



COUNCIL REPORT

DATE: March 25, 2025

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Shoreline Storage Maintenance Plan, Project 14-34; Recycling Center Building Retrofit, Project 20-18—Construction Acceptance**

RECOMMENDATION

1. Accept Shoreline Storage Maintenance Plan, Project 14-34, and authorize the final contract payment.
2. Accept Recycling Center Building Retrofit, Project 20-18, and authorize the final contract payment.

BACKGROUND AND ANALYSIS

“Acceptance” of a construction contract is a legal event recognized by state law when the City verifies that the contractor has satisfactorily completed a public project. Once accepted, the work on the public project is complete and other actions occur, such as final payment to the contractor and the release of bonds obtained by the contractor that ensure completion of the project. Following acceptance, the City becomes responsible for maintenance of the public project.

Shoreline Storage Maintenance Plan, Project 14-34

On [May 25, 2021](#), Council took the following actions on the project:

1. Approved plans and specifications for Shoreline Maintenance Storage Plan, Project 14-34, and authorized staff to advertise the project for bids.
2. Authorized the City Manager to award the construction contract to the lowest responsible bidder if the bid was within the project budget.

The contract was awarded to Alex Kusher General, Inc., of San Francisco, at the low-bid price of \$674,180. This project included the construction of a 1,440 square foot preengineered storage building, removal of four older shipping containers, relocation of two shipping containers,

mitigation of grey fox impact at the project site, and installation of new asphalt concrete surface for truck traffic.

Prior to construction, a deferred submittal for the building design was required for the new structure. This submittal needed to be reviewed and approved by both the Building Division for structural permits and the Landfill Enforcement Agency (LEA) due to the proximity of the closed landfill in the immediate vicinity. Additionally, during construction, several field conditions, including existing groundwater and soil conditions required a redesign of the building foundation and pad. The deferred building submittal review, LEA review, existing conditions, and redesign resulted in additional time needed to complete the project.

The final construction cost of \$663,077 is within the construction contract amount of \$674,180 and included a final quantity adjustment change order resulting in contract savings of \$11,103. All work has been completed in accordance with the approved plans and specifications.

Recycling Center Building Retrofit, Project 20-18

On [April 26, 2022](#), Council took the following actions on the project:

1. Transferred and appropriated \$400,000 from the Capital Improvement Program Reserve to Planned and Emergency Facilities Projects, Project 20-18, for the Recycling Center Building Retrofit.
2. Approved plans and specifications for the construction of Planned and Emergency Facilities Projects, Project 18-18, Recycling Center Building Retrofit, Project 20-18, and authorized staff to advertise the project for bids.
3. Authorized the City Manager or designee to award a construction contract to the lowest responsible bidder if the bid was within the project budget.

Staff advertised the project in September 2022 and four bids were received in October 2022. The low bid of \$697,050 was received from EVRA Construction, Inc. One day after the bid submittal, EVRA Construction, Inc. submitted a request to withdraw their bid due to an inadvertent clerical mistake in their bid. Staff evaluated and supported the withdrawal request based on a clerical error, which required Council approval.

On [December 13, 2022](#), Council took the following actions on the project:

1. Accepted the bid withdrawal of the apparent low bidder, EVRA Construction, Inc., of San Francisco, for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, without forfeiting its bid security on the basis that a

material and clerical error was made in assembling the bid, as provided in Section 5103 of the California Public Contract Code.

2. Transferred and appropriated \$610,000 from the Construction/Conveyance Tax Fund to Planned and Emergency Facilities Projects, Project 20-18, Recycling Center Building Retrofit.
3. Awarded the construction contract for Planned and Emergency Facilities Projects, Projects 18-18 and 20-18, Recycling Center Building Retrofit, to Southwest Construction & Property Management, for \$1,112,200, including a \$101,180 construction contingency.

This project included the demolition and conversion of the upper interior mezzanine space to an unimproved attic space, retrofit of the existing public counter area and locker room to provide new office and ADA-compliant restroom facilities, and installation of an accessible walkway, partial asphalt replacement, restriping and other surface improvements.

Several unforeseen conditions were encountered during construction, including existing underground utility conflicts and additional safety elements requiring a change to several design elements over the course of construction. The layout of the restroom was revised due to the conflict with the existing electrical feed location inside the building, and existing equipment on the roof required the design and installation of additional guard rails. These conditions and redesign efforts required additional time to complete the project.

The final construction cost of \$1,111,437 is within the construction contract amount of \$1,112,200 and included a final quantity adjustment change order resulting in contract savings of \$763. All work has been completed in accordance with the approved plans and specifications.

FISCAL IMPACT

Shoreline Storage Maintenance Plan, Project 14-34

Shoreline Storage Maintenance Plan, Project 14-34, is funded with \$1,297,000 from the Shoreline Regional Park Community Fund.

The total project expenditure is estimated to be approximately \$1,250,000 and is within the allotted budget, including design, project administration, construction management, inspection, and other costs. Any remaining funds will be returned to the Shoreline Regional Park Community Fund once the project is closed.

Recycling Center Building Retrofit, Project 20-18

The Recycling Center Building Retrofit has a budget of \$1,410,000 and is funded as a subproject from two annual Non-Discretionary Capital Improvement Program (CIP) projects: (1) Planned and Emergency Facilities Projects, Project 18-18, funded with \$550,000 from the Construction/Conveyance Tax Fund, of which \$100,000 was allocated to this subproject; and (2) Planned and Emergency Facilities Projects, Project 20-18, funded with \$1,660,000 from the CIP Reserve Fund and \$1,362,000 from the Construction/Conveyance Tax Fund, for a total project funding of \$3,022,000, of which \$1,310,000 was allocated to this subproject.

The total project expenditure is estimated to be approximately \$1,250,000 and is within the allotted budget, including design, project administration, construction management, inspection, and other costs. The remaining funds for this subproject will be used for other needed facility projects.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

EXEMPT FROM THE LEVINE ACT

Competitively bid contract

CONCLUSION

Shoreline Storage Maintenance Plan, Project 14-34, provides a new 1,440 square foot preengineered storage building, removal of four older shipping containers, the relocation of two shipping containers, mitigation of grey fox impact at the project site, and installation of new asphalt concrete surfaces for vehicular access. Recycling Center Building Retrofit, Project 20-18, provides a new office space, ADA-compliant restrooms, and ADA surface improvements at the recycling facility. Construction of both projects have been completed within the original contract

amounts, and staff recommends acceptance of the projects to allow final payments and the release of bonds.

ALTERNATIVES

1. Determine that the improvements have not been completed in conformance with City standards and decline to accept the improvements until they are completed to the satisfaction of the City Council.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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