



Office of the City Manager

CONSENT CALENDAR
July 13, 2010

To: Honorable Mayor and Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette Ford, Director, Public Works Department

Subject: Contract No. 8112 Amendment: Blackshear Construction for the Design/Build of the Fire Warehouse

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8112 with Blackshear Construction, increasing the contract by \$440,000 for a total contract amount not to exceed \$1,704,185 for all services.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the FY 2011 budget in an allocation from the CFD No. 1 Disaster Fire Protection Measure Q Fund, budget code 656-5451-463-6570-08CB02 in the amount of \$200,000 (to be submitted in Annual Appropriations Ordinance 1 in FY 2011) for the emergency generator and treatment of soil conditions; and budget code 610-5451-463-6570-08CB02 in the amount of \$240,000 for the re-grading of Folger Avenue and Murray Street.

Original Design/Build Contract	\$866,000
Contract Amendment 1 (Contaminated Soil Removal)	\$264,185
Contingency (Existing)	<u>\$134,000</u>
Existing Contract Amount	\$1,264,185
Contract Amendment 2 (Emergency Generator & Soil Treatment)	\$200,000
Contract Amendment 3 (Re-grading Folger & Murray)	<u>\$240,000</u>
Revised Contract Amount not to exceed	\$1,704,185

CMS No. IYRV6.

CURRENT SITUATION AND ITS EFFECTS

During the design process it was determined that an emergency generator has to be added to the Firehouse Warehouse in order to meet the requirements of an essential services facility. The contractor also found areas with soil conditions that needed more treatment to meet bearing capacity requirements for the building and fire equipment staging areas. These costs will be funded out of the Disaster Fire Protection Measure Q Fund.

Folger Avenue and Murray Street were raised in order for the railroad tracks to cross both streets. Therefore, the streets need to be re-graded and railroad tracks and ties removed. The street re-grading was part of the 9th Street Bicycle Corridor Project but the Design-Build Fire Warehouse is in construction ahead of the 9th Street Bicycle Corridor Project. The street re-grading has to be done within the next three months to provide access to the Fire Warehouse from the streets. The funding for the street re-grade was originally to be funded from the City's 610 funds. This portion of the street re-grading work will be done by the Design-Build contractor in order not to delay the Fire Warehouse project.

BACKGROUND

In 2007, the City purchased land between Folger Avenue and Murray Street primarily for the purpose of building the 9th Street bicycle corridor. The City had soils testing done at the time of purchase and were made aware that contamination issues existed but the level of contamination was not known until the additional testing was completed in August and September 2009. The testing results indicated that the stockpile's composite samples were above the regulatory level limits and a contract amendment authorization was approved in November 2009 in the amount of \$264,185 to haul and dispose the soil at Kettleman, a Class 1 landfill.

On July 14, 2009, under Resolution No. 64,565-N.S., Council authorized the Design-Build Contract with Blackshear Construction in accordance with the approved plans and specifications for the Fire Warehouse Project.

RATIONALE FOR RECOMMENDATION

This amendment is needed to meet the essential service requirements and soil bearing capacity requirements for this warehouse and to perform the necessary street re-grading to provide access and not delay the project.

ALTERNATIVE ACTIONS CONSIDERED

The City does not currently have sufficient resources or staff expertise to perform the necessary services. Therefore, this is the most cost effective and efficient approach.

CONTACT PERSON

Jeffrey Egeberg, Manager of Engineering, Public Works, 981-6400

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

CONTRACT NO. 8112A AMENDMENT: BLACKSHEAR CONSTRUCTION FOR THE
DESIGN/BUILD OF THE FIRE WAREHOUSE

WHEREAS, on July 14, 2009, Council authorized the City Manager to execute a design-build contract with Blackshear Construction, including any amendments, extensions, or change orders until the completion of the project in accordance with the approved plans and specifications; and

WHEREAS, on November 10, 2009, Council authorized the City Manager to execute an amendment to Contract No. 8112 in the amount of \$264,185 to remove and dispose of contaminated soil from the 1011 Folger Avenue site; and

WHEREAS, to complete the Fire Warehouse project and meet essential services and bearing capacity requirements, an amendment to the Design-Build contract with Blackshear Construction is necessary; and

WHEREAS, and funds for the amendment are available in the FY 2011 budget from CFD No. 1 Disaster Fire Protection Measure Q Fund, budget code 656-5451-463-65-70, Project 08CB02 in the amount of \$200,000 (to be appropriated through in the first amendment to the FY 2011 Annual Appropriations Ordinance; and in budget code 610-5451-463-65-70, Project 08CB02 in the amount of \$240,000; CMS No. IYRV6.

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. 8122A with Blackshear Construction to include the emergency generator, treatment of soil conditions and re-grading of Folger Avenue and Murray Street frontages, increasing the contract by \$440,000 for a total contract amount not to exceed \$1,704,185 for all services.

