



Office of the City Manager

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
Subject: Contract: Bauman Landscape and Construction, Inc. for The Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project (Bid Specification No. 25-11736-C); and
2. Rejecting the bid protest of Azul Works, Inc., the second-lowest bidder; and
3. Accepting the bid of Bauman Landscape and Construction, Inc. as the lowest responsive and responsible bidder on the Project; and
4. 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 Bauman Landscape and Construction, Inc., for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project, in an amount not to exceed \$6,515,433.35, which includes a contract base amount of \$5,223,908.50 and additive bid No. 1 in the amount of \$769,134.00 and an 8.7% contingency in the amount of \$522,390.85 for unforeseen circumstances.

FISCAL IMPACTS OF RECOMMENDATION

Funding will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance to carryover prior FY project funds in CIP Fund (Fund 501), Measure T1 Bond (Fund 511) and Parks Tax (Fund 138). Additional Parks Tax funds will be recommended for appropriation through the FY 2027 adopted budget Parks Tax capital baseline. No other funding is required, and no other projects will be delayed due to this expenditure.

CONTRACTOR (lowest bid).....	\$5,223,908.50
Additive Bid No.1.....	\$769,134.00
8.7% Contingency	\$522,390.85
<hr/> Total construction cost	<hr/> \$6,515,433.35

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CIP Fund (501)	\$781,561.34
Measure T1 (511)	\$566,584.47
Parks Tax (138)	\$5,167,287.54
<hr/>	
Total construction cost	\$6,515,433.35

CURRENT SITUATION AND ITS EFFECTS

The Community Facility, Pickleball Courts and U8 Soccer Field project at Tom Bates Regional Sports Complex (Project) is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

The City conducted a competitive Invitation For Bid (IFB) process in August, 2025, and the bid opening was on September 30, 2025. Four (4) bids were received from a low bid of \$5,223,908.50 to a high bid \$6,445,930.00 for the base bid work (see Attachment 2: Bid Abstract).

On October 7, 2025 the City received a bid protest from Azul Works, Inc. The City forwarded the bid protest to Bauman Landscape & Construction, Inc. on October 7, 2025 for review and response. The general basis for the protest was that Bauman Landscape & Construction, Inc’s bid was non-responsive because the bid is “irregular and incomplete” and “fails to provide critical information requested by bidding instructions and demonstrates a lack of understanding of the requirements of the project”. Azul Works, Inc. provided three claims in their bid protest letter.

The City forwarded the bid protest letter to Bauman Landscape & Construction for review and response. Bauman Landscape & Construction, Inc. responded by demonstrating that their bids comply with bid requirements.

The City independently reviewed all bid materials, and the protest submitted by Azul Works, Inc. and concurred with the explanation provided by Bauman Landscaping & Construction, Inc. Based on this review, the City has determined that the lowest responsive and responsible bidder for this project is Bauman Landscaping and Construction.

Two similar mathematical irregularities were discovered in Bauman Landscape and Construction, Inc’s (lowest bidder) and Azul Works, Inc’s (second lowest bidder) bid proposals, where the sums of individual bid item prices were different than the total bid prices. The mathematical irregularity in Bauman Landscape and Construction, Inc’s bid proposal was off by \$72,686.50 (\$5,151,222 as submitted vs. \$5,223,908.50 as calculated). The mathematical irregularity in Azul Works, Inc’s bid proposal was off by \$52,101.80 (\$6,151,191.16 as submitted vs. \$6,203,292.96 as calculated). These similar irregularities were waived on both bid proposals, and the bid from Bauman Landscape and Construction, Inc. remained the lowest bid at \$5,223,908.50.

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The City has determined that Bauman Landscape and Construction, Inc. meets the California public construction code definition of lowest responsible and responsible bidder. References for Bauman Landscape and Construction, Inc. proved satisfactory. Staff therefore recommends the contract be awarded to Bauman Landscape and Construction, Inc.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. Contractor will submit a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement. Construction is expected to begin in February, 2026 and be completed by December, 2026.

BACKGROUND

The Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region. The master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed-to-date due to insufficient funding, and therefore the City currently provides portable toilets at the facility. In 2019, the City completed the conceptual plan for the new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond), using Measure T1 infrastructure bond funding. The Project also converts the vacant north field into a youth soccer field, with a plaza and stairway entrance, and pickleball courts.

ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, and City of Berkeley Building Permit.

On March 25, 2025, by Council Resolution No. 71,707-N.S., the City adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Project.

The Mitigated Negative Declaration for the proposed project contains a comprehensive environmental assessment of the project. The assessment determined that the Project will have a less-than significant impact on the environment with the implementation of specific mitigation measures. The Mitigation, Monitoring and Reporting Plan includes detailed roles, responsibilities, and methods for implementing and documenting compliance with the mitigation measures.

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RATIONALE FOR RECOMMENDATION

This project will add much-needed facilities at the Sports Complex, such as restrooms, a meeting facility, a storage room, pickleball courts, and a grass youth soccer field.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 981-6700
Nelson Lam, Supervising Civil Engineer, PRW, 981-6395

Attachments:

- 1: Resolution
- 2: Bid Abstract Summary

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

CONTRACT: BAUMAN LANDSCAPE AND CONSTRUCTION, INC. FOR THE TOM BATES REGIONAL SPORTS COMPLEX COMMUNITY FACILITY, PICKLEBALL COURTS AND U8 SOCCER FIELD PROJECT

WHEREAS, the Tom Bates Regional Sports Complex, located at 400 Gilman Street was completed in 2008, and is one of the most highly used public sports complexes in the region; and

WHEREAS, the master plan for the Tom Bates Fields includes a fieldhouse and restroom; however, these elements have not been constructed to-date due to insufficient funding, and the City currently provides portable toilets at the facility; and

WHEREAS, in 2019, the City completed the conceptual plan for a new fieldhouse and restroom in collaboration with the field user groups and the five Joint Powers Agreement cities (Albany, Berkeley, El Cerrito, Emeryville, and Richmond); and

WHEREAS, the project will also convert the vacant north field into a youth soccer field, with a plaza and stairway entrance, and pickleball courts, and

WHEREAS, on March 25, 2025, by Council Resolution No. 71,707-N.S., the City adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Project; and

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

WHEREAS, the City conducted a competitive Invitation For Bid (IFB) process in August, 2025, and the bid opening was on September 30, 2025. Four (4) bids were received from a low bid of \$5,223,908.50 to a high bid \$6,445,930.00 for the base bid work (see Attachment 2: Bid Abstract). The City has determined that Bauman Landscape and Construction, Inc. meets the California public construction code definition of lowest responsible and responsible bidder. References for Bauman Landscape and Construction, Inc. proved satisfactory; and

WHEREAS, funding will be recommended for appropriation through the FY 2026 first amendment to the appropriations ordinance to carryover prior FY project funds in CIP Fund (Fund 501), Measure T1 Bond (Fund 511) and Parks Tax (Fund 138). Additional Parks Tax funds will be recommended for appropriation through the FY 2027 adopted budget Parks Tax capital baseline. No other funding is required, and no other projects will be delayed due to this expenditure.

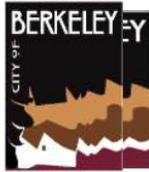
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 25-11736-C for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project are approved.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley rejects the bid protest by Azul Works, Inc.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of the lowest responsive and responsible bidder, Bauman Landscape and Construction, Inc.

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 Bauman Landscape and Construction, Inc. for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project in an amount not to exceed \$6,515,433.35, which includes a contract base amount of \$5,223,908.50 and additive bid No. 1 in the amount of \$769,134.00 and an 8.7% contingency in the amount of \$522,390.85 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 2 - Bid Abstract



City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

FOR: [Tom Bates Regional Sports Complex- Community Facility, Pickleball Courts, and U8 Soccer Field](#)
Spec. # 25-11736-C Bid Date: 09/30/2025

Bidders	Base Bid	Addenda #1&2	Addenda #3&4	required w/ bid				
				Bid Bond	SC	LW/WF	EBC/OS	INF
1 Bauman Landscape & Construction	\$5,151,222.00	X	X	X				
2 McGuire Hester	\$6,445,930.00	X	X	X				
3 Azul Works, Inc.	\$6,151,191.16	X	X	X				
4 EF Brett & Co.	\$6,436,361.00	X	X	X				
5								
6								
7								
8								
9								
10								

Bid Recorder: Tamisha Gainer *Tamisha Gainer* Date 10/01/2025
 Bid Opener: Roop Soorma *Roop Soorma* Date 10/01/2025
 Project Manager: Jesus Espinoza *Jesus Espinoza* Date 10/01/2025

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7320 TDD: 510.981.6903 Fax: 510.981.7390
 E-mail: finance@ci.berkeley.ca.us

