



**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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**DATE** Tuesday, February 20, 2024

**TITLE** Authorization to Increase the Construction Contract Contingency by \$90,000 with E.F. Brett and Company, Inc., to Amend Consultant Contract with Questa Engineering Corporation by \$40,000, and to Transfer Appropriated Funds in the Amount of \$200,000 for the Renovation of Roberts Pool Project: Roberts Regional Recreation Area

**DIVISION** Acquisition, Stewardship, and Development

**FROM** Ren Bates, Chief of Design & Construction  
Ken Wysocki, Assistant General Manager of ASD

**APPROVED** Sabrina Landreth, General Manager 

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors take the following actions for Renovation of Roberts Pool Project (Project) (No. 159400) at Roberts Regional Recreation Area (Roberts):

1. Authorize an increase to the contract contingency in the amount of \$90,000 with E.F. Brett and Company, Inc. (EF Brett) of San Rafael, California, for additional construction scope; and
2. Authorize an amendment to a professional services contract with Questa Engineering Corporation (Questa) of Richmond, California in the amount of \$40,000; and
3. Authorize the transfer of appropriated funds of \$200,000 from the Aquatics Facilities Improvements Fund (Project No. 536200) into the Project.

**BACKGROUND**

To complete the project, an increase in the construction contingency by \$90,000 for E.F. Brett and Company, Inc. (EF Brett) is needed to cover construction costs associated with additional unforeseen conditions related to the pool heater and Americans with Disabilities Act (ADA) compliance that were not included in the original construction contract at the time of bidding. On December 7, 2021, by Board Resolution No. 2021-12-347, the Board of Directors authorized the award of a construction contract to EF Brett for construction in the amount of \$8,085,000 and a contingency amount of \$1,212,750. The contingency amount was increased on September 5, 2023, by Board Resolution No. 2023-09-194 for unforeseen conditions onsite and on May 16, 2023, by Board Resolution No. 2023-05-127 by \$900,000 for utility and permit infrastructure requirements. Construction commenced in March 2022 and will be completed in March 2024.

The pool complex includes the pool, changing rooms and showers, restrooms, a staging area, and staff and lifeguard working space. The pool complex provides swim and training facilities that serve recreational and public health and safety needs of the community and the Park District all year long with swim lessons, summer camps, and lifeguard training. Built in 1954, at sixty-six years old the existing pool had reached the end of its lifecycle. The Park District is renovating the pool and surrounding infrastructure and facilities to better address current community and Park District needs and codes. The renovations will increase the size of the pool, including providing additional shallow areas for recreation, swim lessons, and training. The project will also renovate the building to provide updated showers, changing rooms, restrooms, lifeguard space, and staff office space, and will include gender-neutral facilities and ADA access. The facility will reopen to the public for the beginning of the 2024 swim season.

The initial \$1,212,750 in contingency has been utilized for District related design changes. During construction, opportunities to improve the facility were identified. Examples of this include adding additional changing stalls for lifeguards, adding additional site furniture, providing a secure location for storage of the pool covers, adding synchronized clocks, adding conduit for future EV chargers in the parking lot, renovating a portion of the existing parking lot that is cracking, adding air conditioning to the ticket kiosk, and modification of an existing storm drain.

The subsequent \$900,000 and \$400,000 increases in construction contract contingency provided funding for new construction scope tied to permit and utility infrastructure requirements as well as other conditions that were not known at the time of bidding.

The additional increase to contract contingency will provide funding for a natural gas regulator that is necessary to get the pool heater running and for unforeseen modifications to site features to comply with ADA code. The additional contingency will also cover additional construction costs for our general conditions for a longer construction timeline associated with additional scope that was not provided to the contractor at the time of bidding.

By the time construction is complete, the District will have upgraded its pool facility and will have brought its backwash leach field up to code, installed new maintenance and monitoring equipment in its sewer leach field, and upgraded water, electrical, and data utilities throughout the park.

Questa was contracted with in April 2022 in the amount of \$18,200 to provide engineering services for on-site sewage disposal service for Roberts Pool necessary since water flows are expected to double in size due to pool expansion. On September 5, 2023, by Board Resolution No. 2023-09-194, the Board of Directors authorized an amendment in the amount of \$55,819 for Questa to finalize a Phased Corrective Action Plan (PCAP) which included design of a pool back wash system and a flow monitoring device for the septic leach field, all of which was required to obtain an operating permit from Alameda County Department of Environmental Health.

In the process of finalizing the PCAP and obtaining the operating permit, Alameda County required additional analysis and data. In addition, with the pool now having been in operation for several months, modifications are needed to the backwash leach field. The recommended contract amendment for Questa in the amount of \$40,000 is needed to comply with the requirements of Alameda County and to complete design drawings for the backwash leach field modifications.

## **ANALYSIS**

The recommended actions for the board to authorize the two contract amendments are necessary to complete the project and finish the renovation of Roberts Pool. Without approval, the District will not be able to open the pool to the public this Spring.

## FISCAL IMPACT

This action authorizes an increase to the Roberts Pool budget (Project No. 159400) by \$200,000, using funds from the Aquatics Facilities Improvements Fund budget (Project No. 536200), leaving a balance of \$50,000 in the Aquatics Facilities Improvements Fund project budget. The total project budget for Roberts Pool Renovation will be \$13,618,809 after this transfer has been completed. Funding for these actions will come from the Renovation of Roberts Pool Project (Project No. 159400).

<b>SOURCE OF FUNDS</b>	
Renovation of Roberts Pool Project (Project No. 159400)	\$ 13,418,809
Encumbrances and Expenditures to Date	(13,425,013)
Transfer and Appropriate from Aquatics Facilities Improvements Fund budget (No. 536200)	<u>200,000</u>
<b>Available Balance</b>	<b>\$ 197,296</b>

<b>USE OF FUNDS</b>	
Increase Construction Contingency with EF Brett & Co	\$ 90,000
Amendment with Questa	40,000
<b>Total Current Project Cost</b>	<b>\$ 130,000</b>
<b>Balance Remaining</b>	<b>\$ 67,296</b>

## ATTACHMENTS

- I. Renovation of Roberts Pool Project Location Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 02 -  
FEBRUARY 20, 2024**

**AUTHORIZATION TO INCREASE THE CONSTRUCTION CONTRACT CONTINGENCY BY \$90,000 WITH E.F. BRETT AND COMPANY, INC., TO AMEND CONSULTANT CONTRACT WITH QUESTA ENGINEERING CORPORATION BY \$40,000, AND TO TRANSFER APPROPRIATED FUNDS IN THE AMOUNT OF \$200,000 FOR THE RENOVATION OF ROBERTS POOL PROJECT: ROBERTS REGIONAL RECREATION AREA**

**WHEREAS**, the existing Roberts Pool infrastructure, which was built in the 1950's, was failing and the East Bay Regional Park District (Park District) is in the process of renovating and expanding the capacity of the pool facility; and

**WHEREAS**, the Renovate Roberts Pool Project includes the demolition of the existing pool facility and construction of a new pool with six competition swim lanes and two cool down lanes. Construction of the new pool and pool deck also includes new retaining walls, planting, irrigation, a new entry kiosk, fences/gates, and Americans with Disabilities Act (ADA) parking. It also includes construction of a new public changing room building with restrooms and space for lifeguard and park operations and a new building that will house all the pool's mechanical equipment and chemical treatments, and storage space for lifeguard training equipment; and

**WHEREAS**, the Park District filed a Notice of Exemption for this project in January 2021 and the Board of Directors adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in May 2022; and

**WHEREAS**, the Board of Directors authorized awarding a construction contract with E.F. Brett and Company, Inc. of San Rafael, California in the amount of \$8,085,000 on December 7, 2021, by Board Resolution No. 2021-12-347; and

**WHEREAS**, construction on this project began on March 14, 2022, and construction is anticipated to continue through February 2024; and

**WHEREAS**, the initial approximately \$1,212,750 million in contingency has been utilized for District related design changes not included as part of the original construction contract; and

**WHEREAS**, the contingency amount was increased on May 16, 2023, by Board Resolution No. 2023-05-127 by \$900,000 to address unforeseen site conditions; and

**WHEREAS**, the contingency amount was increased on September 5, 2023, by Board Resolution No. 2023-09-194 by \$400,000 for utility and permit infrastructure requirements; and

**WHEREAS**, an additional increase by \$90,000 to the E.F. Brett contract contingency is needed to provide funding for installation of a natural gas regulator for the pool heater and for unforeseen modifications to site features to comply with ADA code; and

**WHEREAS**, Questa was contracted with in April 2022 in the amount of \$18,200 to provide engineering services for on-site sewage disposal service for Roberts Pool made necessary since water flows are expected to double in size due to pool expansion; and

**WHEREAS**, the contract amount was increased by \$55,819 on September 5, 2023, by Board Resolution No. 2023-09-194 to finalize a Phased Corrective Action Plan (PCAP) which included design of a pool back wash system and a flow monitoring device for the septic leach field, all of which was required to obtain an operating permit from Alameda County Department of Environmental Health; and

**WHEREAS**, an amendment to the Questa contract in the amount of \$40,000 is required to comply with the analysis and data requests of Alameda County and to complete design drawings for the backwash leach field modifications;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors hereby authorizes a transfer of appropriated funds of \$200,000 from the Aquatic Facilities Improvements Fund (Project No. 536200) to the Renovation of Roberts Pool Project (Project No. 159400) located at Roberts Regional Recreation Area as noted in the attached Budget Change Form; and

**BE IT FURTHER RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes an increase to the construction contract contingency with E.F. Brett and Company, Inc. in the amount of \$90,000 to be funded out of the Renovation of Roberts Pool Project (No. 159400); and

**BE IT FURTHER RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes amendment to a professional services contract with Questa Engineering Corporation of Richmond, California in the amount of \$40,000 for a revised total of \$114,019 presented to the Board on February 20, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted February 20, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: