



Office of the City Manager

CONSENT CALENDAR
July 13, 2021

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: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project at the Berkeley Marina

RECOMMENDATION

Adopt a Resolution:

1. Approving the plans and specifications for the O&K Docks Electrical Upgrade Project (Bid Specification No. 21-11449-C); and
2. Rejecting the bid protest of Edward W. Scott Electric Co. Inc., the second-lowest bidder; and
3. Accepting the bid of ERA Construction, Inc. as the lowest responsive and responsible bidder on the Project; and
4. 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 ERA Construction, Inc., for the O&K Docks Electrical Upgrade Project, in an amount not to exceed \$1,200,000, which includes a contract amount of \$1,117,980 and a 7.3% contingency in the amount of \$82,020.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2021 budget in the CIP Fund (Fund 501), and Marina Enterprise Fund (Fund 608). Both funds will be carried over and included in the FY 2022 AAO #1. No other funding is required, and no other projects will be delayed due to this expenditure.

CONTRACTOR (lowest bid).....	\$1,117,980.00
7.3% Contingency	\$82,020.00
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Total construction cost	\$1,200,000.00
CIP 501 (501-52-545-000-0000-000-461-663110-PRWWF20005)	\$550,000.00
Marina Enterprise Fund (608-52-545-000-0000-000-473-663110-PRWWF20005).....	\$650,000.00
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Total construction cost.....	\$1,200,000.00

CURRENT SITUATION AND ITS EFFECTS

On April 21, 2021, the O&K Docks Electrical Upgrade Project was advertised for competitive bids. On May 18, 2021, two (2) 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 ERA Construction, Inc. is the lowest responsive and responsible bidder.

On May 24, 2021 the City received a bid protest from the second-lowest bidder, Edward W. Scott Electric Co., Inc. The general basis for the protest was that the ERA Construction bid was non-responsive because the bid did not comply with the following requirements in the Project Manual: 1) Section 00 4513 – Statement of Qualifications for Construction Projects, Article 1, Section 1.01 B, "Bidder's must have three (3) years' experience as a continuously operating entity engaged in the performance of similar work; and, 2) Section 00 4513 – Statement of Qualifications for Construction Projects, Article 1, Section 1.01 C, "Bidders must demonstrate successful experience with work of similar nature to this Project. Bidders to include evidence of completion of two (2) projects of a similar nature and complexity with a contract dollar amount of (i.) at least 75% of the amount of Bidder's Bid or (ii.) 125% of such amount in the aggregate within the past year".

The City forwarded the bid protest letter to ERA Construction, Inc. for review and response. ERA responded by demonstrating that their bids comply with requirements in Section 00 4513 of the Project Manual.

After evaluating the protest from Edward W. Scott Electric Co. Inc. and the response from ERA Construction, Inc., City staff determined that ERA Construction Inc's bid is responsive and responsible and the protest from Edward W. Scott Electric Co., Inc. does not have merit. Therefore, it is recommended that the Council reject the bid protest by Edward W. Scott Electric Co., Inc. and award the contract for this project to the lowest responsive and responsible bidder, ERA Construction, Inc.

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. Contractor has submitted a Certification of Compliance with the Equal Benefits Ordinance. The Community Workforce Agreement applies to this project because the estimated value of the project exceeds \$500,000. As a result, the successful bidder and all subcontractors will be required to sign an agreement to be bound by the terms of the Agreement.

Construction is expected to begin in September, 2021 and be completed by March, 2022.

BACKGROUND

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 study the feasibility of ferry service, as well as construct a new portion of Eastshore State Park called the Brickyard.

The purpose of this project is to replace the outdated electrical systems at O-Dock and K-Dock to meet the latest current code requirements with safe and user-friendly access to the utility connections serving the boat slips. The electrical load rating at O-Dock will be upgraded from 600AMP to 800AMP to accommodate future demands at the Marina.

This project includes the following components: new dock-mount utility pedestals for electrical and potable water connections with central computerized communication systems and integrated lighting, new dock boxes, new conductor wires, new dock-mount power station (transformers), and new switchboard enclosures at the landside.

The upgraded switchboard enclosures will provide more reliable electrical services to not only O & K docks but to L, M, N docks and two restroom buildings as well.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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, and City of Berkeley Building 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 March 1, 2021, the City filed a Notice of Exemption (NOE) for the Project with the Alameda County Clerk.

CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructures at the Berkeley Marina.

Contract: ERA Construction, Inc. for the
O&K Docks Electrical Upgrade Project

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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: ERA CONSTRUCTION, INC. FOR THE O&K DOCKS ELECTRICAL
UPGRADE PROJECT

WHEREAS, the existing electrical systems at O and K Docks at the Berkeley Marina are outdated and in need of upgrades in order to provide reliable and safe electrical services to the slips; 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 21, 2021, bids were opened on May 18, 2021, and the City received two bids; and

WHEREAS, the second-lowest bidder, Edward W. Scott Electric Co. Inc. protested the bid by ERA Construction, Inc.; and

WHEREAS, ERA Construction, Inc.'s bid complies with the requirements in Section 00 4513 of the Project Manual; and

WHEREAS, the bid from ERA Construction, Inc. was the lowest responsive, responsible bid of \$1,117,980.00, and references for ERA Construction, Inc. were provided and checked out satisfactorily; and

WHEREAS, funding is available in the FY 2021 budget from in the CIP Fund (Fund 501), and Marina Enterprise Fund (Fund 608). Both funds will be carried over and included in the FY 2022 AAO #1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Plans and Specification No. 20-11449-C for the O&K Docks Electrical Upgrade Project are approved.

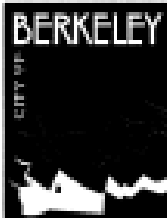
BE IT FURTHER RESOLVED that the Council of the City of Berkeley rejects the bid protest by Edward W. Scott Electric Co, Inc.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the bid of the lowest responsive and responsible bidder, ERA Construction, Inc.

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 ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project in an amount not to exceed \$1,200,000.00, which includes a contract amount of \$1,117,980.00 and a 7.3% contingency in the amount of \$82,020.00 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



1402

City of Berkeley
Abstract of Bid Worksheet

Finance Department
General Services Division

FOR: Docks O & K Electrical Upgrade Spec. # 21-11449-C Bid Date: 5/18/2021

required w/ bid

	Bidders	Base Bid	Bid Bond	Addenda (1)	Reg/Exp	Sub-List	Non-Coll	Certs
1	Edward W. Scott Electric	\$ 1,480,200.00	x	x	x	x	x	x
2	ERA Construction	\$ 1,117,500.00	x	x	x	x	x	x
3								
4								
5								
6								
7								
8								
9								
10								

Bid Recorder: Darryl Sweet

Bid Opener: Josh Roben

Project Manager: 2180 Millbrae Avenue, Millbrae, CA 94704 Tel: 510.961.7120 TDD: 510.961.6903 Fax: 510.961.7990
E-mail: finance@cl.berkeley.ca.us

