



Office of the City Manager

CONSENT CALENDAR
July 28, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Contract: McNabb Construction Inc. for the Codornices Creek Restoration at Kains Avenue Project

RECOMMENDATION

Adopt a Resolution approving plans and specifications for the Codornices Creek Restoration at Kains Avenue Project, Specification No. 20-11368-C; accepting the bid of McNabb Construction Inc. as the lowest responsive and responsible bidder; and 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 in an amount not to exceed \$550,127.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available from the Storm Water System Capital Improvement Program budgets in FY 2021. State Transportation Tax Funds and a Department of Water Resources Grant appropriated in FY 2020 and project budgeted will be carried forward into FY 2021. Measure M, Measure T1 funds, State Transportation Tax Funds, and the Department of Water Resources will be appropriated by the first Amendment to the FY 2021 Annual Appropriations Ordinance (AAO1). No other funding is required, and no other projects will be delayed due to this expenditure.

Low bid by Contractor	\$458,439
20% Contingency	\$91,688
Total construction cost	\$550,127

FY 2021 Funding:

Storm Drain System Capital Improvement Program Funds	
State Transportation Tax (127)	\$22,500
Measure M Streets & Watershed GO Bond (506)	\$202,607
Measure T1 Fund (511)	\$100,000
Dept. of Water Resources Grant (336)	\$225,000
Total construction cost	\$550,127

It is important to move forward with this project since the expenditure of several funding sources are time sensitive, such as the Dept. of Water Resources Grant and the allocated Measure T1 funds. These funds make up over 50% of the total construction

budget, and without them this project cannot proceed. In addition, this project is critical to the restoration of creek habitat and is a mitigation requirement identified by SF Bay Regional Water Quality Control Board. This mitigation requirement must be met to satisfy the permit conditions of another Measure T1 funded project, the City's Rose Garden Renovation Project, currently under construction.

CURRENT SITUATION AND ITS EFFECTS

The Codornices Creek Restoration Project at Kains Avenue, Specification No. 20-11368-C, was released for bids on March 13, 2020, and bids were opened on April 9, 2020 (see Attachment 3, Abstract of Bids). Two non-local bids were received, \$458,439 from McNabb Construction Inc. and \$546,570 from D-Line Constructors. McNabb Construction Inc. of Lafayette, California, was the lowest responsive and responsible bidder, with a bid of \$458,439, and their references were found to be satisfactory. This project includes a 20% contingency, which brings the total contract amount up to the requested \$550,127. Staff recommends a contract for this project be awarded to McNabb Construction Inc. The engineer's estimate for the project was \$475,000.

The Codornices Creek Restoration Project at Kains Avenue Project supports the Strategic Plan Goals of protecting the environment and providing state-of-the art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

Codornices Creek, has a persistent population of endangered steelhead salmon, and it is in a degraded condition on the portion at the undeveloped city-owned parcel on the 100 Block of Kains Avenue. Both the Cities of Berkeley and Albany have expressed willingness in the past to restore this segment of creek that represents the boundary between the two municipalities. Additionally, creek advocate groups and the residents of the Resources for Community Development housing complex, adjacent to this site, have expressed interest in caring for the creek. This project will restore a critical segment of Codornices Creek between Kains and San Pablo Avenues by stabilizing eroding creek banks and removing falling concrete. The project will bioengineer creek bank soils; provide habitat for the benefit of steelhead, a federally threatened species that migrates upstream to spawn in this watershed; songbirds; and other terrestrial and aquatic species. Approximately 180 linear feet of the concrete channel and culvert will be returned to an earthen channel, as shown in the Location Map, Attachment 2. The project also includes a new trash rack to prevent the culvert underneath San Pablo Avenue from flooding San Pablo Avenue and downstream properties. Because the project requires work be performed in the creek channel, environmental permits limit the construction work window to the summer and fall months.

The Codornices Creek Restoration at Kains Avenue Project received grant funding from the Department of Water Resources to restore the natural habitat of this portion of Codornices Creek. The Earth Island Institute is the City's grant co-sponsor for this project. This project involves partnerships among public agencies, non-profit organizations, and citizens/neighborhood groups. Many individuals and entities have been seeking to advance this project for over a decade.

The project plans and specifications are on file in the Public Works Department. In accordance with the requirements of the California Environmental Quality Act (CEQA), this project has been determined to be categorically exempt as a Section 15333 Small Habitat Restoration. The secured environmental permits include Clean Water Act Section 401 Water Quality Certification from the San Francisco Bay Regional Water Quality Control Board, authorization under Nationwide permits from the U. S. Army Corps of Engineers, and a Notification of Streambed Alteration from the California Department of Fish and Wildlife.

The Living Wage Ordinance does not apply to this project since Public Works construction contracts are, pursuant to City policy, subject to State prevailing wage laws. The contractor has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement (CWA) does not apply because the engineer's estimate of \$475,000 was below the \$500,000 contract amount threshold for CWA eligibility. The contract is also subject to the California Department of Water Resources (DWR) grant labor compliance program requirements.

ENVIRONMENTAL SUSTAINABILITY

Restoring Codornices Creek through this portion on the City's Kains Avenue property will improve the channel for the migration of federally threatened steelhead, restore riparian habitat critical for controlling water temperature during hot summer months, providing macroinvertebrate habitat for maintaining the creek food web, and offer habitat for songbirds and other wildlife.

RATIONALE FOR RECOMMENDATION

The work requires contracted services, as the City does not possess the in-house labor or equipment resources necessary to complete the project. This project reduces the City's reliance on creek channelization and is consistent with BMC Chapter 17.08 (Preservation and Restoration of Natural Watercourses).

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered for this creek restoration project. The City could choose not to proceed with this project. However, the creek habitat would then continue to deteriorate and grant funding would be unused.

CONTACT PERSON

Nisha Patel, Manager of Engineering & City Engineer (510) 981-6406
Joe Enke, Supervising Civil Engineer (510) 981-6411

Attachments:

- 1: Resolution
- 2: Location Map & List of Streets for Project
- 3: Abstract of Bids

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

CONTRACT: MCNABB CONSTRUCTION INC. FOR CODORNICES CREEK
RESTORATION AT KAINS AVENUE PROJECT

WHEREAS, the Codornices Creek Restoration at Kains Avenue Project is to restore the riparian environment and habitat in the Codornices Creek in the City; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this Codornices Creek Restoration; and

WHEREAS, an invitation for bids was duly advertised and McNabb Construction, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, City received a grant from the California Department of Water Resources (DWR) for the Urban Streams Restoration Program to help mitigate flooding and erosion problems and secured \$225,000 for construction; and

WHEREAS, the DWR grant requirements, including a labor compliance program were incorporated into the project (Specification No. 20-11368-C); and

WHEREAS, funding is available in the current year budget in the Storm Drain System Capital Improvement Program State Transportation Tax (Fund 127), Measure M Streets & Watershed GO Bond (Fund 506), Measure T1 (Fund 511), and Department of Water Resources Grant (Fund 336).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 20-11368-C for the Codornices Creek Restoration at Kains Avenue 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 McNabb Construction, Inc. for the Codornices Creek Restoration at Kains Avenue Project, in an amount not to exceed \$550,127, which includes a 20% contingency for unforeseen circumstances. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.



City of Berkeley
Abstract of Bids Worksheet

Finance Department
General Service Division

For: Codornices Creek Stabilization at Kains Ave

Specification#: 20-11368-C

Bid Date: 04/09/20

	Bidders	Base Bid	Nuc Free	Work Force Comp	Opp. States	Living Wage	EBO
1	McNabb Construction Inc	\$ 458,439.-	✓		✓		✓
2	D LINE Constructors Inc.	\$ 546,570.-	✓		✓		✓
3							
4							
5							
6							
7							
8							
9							
10							

SS BE
✓ ✓
✓ ✓

Bid Recorder: MARLYN SWEET *[Signature]*

Bid Opener: Steve P *[Signature]* 4/9/20

Project Manager: *[Signature]*