



Office of the City Manager

CONSENT CALENDAR  
May 10, 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: Contract No. 32000230 Amendment: Robert E. Boyer Construction, Inc. for Berkeley Tuolumne Camp Construction Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project by adding \$530,832 for a total not-to-exceed contract amount of \$39,350,473.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with this resolution. The increase in contract authority is fully covered by the donations made to the City by Friends of Berkeley Tuolumne Camp (FOBTC) to the City to support Project expenses (account code code 125-52-543-583-0000-000-000-481110). No other funding is required, and no other Project will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

On January 24, 2020 the City issued an Invitation For Bids (IFB) for the reconstruction of Berkeley Tuolumne Camp (Spec No. 20-11362-C). The City received four bids. On April 14, 2020, City Council awarded the contract to the lowest responsible and responsive bidder, Robert E. Boyer Construction, Inc (“Boyer”), Contract No. 32000230, for a not to exceed amount of \$38,819,641 (Resolution No. 69,352).

On December 15, 2020, the Friends of Berkeley Tuolumne Camp (FOBTC) donated an additional \$530,832 to the City to fund the construction of shade structures, irrigation, and additional tree planting at Berkeley Tuolumne Camp, costs that are not eligible for insurance or FEMA funding (Resolution 69,655-N.S.). These funds were appropriated in the FY2022 adopted budget, and the scope of work was authorized via amendments to Contract No. 32000230. The project is on an extremely tight timeline for completion. In order to retain the original 10% contingency funding balance for unanticipated conditions during construction, the contract authority needs to be increased by \$530,832.

BACKGROUND

Berkeley Tuolumne Camp (BTC), established in 1922, is a 30-acre property operated under a Special Use Permit with the US Forest Service (USFS). The camp has served

primarily as a family camp, but also offered teen leadership programs, adult hiking camps, and private group rental opportunities. Prior to the fire, BTC had the capacity to host approximately 280 campers, 60 staff members, and 10 counselors-in-training at one time and served over 4,000 campers each year. The major facilities at the Camp included a Dining Hall; a Recreation Hall, 77 small single-story wood-frame camper tent cabins; staff cabins; maintenance and storage structures; a bridge across the river; parking and loading areas, and electric, water supply, and wastewater utilities.

In August of 2013, the Rim Fire destroyed Berkeley Tuolumne Camp and in December 2013 was declared a federal disaster. Most structures at BTC were destroyed by the fire. Since the fire, the City has been working closely with the USFS to complete an updated master plan in order to rebuild Camp. On June 11, 2019, USFS completed its environmental review and finding of no significant impact for the Berkeley Tuolumne Camp Project. On January 22, 2019, the City adopted the notice of determination of no significant impacts for the Project. On September 30, 2019, the USFS executed a Special Use Permit authorizing the City to reconstruct Berkeley Tuolumne Camp and to operate the Camp for a term of 30-years. The City has also received permits for the Project from the California Department of Fish and Wildlife, California Regional Water Quality Control Board, and the United States Army Corps of Engineers.

The property was covered by the City's insurance policy, and insurance proceeds will be the primary source of reconstruction funds. The City has also been awarded a Public Assistance Grant from the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) to partially fund reconstruction. Friends of Berkeley Tuolumne Camp (FOBTC), a non-profit organization, has fundraised to support the re-construction efforts of Berkeley Tuolumne Camp, and in particular, to fund those Project expenses that are not eligible for insurance or FEMA cost recovery. FOBTC donated funds for the construction of shade structure, irrigation, and larger tree plantings; work that was authorized by amendments to Contract No. 32000230. In order to replenish the original contingency balance, the not to exceed authority needs to be increased by the value of the amendments that were funded by these donations.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City approved the Project CEQA documents on January 22, 2019. The United States Forest Service issued its final NEPA documents on June 11, 2019. This Project will implement Best Management Practices (BMPs) to encourage biodiversity, preserve resources, and maintain riparian and other natural habitats while mitigating hazardous conditions.

#### RATIONALE FOR RECOMMENDATION

The work that is being funded by the donation from Friends of Berkeley Tuolumne Camp (FOBTC) can be authorized under the current contract expenditure authority. However, with the extremely tight project schedule, it is necessary to increase the

contract authority by the value of the donation in order to maintain a 10% contingency through the completion of the project.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Scott Ferris, Director, PRW, 981-6700

Liza McNulty, Project Manager, PRW, 981-6437

Attachments:

1: Resolution

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

CONTRACT NO. 32000230 AMENDMENT: ROBERT E. BOYER CONSTRUCTION,  
INC. FOR BERKELEY TUOLUMNE CAMP CONSTRUCTION PROJECT

WHEREAS, an invitation for bids (IFB) was duly advertised and four bids were opened on March 12, 2020 and Robert E. Boyer Construction, Inc. was the apparent low bidder; and

WHEREAS, on April 14, 2020 the City of Berkeley authorized the City Manager to execute a contract and any amendments, extension, and/or change orders until completion of the Project in accordance with the approved plans and specifications with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project (Contract No. 32000230), for a not-to-exceed amount of \$38,819,641 (Resolution No. 69,352).; and

WHEREAS, on December 15, 2020 the City Council authorized donations in the amount of \$530,832 to the City from the Friends of Berkeley Tuolumne Camp for the construction of shade and revegetation at Berkeley Tuolumne Camp, which is ineligible for funding from other sources (account code code 125-52-543-583-0000-000-000-481110); and

WHEREAS, it is necessary to increase the total contract authority by the value of the donation in order to maintain a 10% contingency through the completion of the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000230 with Robert E. Boyer Construction, Inc. for the Berkeley Tuolumne Camp Project by adding \$530,832 for a total not-to-exceed contract amount of \$39,350,473. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.