CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT

Agenda date: February 19, 2019
Reviewed by: NA

Subject: CIP No. 41005, Memorial Park Improvements – Award of Construction Contract (C18-27) Memorial Park Bathroom Renovations and Budget Adjustments

Report By: Robert Gonzales, Capital Improvements Program Manager
Mark Hurley, Public Works Director/City Engineer

SUMMARY

The Public Works Department issued a Notice Inviting Bids for Contract C18-27 Memorial Park Bathroom Renovations. On November 13, 2018, the City received and opened five (5) bids for the project. Staff is requesting the City Council award this contract for construction to the lowest responsible bidder, Bamer Construction Co. in the amount of $107,013 for Memorial Park Bathroom Renovation Project (Project) and approve budget adjustments to the project in the amount of $56,712.

The project is part of the Memorial Park Improvements project that also includes the new Tot Playground, water filling station, and the new solar trash cans.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2019-18:

1. Authorizing the City Manager to award and execute Contract C18-27 with Bamer Construction to construct the Memorial Park Bathroom Renovation Project, in the not-to-exceed amount of $107,013 from previously appropriated funds for CIP Project No 41005 in FY17/18, and

2. Approving a budget increase in the amount of $56,712 to the Memorial Park Improvement Project (CIP #41005) with $47,612 from Fund 1404 (EBRP Measure WW) and $9,100 from Fund 2007 (General Capital).

BACKGROUND

The City owns and maintains Memorial Park including the public bathrooms in the Park. The amenities in both bathrooms are deteriorated and require upgrading. In May 2016, the East Bay Regional Park District, through their Measure WW Local Grants Program awarded $182,612 for Memorial Park Improvements.

The project scope involves the full remodel of the two existing park restrooms with two stalls each, existing shell of building to remain, demolition of the existing interior wall surfaces, partitions, and plumbing and electrical fixtures. The remodel includes all new plumbing fixtures, all new toilet room accessories, new wall and ceiling finishes, new flooring surfaces, specialty 3D wall panels on one wall in each restroom, new electrical wiring and fixtures and new entry doors with door activators.

The Project was advertised in April 2018 and four bids were received on May 15, 2018. The bid amounts were substantially above the Project budget and all bids were rejected. The Project was advertised a second time on October 18, 2018. The Notice Inviting Bids was twice advertised in the local newspaper, posted on the City website and distributed to several Bay Area builders' exchanges. A bidders' conference was held on November 1, 2018 and four prospective bidders attended the meeting.

DISCUSSION

A total of five (5) bids were received and opened on November 13, 2018. The total bid amount of the five bids are tabulated below.

BIDDER	TOTAL OF BID AMOUNT
Bamer Construction	$107,013
JPB Design	$133,000
Jovan Construction	$158,595
Done Right Construction	$177,000
Construction West Services	$198,935

The bids were reviewed, and all were found to be responsive and complete. The engineer's estimate for the project is $99,800. Public Works Department staff recommends that the project be awarded to the lowest responsible bidder, Bamer Construction Co., with a total bid of $107,013. Complete bid results are shown in Attachment 2.

The contractor is required to complete the project within 35 calendar days from commencement date and construction is anticipated to start in March 2019.

ENVIRONMENTAL CLEARANCE

This project consists of the rehabilitation of an existing facility that does not expand the facility's capacity and is determined to be categorically exempt under CEQA.

SUSTAINABILITY

The Project promotes the use of public park space.

FINANCIAL SUMMARY

The budget for this Project (CIP 41005 – Memorial Park Improvements) was appropriated by Council as part of the City's Capital Improvement Program last updated on March 19, 2018 (Resolution 2018-36). The following table details the approved budget and funding source for this project: and the additional budget adjustments recommended in this Staff Report

Expenditures	**FY 17/18**
Construction/Improvements	$182,055
Contingency	$ 15,054
Total Expenditures	**$197,109**
Funding Sources	**FY 17/18**
Rec Program Reserve (0002)	$20,000
East Bay Regional Park – Measure WW (1404)	$120,397
Total Budget - Current	$140,397
Additional Funding	
East Bay Regional Park – Measure WW (1404)	**$47,612**
General Capital (2007)	**$9,100**
Total Budget - Proposed	**$197,109**

As of January 10, 2019, the City has spent or encumbered a total of $75,042.11 for this project, leaving $65,354.89 available in the project budget. The contract recommended for award in this Staff Report exceeds the approved budget while maintaining enough contingency. Staff recommends increasing the project budget by $56,712, with $47,612 from Fund 1404 (EBRP Measure WW) and $9,100 from Fund 2007 (General Capital).

Staff anticipates construction of the path lighting will be funded through the Recreation Program Reserve fund.

Attachments:

1. Resolution 2018-18
2. Bid Summary for C18-10
3. Contract C18-27 – Bamer Construction

RESOLUTION NO. 2019-18

A RESOLUTION OF THE ALBANY CITY COUNCIL TO AWARD CONTRACT C18-27 IN A NOT-TO-EXCEED AMOUNT OF $107,013 FOR THE CONSTRUCTION OF THE MEMORIAL PARK BATHROOM REHABILITATION PROJECT AND APPROVE BUDGET ADJUSTMENTS

WHEREAS, the Memorial Park Bathroom Rehabilitation Project is included in the City's Capital Improvement Plan; and

WHEREAS, in 2016 Measure WW identified funds from the East Bay Regional Park District Local Grant Program for the City of Albany's Memorial Park Improvements, and

WHEREAS, on March 19, 2018, the City Council authorized the City Manager to issue a Notice Inviting Bids for the Memorial Park Bathroom Rehabilitation Project; and

WHEREAS, on November 13, 2018, the City received and opened five (5) bids for the above-mentioned project; and

WHEREAS, Bamer Construction is the lowest responsible and responsive bidder for the construction of the Memorial Park Bathroom Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby authorizes the City Manager to award and execute Contract C18-27A with Bamer Construction to construct the Memorial Park Bathroom Renovation Project, in the not-to-exceed amount of $107,013 from previously appropriated funds for CIP Project No 41005 in FY17/18; and

BE IT FURTHER RESOLVED, that the Albany City Council hereby approves a budget increase in the amount of $56,712 to the Memorial Park Improvement Project (CIP#41005) with $47,612 from Fund 1404 (EBRP Measure WW) and $9,100 from Fund 2007 (General Capital).

_____

ROCHELLE NASON, MAYOR

City of Albany
Memorial Park Bathroom Renovation
Contract No.:C18-27

Bid Summary

Bidder	Total
Bamer Construction	$ 107,013.00
Jovan Construction	$ 158,595.00
JPM Designs	$ 133,000.00
Construction West Services	$ 198,935.00
Done Right Construction	$ 177,000.00

Engineer Estimate **$99,850.00**

CITY OF ALBANY

PUBLIC WORKS CONTRACT DOCUMENTS

FOR THE

MEMORIAL PARK RESTROOM RENOVATIONS PROJECT

City Contract No. C18 - 27

Deadline for Bid Submission:
2:00 P.M., Tuesday, November 13, 2018
City of Albany, City Hall
1000 San Pablo Avenue
Albany, CA 94706

For questions or additional information:

CONTACT: Gale Rossi, Project Manager
Phone: (510) 524-8170
Email: grossi@albanyca.org

Approved by: Mark Hurley, Public Works Director /City Engineer

Bid Proposal

Memorial Park Restroom Renovation Project

Bamer Construction Co. ("Bidder") hereby submits this Bid Proposal to City of Albany ("City") for the above-referenced project ("Project") in response to the Notice Inviting Bids and in accordance with the Contract Documents referenced in the Notice.

1. **Base Bid.** Bidder proposes to perform and fully complete the Work for the Project as specified in the Contract Documents, within the time required for full completion of the Work, including all labor, materials, supplies, and equipment and all other direct or indirect costs including, but not limited to, taxes, insurance and all overhead for the following price ("Base Bid"):
$107,013, One hundred and seven thousand and thirteen dollars

2. **Addenda.** Bidder agrees that it has confirmed receipt of or access to, and reviewed, all addenda issued for this Bid. Bidder specifically acknowledges receipt of the following addenda:

Addendum:	Date Received:	Addendum:	Date Received:
#01	None	#05	
#02		#06	
#03		#07	
#04		#08	

3. **Bidder's Warranties.** By signing and submitting this Bid Proposal, Bidder warrants the following:

   3.1 **Examination of Contract Documents.** Bidder has thoroughly examined the Contract Documents and represents that, to the best of Bidder's knowledge, there are no errors, omissions, or discrepancies in the Contract Documents, subject to the limitations of Public Contract Code section 1104.

   3.2 **Examination of Worksite.** Bidder has had the opportunity to examine the Worksite and local conditions at the Project location.

   3.3 **Bidder is Qualified.** Bidder is fully qualified to perform the Work.

   3.4 **Responsibility for Bid.** Bidder has carefully reviewed this Bid Proposal and is solely responsible for any errors or omissions contained in its completed Bid.

4. **Award of Contract**. By signing and submitting this Bid Proposal, Bidder agrees that if Bidder is awarded the Contract for the Project, within ten days following issuance of the Notice of Award to Bidder, Bidder will do all of the following:

   4.1 **Execute Contract.** Enter into the Contract with City in accordance with the terms of this Bid Proposal, by signing and submitting to City the Contract prepared by City using the form included with the Contract Documents;

   4.2 **Submit Required Bonds.** Submit to City a payment bond and a performance bond, each for 100% of the Contract Price, using the bond forms provided and in accordance with the requirements of the Contract Documents; and

   4.3 **Insurance Requirements.** Submit to City the insurance certificate(s) and endorsement(s) as required by the Contract Documents.

5. **Bid Security.** As a guarantee that, if awarded the Contract, Bidder will perform its obligations under Section 4 above, Bidder is enclosing bid security in the amount of ten percent of its maximum bid amount in one of the following forms (check one):

X A cashier's check or certified check payable to City and issued by Bank of America [Bank name] in the amount of $10,800.

____ A bid bond, using the Bid Bond form included with the Contract Documents, payable to City and executed by a surety licensed to do business in the State of California.

This Bid Proposal is hereby submitted on November 13, 2018.

s/ Jonathan M. Bamer

Jonathan M Bamer, Owner
Sole Propriator
Name and Title

s/ _____

[See Section 3 of Instructions to Bidders]

_____
Name and Title

Bamer Construction Co.
Company Name

A, B, Haz
452880 Exp. 2/29/2020
License #, Expiration Date, and Classification

20885 Redwood Rd. #186
Address

1000062301
DIR Registration #

Castro Valley, Ca, 94546
City, State, Zip

510-566-9233
Phone

Jonathan Bamer
Contact Name

Terminal5ic@gmail.com
Contact Email

Terminal5ic@gmail.com

END OF BID PROPOSAL

Subcontractor List

For each Subcontractor that will perform a portion of the Work in an amount in excess of one-half of 1% of the Bidder's total Contract Price,[1] the bidder must list a description of the Work, the name of the Subcontractor, its California contractor license number, the location of its place of business, its DIR registration number, and the portion of the Work that the Subcontractor is performing based on a percentage of the Base Bid price.

DESCRIPTION OF WORK	SUBCONTRACTOR NAME	CALIFORNIA CONTRACTOR LICENSE NO.	LOCATION OF BUSINESS	DIR REG. NO.	PERCENT OF WORK
No Subcontractors					

END OF SUBCONTRACTOR LIST

[1] For street or highway construction this requirement applies to any subcontract of $10,000 or more.

Noncollusion Declaration

TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID

The undersigned declares:

I am the Owner [title] of Bamer Construction Co. [business name], the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid and will not pay, any person or entity for such purpose.

This declaration is intended to comply with California Public Contract Code section 7106 and Title 23 U.S.C section 112.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on Nov. 13, 18 [date], at Castro Valley [city], Ca. [state].

s/ Jonathan M. Bamer

Jonathan M, Bamer
Name [print]

END OF NONCOLLUSION DECLARATION

See Attached Jurat

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State Of: **California**
County Of: **Alameda**

Subscribed and sworn to *(or affirmed)* **before me on the** 13 **day of** November**, 2018**

by Jonathan M. Bamer**,**
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: **Sara Rhodes**

SARA RHODES
COMM. # 2172692
NOTARY PUBLIC • CALIFORNIA
ALAMEDA COUNTY
Commission Expires NOV 22, 2020

Title of Document: Noncollusion Declaration

Total Number of Pages including Attachment: 2

Notary Commission Expiration Date: Nov. 22, 2020

Notary Commission Number: 2172692