advertised for bids on January 21, 2025, and no bids were received by the submission deadline on February 27, 2025. The project was re-issued for bids on April 8, 2025, and on May 6, 2025, the City received four (4) bids ranging from \$1,471,253 to \$2,252,001.53 for the base bid. The determination of lowest responsive and responsible bidder was based on the price for the base bid work, as indicated in the bid documents. The engineer's estimate for the base bid work was \$1,450,000.

On May 13, 2025, the City received two bid protests. One protest was from the second apparent lowest bidder, Mark Lee and Yong Kay Inc., dba Bay Construction Co. (Bay) against the bid from the apparent low bidder Mar Con Builders, Inc. (Mar Con). The other protest was received from the apparent third lowest bidder, One Workplace Construction LLC, dba Vantis (Vantis) against bids of the apparent lowest bidder Mar Con and the second apparent lowest bidder Bay.

The general basis for the bid protests from Vantis and Bay against Mar Con was that Mar Con was non-responsive due to 1) failure to submit their bid in two envelopes per instructions to bidders, and 2) failure to list subcontractors for various scopes of work including design-build awning, metal lockers, architectural sheet metal, doors and hardware, and shower pans.

The general basis of Vantis' protest against Bay was that Bay was non-responsive due to 1) failure to list a hazardous materials abatement subcontractor, and 2) inclusion of a steel subcontractor without an accreditation required in the contract documents.

Copies of the bid protests were provided to Mar Con and Bay to provide them an opportunity to respond to the protest issues. City staff and the City Attorney's office carefully reviewed the bids, protests, and responses. Subsequently, City staff concluded that:

- 1) Mar Con's failure to submit their bid in two envelopes was an immaterial defect and did not affect the bid price or give a competitive advantage to Mar Con;
- 2) The trade crafts contended to be missing from Mar Con's subcontractor list will either be self-performed, valued at less than one-half of one percent (0.5%) of the total contract value, or already included in the bid of their listed subcontractors; and
- 3) Bay's failure to list an abatement subcontractor and properly accredited steel subcontractor are material defects, and is thus deemed non-responsive and ineligible to protest.

Following review by the City Attorney's Office and staff, the lowest responsive and responsible bidder was determined to be Mar Con. References for Mar Con were provided and were satisfactory. Staff recommend that a construction contract for the

Project be awarded to Mar Con Builders, Inc. to renovate the Green Room and Building H at the City's Corporation Yard at 1326 Allston Way.

The Corporation Yard Green Room and Building H Improvements Project is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Corporation Yard is located at 1326 Allston Way and has been owned by the City and operated as a part of its facilities for over a century. Public Works operates multiple staffing groups from this location, including Facilities Maintenance, Electrical, Communication, Janitorial, Equipment Maintenance and Streets and Utilities. Additionally, the Parks Recreation and Waterfront Department operates the following staffing groups: Forestry, Building Maintenance, and Landscape.

The Green Room serves as an assembly and training space and break room, and houses locker rooms and restrooms for staff. Building H is a materials and equipment storage building for the Streets and Utilities Division, has been in continual use since the Corporation Yard was first established.

In December 2020, Council adopted a list of projects for implementation in Phase 2 of the Measure T1 infrastructure bond program. Various facility improvements at the City Corporation Yard were among the list of adopted projects, including to the Green Room and Building H.

In June 2021, Public Works engaged the services of a consultant to perform condition assessment reports at numerous City-owned facilities for deficiencies, including at the Corporation Yard. Following the results of the assessment, the City engaged the services of an architectural consultant to begin design of improvements to the Green Room and Building H. Construction documents were completed and advertised for public bid in January 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no anticipated negative environmental effects of this action. The installation of new energy efficient HVAC equipment, insulation, LED lighting, and low-flow plumbing fixtures will comply with the latest energy efficiency and water conservation standards, reducing energy use overall.

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.

ALTERNATIVE ACTIONS CONSIDERED

None. The City determined that it was necessary to move forward with the project. Deferring the work will lead to continued deterioration of the buildings and potential increased costs for additional repairs and maintenance.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works (510) 981-6396

Ronald Nevels, Manager of Engineer, Public Works (510) 981-6439

Elmar Kapfer, Supervising Civil Engineer, Public Works (510) 981-6435

Attachments:

1: Resolution

2: Abstract of Bids

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

CONTRACT: MAR CON BUILDERS, INC. FOR THE CORPORATION YARD GREEN ROOM AND BUILDING H IMPROVEMENTS PROJECT

WHEREAS, the Corporation Yard Green Room and Building H buildings have numerous deficiencies and need renovation; 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. 25-11706-C) was duly advertised, on January 21, 2025, and no bids were received by the deadline on February 27, 2025; and

WHEREAS, the invitation for bids was re-issued on April 8, 2025, bids were opened on May 6, 2025, and the City received 4 bids; and

WHEREAS, upon receipt of two bid protests, review of the submitted bids, and careful consideration, the basis of the protests were found to not be material and would not significantly impact the bid; and

WHEREAS, Mar Con Builders, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, funds are programmed into the FY 2026 budget in the Measure T1 Phase 2 Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Plans and Specifications No. 25-11706-C for the Corporation Yard Green Room and Building H Improvements Project are approved, and that the Mar Con Builders, Inc. is determined to be the lowest responsive and responsible bidder; 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 Corporation Yard Green Room and Building H Improvements Project at 1326 Allston Way, in an amount not to exceed \$2,170,003, which includes a 15% contingency for unforeseen conditions. A record signature copy of the agreement and any amendments will be on file in the Office of the City Clerk.



City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

Bid Date: 5/6/2025
Spec. # 25-11706-C

FOR: Corporation Yard Green Room and Building H Improvements

required w/ bid

	Bidders	Base Bid	Addenda (1)	Bid Bond	Reg / Exp	Subcontractors	Non-Collusion	CERTS	Qualifications (Envelope B)
13	1 Mar con Builders	\$1,471,253.00	x	x	x	x	x	x	
14	2 CWS Construction Group INC.	2,252,001.53	x	x	x	x	x	x	x
15	3 Bay Construction Co.	1,792,940.00	x	x	x	x	x	x	x
16	4 Vantis	2,000,000.00	x	x	x	x	x	x	x
17	5								
18	6								
19	7								
20	8								
21	9								
22	10								

Bid Recorder: *Tanisha Guioer*
Bid Opener: *TALIA STEWART*
Project Manager: Titus Chen

[Signature]
[Signature]

Date *5/7/2025*
Date *5/7/2025*
Date *5/7/25*