



Office of the City Manager

09

CONSENT CALENDAR

March 8, 2022

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Amendment to Contract No. 32000219 with Lind Marine - Removal of Derelict and Abandoned Vessels at the Berkeley Marina

RECOMMENDATION

Adopt a resolution authorizing the City Manager to amend Contract No. 32000219 with Lind Marine to remove derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional contingency of \$4,200 for a contract total not-to-exceed amount of \$188,400; and contingency of \$47,000; and extend the contract to September 30, 2023.

FISCAL IMPACTS OF RECOMMENDATION

In 2021, the Parks, Recreation, and Waterfront Department received a third SAVE grant in the amount of \$42,000 from the California Division of Boating and Waterways (DBW) that requires a local match of 10% (\$4,200) (Resolution No. 69,876-N.S. on May 25, 2021). These grant funds will be deposited into account code 607-52-544-592-0000-000-472-612990- PRWWF22005, and the local match has been budgeted in the Marina Fund account code 608-52-544-592-0000-000-472-612990- PRWWF22005. These funds, totaling \$46,200, will be appropriated as part of the second amendment to the FY2022 annual appropriations ordinance.

	Contract	Contingency	Total
Current Amount	\$146,400	\$42,800	\$189,200
Proposed Amendment	\$42,000	\$ 4,200	\$46,200
Total	\$188,400	\$47,000	\$235,400

CURRENT SITUATION AND ITS EFFECTS

In 2021, the City received a third SAVE grant from the California Division of Boating and Waterways in the amount of \$42,000 to remove derelict and abandoned vessels at the Berkeley Marina. A second contract amendment with Lind Marine is required in order to perform the vessel removal services funded by the grant. This new round of funding will enable us to keep our docks clear of derelict vessels in the coming year, and build upon

the progress we made in removing twenty-five (25) derelict vessels since receiving the 2019 SAVE Grant.

The current contract with Lind Marine will be extended to September 30th 2023. Along with the contract total not-to-exceed amount of \$188,400, \$47,000 will act as a contingency to cover future abandoned vessel removals and unforeseen circumstances and that may arise between now and the expiration of the SAVE 2021 grant in September 30, 2023.

BACKGROUND

Each year, approximately five to ten vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation.

Responsibility for derelict and abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grant funding assistance to public agencies to properly remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

In 2019, the Parks, Recreation, and Waterfront Department received a grant in the amount of \$130,000 from the California Division of Boating and Waterways (DBW) to remove abandoned vessels that required a local match of 10% (\$13,000) (Resolution No. 68,791-N.S.) On March 26, 2019, the City conducted a competitive Request For Proposal (RFP) process and Lind Marine was selected to perform these services.

In 2020, the City received a second SAVE grant in the amount of \$42,000, which was added to the Lind contract as amendment number 1 (Resolution No. 69,349-N.S.)

In 2021, the City received a third SAVE grant in the amount of \$42,000. In order to add this funding to the Lind contract to complete the work, a second contract amendment is needed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Derelict, abandoned, and sunken vessels pose a navigational and environmental hazard to the Bay waters at the Berkeley Marina. Removal and proper disposal of these vessels contributes to the improvement of water quality of the waters of the Bay.

RATIONALE FOR RECOMMENDATION

The Parks, Recreation, and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. The contract amendment

will allow the City to continue to safely remove these potential environmental and navigational hazards from the Berkeley Marina.

CONTACT PERSON

Alexandra Endress, Waterfront Manager, 981-6737

Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.
AMENDMENT TO CONTRACT 32000219: LIND MARINE, INC. FOR REMOVAL OF
ABANDONED VESSELS AT THE BERKELEY MARINA

WHEREAS, each year, approximately five to ten vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation; and

WHEREAS, responsibility for abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grants to public agencies, including the City of Berkeley, to remove, store, and dispose of abandoned, wrecked, or dismantled water vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent; and

WHEREAS, the Parks, Recreation and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. By applying for SAVE grants, the City is able to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters; and

WHEREAS, In 2021, the Parks, Recreation, and Waterfront Department received a third SAVE grant in the amount of \$42,000 from the California Division of Boating and Waterways (DBW) that requires a local match of 10% (\$4,200) (Resolution No. 69,876-N.S. on May 25, 2021). Grant funds will be deposited into account code 607-52-544-592-0000-000-472-612990-PRWWF22005, and the local match has been budgeted in the Marina Fund account code 608-52-544-592-0000-000-472-612990- PRWWF22005. These funds, totaling \$46,200, will be appropriated as part of the second amendment to the FY2022 annual appropriations ordinance; and

WHEREAS, in February of 2019, the City conducted a competitive RFP process to obtain services for this project, and received four proposals on April 2, 2019. The bid of Lind Marine was determined to best meet the requirements as set out in the RFP.

WHEREAS, on April 14, 2021, the City Council authorized an amendment to the contract increasing the amount by \$42,000, in addition to \$4,200 in contingency to fund the removal of additional abandoned vessels at the Berkeley Marina, for an amount not to exceed \$189,200; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to amend contract no. 32000219 with Lind Marine to remove and dispose derelict and abandoned vessels at the Berkeley Marina by increasing the contract amount by \$42,000; and authorizing additional

contingency of \$4,200 for a total not-to-exceed contract amount of \$188,400; and a total authorized contingency of \$47,000. As well as extend the contract to September 30, 2023 to coincide with the expiration of the SAVE 2021 grant agreement on September 30, 2023. A record signature copy of said contract will be on file in the Office of the City Clerk.

