



Office of the City Manager

CONSENT CALENDAR  
June 28, 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: Amending Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project

RECOMMENDATION

Adopt a Resolution amending contract no. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project by adding \$200,000 for a total not-to-exceed contract amount of \$6,375,185.82.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the contract are currently available in the Marina Fund (from the 200 Marina Blvd, LLC Capital Contribution Agreement) and Measure T1. No other funding is required, and no other projects will be delayed due to this expenditure.

**Construction contract**

Current amount	\$6,175,185.82
Proposed amendment	\$200,000.00
Total construction contract cost	\$6,375,185.82

**Amendment**

Measure T1 Fund (511-52-545-000-0000-000-461-665110-PRWT119006).....	\$87,378
200 Marina Blvd, LLC (608-52-545-000-0000-000-461-665110-PRWT119006).....	\$112,622
Total amendment	\$200,000

CURRENT SITUATION AND ITS EFFECTS

The contract with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project was executed on April 20, 2021 for a total amount not to exceed \$6,175,185.82 (Resolution No. 69,801-N.S.).

During construction, unforeseen underground utilities and site conditions and an automobile accident require a contract amendment to allow additional work be performed. In addition, given that the roadway is opened up, other Other project elements can be constructed cost-effectively while the roadway is opened up, as follows: a sewer main extension for the future restroom building at Cesar Chavez Park on Spinnaker Way, a security camera connection at the intersection of Marina Blvd and

University Ave, and installing native pollinator landscaping along the new medians on University Ave, Marina Blvd and Spinnaker Way.

### BACKGROUND

On February 1, 2021, the Berkeley Marina Roadway Improvements Project: University Avenue (West Frontage Road to Marina Boulevard), Marina Boulevard, and Spinnaker Way Project was advertised for competitive bids. On March 11, 2021, ten (10) 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 from O.C. Jones & Sons, Inc. is the lowest responsive and responsible bidder.

The Berkeley Marina is one of the largest marinas in the East Bay. It is a highly valued community resource offering recreational opportunities and open space amenities for both local residents and visitors throughout the Bay Area. It contains a range of facilities: a hotel, restaurants, marina-related offices, 1,000 boat slips, the historic Berkeley Municipal Pier, and the trails and open space at Cesar Chavez Park and McLaughlin Eastshore State Park. Plans are currently underway to bring back a ferry service, as well as a new portion of Eastshore State Park called the Brickyard.

The purpose of this project is to perform the much-needed pavement rehabilitation, public access improvements, and green infrastructure where appropriate to three major roadways at the Berkeley Marina: University Avenue from West Frontage Road to Marina Boulevard, Spinnaker Way, and Marina Boulevard.

### 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, as well as the conditions contained in a Caltrans Encroachment Permit.

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), and Section 15302 (Replacement or Reconstruction) 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 January 25, 2021, the City filed a Notice of Exemption (NOE) for the Project with the Alameda County Clerk.

### RATIONALE FOR RECOMMENDATION

The City and O.C Jones & Sons, Inc. have negotiated a price within the City's budget for these improvements. This increase to the contract is necessary to address unforeseen conditions, perform supplemental work to enhance the project, to better support other current and future projects at the Marina, and to complete current change orders. The City does not have the in-house labor or equipment resources to complete these construction activities.

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

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

CONTRACT NO. 32100184 AMENDMENT: O.C. JONES & SONS, INC. FOR THE  
BERKELEY MARINA ROADWAY IMPROVEMENTS PROJECT

WHEREAS, University Avenue between West Frontage Road and Marina Boulevard, Spinnaker Way, and Marina Boulevard at the Berkeley Marina are in need of rehabilitation; 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 February 1, 2021, bids were opened on March 11, 2021, and the City received 10 bids; and

WHEREAS, the bid from O.C. Jones & Sons, Inc. was the lowest responsive, responsible bidder, and references for O.C. Jones & Sons, Inc. were provided and checked out satisfactorily; and

WHEREAS, the contract with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project was executed on June 11, 2021 for a total amount not to exceed \$6,175,185.82 (Resolution No. 69,801-N.S.); and

WHEREAS, an increase of \$200,000 to the not-to-exceed contract amount is necessary to complete change orders and supplement project elements; and

WHEREAS, funds for the contract are currently available in the Marina Fund (from the 200 Marina Blvd, LLC Capital Contribution Agreement) and Measure T1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32100184 with O.C. Jones & Sons, Inc. for the Berkeley Marina Roadway Improvements Project, increasing the contract amount by \$200,000, for a total amended amount not to exceed \$6,375,185.82. A record signature copy of any amendments to be on file in the Office of the City Clerk.