



Office of the City Manager

CONSENT CALENDAR  
July 14, 2020

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Contract: Sandstone Environmental Engineering, Inc. for Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project (Bid Specification No. 20-11402-C); and
2. Accepting the bid of Sandstone Environmental Engineering, Inc. as the lowest responsive and responsible bidder on the Project; 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 Sandstone Environmental Engineering, Inc., for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection Project, in an amount not to exceed \$552,862, which includes a contract amount of \$480,750 and a 15% contingency in the amount of \$72,112.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2021 budget in the Measure T1 Fund (Fund 511) and the Parks Tax Fund (Fund 138) subject to adoption of the Annual Appropriations Ordinance. No other funding is required, and no other projects will be delayed due to this expenditure.

Sandstone Environmental Engineering, Inc. (lowest bid).....	\$480,750
15% Contingency	\$72,112
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Total construction cost	\$552,862
Measure T1 Fund (FY2021) .....	\$228,858
(511-52-545-000-0000-000-461-663110-PRWT119001)	
Parks Tax Fund (FY2021) .....	\$324,004
(138-52-545-000-0000-000-461-663110-PRWT119001)	
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Total construction cost.....	\$552,862

### CURRENT SITUATION AND ITS EFFECTS

On April 27, 2020, the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection project was advertised for competitive bids. On June 2, 2020, five (5) bids were received (See Attachment 2: Bid Abstract Summary). Staff reviewed the bid results and the Contractor's references, and has determined that the bid Sandstone Environmental Engineering, Inc. is the lowest responsive and responsible bidder.

The project will be subject to State prevailing wage laws in lieu of the Living Wage Ordinance (see BMC section 13.27.070.E). The contractor will need to submit a Certification of Compliance for the Equal Benefits Ordinance. The contract will not be subject to the Community Workforce Agreement.

Construction is expected to begin in August, 2020 and be completed by November, 2020.

### BACKGROUND

Aquatic Park is used for various active recreation activities such as walking, running, bicycling, bird watching, and boating. There is also a disc golf course and a children's playground. The lagoon at the park receives both stormwater from the City and tidal water from the San Francisco Bay.

The tide tubes at the main lagoon are comprised of five culverts that run underneath Interstate I-80 and connect to the Bay. The tubes are significantly blocked and do not allow for the proper exchange of water between the lagoon and the Bay. The current condition of the tide tubes is unknown.

The underperformance of these tubes has two potentially major impacts to Aquatic Park Lagoon:

1. Poor exchange of water with the Bay, resulting in higher concentrations of stormwater runoff and other inflows; and
2. Increased flooding during storms because elevated water levels in the lagoon cannot drain quickly to the Bay.

The purpose of this project is to clean out sediment and debris from the tubes to allow an assessment of their condition. The assessment is necessary to determine if the tubes can be repaired and restored to their original capacity and function.

On June 10, 2020, the City received a letter from the Foundation for Fair Contracting (FFC) alleging that Sandstone Environmental Engineering, Inc. would be unable to fulfill its obligations to comply with rules and regulations governing the payment of prevailing wages. Consistent with California Labor Code, the payment of prevailing wages for this public work project is required, and all bidders including Sandstone Environmental Engineering, Inc. were required to certify compliance with this requirement in bid forms. Per the contract documents and state law, Sandstone Environmental Engineering, Inc.

shall be required to comply with California Labor Code for this Project, including but not limited to Section 1773 requiring the payment of prevailing wages on public projects.

#### ENVIRONMENTAL SUSTAINABILITY

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the permit conditions from the following aquatic regulatory agencies: Army Corps of Engineers, Bay Conservation Development Commission, and San Francisco Bay Regional Water Quality Control Board. Both a Right-to-Entry Agreement and an Encroachment Permit have been obtained from the East Bay Regional Park District, and California Department of Transportation, respectively.

This project is a maintenance project of an existing infrastructure and therefore will not negatively affect natural habitat. The City, acting as the CEQA lead agency, reviewed the Project's potential environmental impacts and determined that the Project was eligible for a Categorical Exemption pursuant to CEQA Guidelines Section 15301, Existing Facilities, because the Project consists of the maintenance of existing public structures/facilities, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. On December 19, 2019, the City filed a Notice of Exemption (NOE) for the Project with the Alameda County Clerk. The Water Board, as a responsible agency under CEQA, has concurred with the NOE.

#### RATIONALE FOR RECOMMENDATION

At present, it is not possible to know the extent of the conditions of the tide tubes. This initial project will remove sediment from the tide tubes which will allow a full inspection of the tide tubes. If the tide tubes are found to be in poor condition, the next phase will involve permanent repair and/or rehabilitation of the tide tubes. The City does not have the in-house labor or equipment to complete this maintenance and inspection project.

#### 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: SANDSTONE ENVIRONMENTAL ENGINEERING, INC. FOR AQUATIC PARK CENTRAL TIDE TUBES MAINTENANCE SEDIMENT REMOVAL AND INSPECTION PROJECT

WHEREAS, the tide tubes at the westside of Aquatic Park Lagoon are in need of maintenance cleaning and inspection; and

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

WHEREAS, an invitation for bids was duly advertised on April 27, 2020, bids were opened on June 2, 2020, and the City received 5 bids; and

WHEREAS, the bid from Sandstone Environmental Engineering, Inc. was the lowest responsive, responsible bid of \$480,750, and references for Sandstone Environmental Engineering, Inc. were provided and checked out satisfactorily; and

WHEREAS, funding is available in the FY 2021 budget from the Measure T1 Fund (Fund 511) and the Parks Tax Fund (Fund 138) subject to adoption of the Annual Appropriations Ordinance as follows: Measure T1 Fund, (511-52-545-000-0000-000-461-663110-PRWT119001), \$228,858, and the Parks Tax Fund, (138-52-545-000-0000-000-461-663110-PRWT119001), \$324,004.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 20-11402-C for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection project are approved.

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 Sandstone Environmental Engineering, Inc. for the Aquatic Park Central Tide Tubes Maintenance Sediment Removal and Inspection project in an amount not to exceed \$552,862, which includes a contract amount of \$480,750 and a 15% contingency in the amount of \$72,112 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

Bid Date: 6/2/2020

Spec. #20-11402-C  
FOR: AQUATIC PARK CENTRAL TIDE TUBES MAINTENANCE SEDIMENT REMOVAL AND INSPECTION PROJECT

	Bidders	Base Bid	Alt. #1	Alt. #2	Alt. #3	Bid Bond	Agenda	SC	LW	WF	EBO	OS	NF
1	Sandstone Environmental Inc.	\$480,750.00				/	//	/			/	/	/
2	Solitude Lake Management	\$713,382.00				/	//	/			/	/	/
3	Pipe and Piling Solutions, Inc.	\$1,169,361.00				/	//	/			/	/	/
4	Andes Construction, Inc.	\$597,400.00				/	//	/			/	/	/
5	Bellingham Marine	\$718,619.00				/	//	/			/	/	/
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9													
10													

Bid Recorder: Taina Starnet 6/2/2020  
 Bid Opener: [Signature] 6/2/2020  
 Project Manager: [Signature] 6/2/2020

