



Office of the City Manager

CONSENT CALENDAR  
March 21, 2023

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: TEROCONS INC. for Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project; and
2. Accepting the bid of the lowest responsive and responsible bidder, TEROCONS INC.; 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 TEROCONS INC., for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project at 2851 West Bolivar Drive, Berkeley, CA 94710, in an amount not to exceed \$260,312.50 which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50.

FINANCIAL IMPLICATIONS

The total budget needed for construction is \$260,312.50. Funding in the amount of \$260,312.50 for this construction is available in the FY2023 budget in the Parks Tax Fund (Fund 138).

**Construction**

TEROCONS INC. (lowest bid).....	\$208,250.00
25% Contingency	\$52,062.50
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Total Construction Cost	\$260,312.50

CURRENT SITUATION AND ITS EFFECTS

The existing parking lot for the Aquatic Park Paddling and Rowing Club, at 2851 West Bolivar Drive, Berkeley, CA 94710, needs replacement. The project includes demolition of the existing paved surface and site work, re-grading and installing cement surface to create ADA accessible walking surfaces and ADA accessible van-parking space in addition to porous flexible paver parking spots.

### BACKGROUND

The project was advertised for bids on Monday, January 9, 2023, and bids were opened on Thursday, February 2, 2023. The City received 12 bids, from a low base bid of \$208,250.00 to a high base bid of \$444,305.00. Nine bids were below the amount budgeted for this project, while three bids were above the amount budgeted for this project. Upon bid opening, TEROCONS INC. was the apparent low bidder, and GRADETECH INC. was the apparent second lowest bidder.

On February 6, 2023 12:00PM the City received a bid protest from GRADETECH INC. The City forwarded the bid protest to TEROCONS INC. on February 6, 2023 4:38PM for review and response. After review of the bid protest, response to the bid protest, and TEROCONS INC.'s listed experience and financial qualifications, the City found TEROCONS INC. to be the lowest responsive, responsible bidder. The determination of the lowest responsive and responsible bidder was based on the price for base bid work, as indicated in the bid documents.

The Living Wage Ordinance does not apply to this project since construction contracts are, pursuant to City policy, subject to State prevailing wage laws. 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.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project is categorically exempt from CEQA under Class 1 – Existing Facility and Class 2 – Replacement or Reconstruction. The project is a renovation of an existing parking lot and will not negatively affect natural habitat.

### RATIONALE FOR RECOMMENDATION

The parking lot replacement and site improvements are needed as part of the City's ongoing program to repair, renovate and improve accessibility at non-compliant or aging Parks facilities. The City does not have in-house labor or equipment resources to complete this renovation project.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 510-981-6700

Nelson Lam, Supervising Civil Engineer, Parks Recreation & Waterfront, 510-981-6395

Attachments:

1: Resolution

2: Bid Results

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

CONTRACT: TEROCONS INC. FOR THE AQUATIC PARK PADDLING AND ROWING CLUB PARKING LOT IMPROVEMENTS PROJECT

WHEREAS, the parking lot at the Aquatic Park Paddling and Rowing Club is in need of renovation; and

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

WHEREAS, invitation for bids was duly advertised on January 9, 2023, bids were opened on February 2, 2023, and the City received 12 bids; and

WHEREAS, TEROCONS INC. was determined to be the lowest responsive and responsible bidder, and references for TEROCONS INC. were provided and checked out satisfactorily; and

WHEREAS, funding in the amount of \$260,312.50 for this construction is available in the FY2023 budget in the Parks Tax Fund (Fund 138).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specifications for Specification No. 22-11541-C for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project are approved; and

BE IT FURTHER RESOLVED that the construction contract is awarded to TEROCONS INC. as the lowest responsive and responsible bidder for a total contract amount of \$208,250.00, which includes the base bid only; and

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 TEROCONS INC. for the Aquatic Park Paddling and Rowing Club Parking Lot Improvements Project in an amount not to exceed \$260,312.50, which includes a contract amount of \$208,250.00 and a 25% contingency in the amount of \$52,062.50 for unforeseen circumstances. A record signature copy of the agreement and any amendments to be on file in the Office of the City Clerk.



**City of Berkeley  
Abstract of Bid Worksheet**

Finance Department  
General Services Division

**Bid Date:** 2/2/2023  
**Spec. #** 22-11514-C

**FOR:** [Aquatic Park Paddling & Rowing Club Improvements Project](#)

required w/ bid

	Bidders	Base Bid	Addenda (1)	Exp/Fin	NF	OS	Hardwood	Tax ID	Bid Bond	EBO	SC
1	Angotti & Reilly, Inc.	\$ 430,027.00	X	X	X	X	X	X	X	X	X
2	Buhler Commercial	\$ 444,305.00	X	X	X	X	X	X	X	X	X
3	Central Pacific Engineering	\$ 325,750.00	X	X	X	X	X	X	X	X	X
4	Era Construction, Inc.	\$ 342,584.49	X	X	X	X	X	X	X	X	X
5	GradeTech, Inc.	\$ 221,625.00	X	X	X	X	X	X	X	X	X
6	JJ Construction and Design, Inc.	\$ 300,500.00	X	X	X	X	X	X	X	X	X
7	KM 106 Construction, Inc.	\$ 293,449.00	X	X	X	X	X	X	X	X	X
8	Sandstone Environmental Engineering, Inc.	\$ 241,619.65	X	X	X	X	X	X	X	X	X
9	Stellar BG	\$ 257,242.00	X	X	X	X	X	X	X	X	X
10	Terocons, Inc.	\$ 208,250.00	X	X	X	X	X	X	X	X	X
11	Tri Valley Excavating Co., Inc.	\$ 263,545.00	X	X	X	X	X	X	X	X	X
12	Villalobos & Associates, Inc.	\$ 303,800.00	X	X	X	X	X	X	X	X	X

Bid Recorder: Josh Roben

Josh Roben (Feb 2, 2023 16:25 PST)

Date Feb 2, 2023

Bid Opener: Josh Roben

Josh Roben (Feb 2, 2023 16:25 PST)

Date Feb 2, 2023

Project Manager: Robert Chan

Robert Chan (Feb 2, 2023 16:21 PST)

Date Feb 2, 2023