

RESOLUTION NO. 2024-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT TO BHM CONSTRUCTION LLC FOR THE CONSTRUCTION OF THE RECREATION CENTER REBUILD PROJECT (CIP 301-678) FOR THE BASE BID AMOUNT OF \$40,647,000 AND BID ALTERNATES SELECTED BY COUNCIL, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; APPROVING A CONTINGENCY OF TEN PERCENT OF THE TOTAL CONTRACT AMOUNT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT, IF NECESSARY; AND EXECUTION OF A TASK ORDER WITH APEX TESTING LABORATORIES, INC. FOR MATERIAL TESTING SERVICES AND SPECIALTY INSPECTION SERVICES (CEQA STATUS: ADOPTED MITIGATED NEGATIVE DECLARATION FOR THE RECREATION CENTER REBUILD PROJECT)

CITY OF FOSTER CITY

WHEREAS, at the meeting on June 3, 2024, the City Council adopted City Resolution No. 2024-60 approving the plans and specifications, and authorizing the Call for Bids for the Recreation Center Rebuild Project (CIP301-678) to four prequalified general contractors; and

WHEREAS, out of three (3) bids received and publicly opened on August 8, 2024, it was determined that BHM Construction LLC submitted the lowest responsible and responsive base bid in the amount of \$40,647,000; and

WHEREAS, at the meeting on September 3, 2024, the City Council authorized the award of the base bid plus alternates A1, A3, L1a, L2, L3, and E1 for a total construction contract amount of \$44,626,000; and

WHEREAS, a project contingency in the amount of \$4,462,600 will enable expedient resolution of changes to the plans resulting from any unforeseen conditions; and

WHEREAS, in July 2023, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, prepared an Initial Study and Mitigated Negative Declaration (SCH # 20231009) with Standards Conditions and Mitigation Monitoring and Reporting Program (SCAMMRP), and CEQA Findings (IS/MND) for the Recreation Center Rebuild Project; and

WHEREAS, On November 16, 2023, the City Planning Commission adopted the IS/MND and approved the Use Permit for the Project. Pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15164(b), the City prepared an Addendum

to the adopted Mitigated Negative Declaration for the temporary Modular Buildings portion of the work; and

WHEREAS, this construction work for the Recreation Center Rebuild Project was contemplated as part of the IS/MND and therefore no subsequent Negative Declaration or Addendum pursuant to CEQA Guidelines sections 15162 and 15164 is necessary; and

WHEREAS, total funding in the amount of \$64,992,328 is approved in the budget for the complete project of CIP 301-678; and

WHEREAS, construction is estimated to begin in October 2024.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Foster City does hereby find that the foregoing recitals are true and correct.

BE IT FURTHER RESOLVED, that the Council does hereby approve:

1. The award of a construction contract to BHM Construction, LLC for the Base Lump Sum amount of \$40,647,000; and
2. The award shall include the following Bid Alternates:
 - a. A1 Expanded Entry Canopy
 - b. A3 Fitness Room Operable Partition
 - c. L1a Playground with Play Equipment (Option 2 – Playcraft) & Rubberized Safety Surfacing
 - d. L2 Event Terrace Glass Wind Screen
 - e. L3 Bocce Courts
 - f. E1 Photovoltaic Panel System (without Energy Storage)
3. The total construction contract with BHM Construction LLC shall be for a Total Contract Amount of \$44,626,000 for the construction of the Recreation Center Rebuild Project (CIP 301-678) and authorizing the Mayor to sign the contract in a form approved by the City Attorney; and
4. The establishment of a ten percent (10%) contingency of the Total Contract Amount \$4,462,600 with authorization given to the City Manager to execute contract change orders up to the contingency amount, if necessary; and
5. The Mayor to execute Task Order ATL-2024-01 with Apex Testing Laboratories, Inc. in the amount of \$341,520 for materials testing services, and specialty inspection services for CIP 301-678; and
6. The establishment of a contingency for Apex Testing in the amount of \$30,000 with authorization given to the City Manager to execute contract Amendments up to the contingency amount.

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PASSED AND ADOPTED as a resolution of the City Council of the City of Foster City at the regular meeting held on the 3rd day of September 2024, by the following vote:

AYES: Councilmembers Froomin, Hindi, Jimenez, Kiesel, and Mayor Sullivan

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Patrick Sullivan

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PATRICK SULLIVAN, MAYOR

ATTEST:

Signed by:

Katherine Estrada

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PRISCILLA SCHAUS, CITY CLERK

BY: KATHERINE ESTRADA, DEPUTY CITY CLERK