



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Fremont Park Renovation Project Bids

1. Resolution rejecting all bids received on January 11, 2023, dispensing with competitive bidding and authorizing the Director of Public Works or his designee to negotiate a contract with one or more of the contractors that submitted bids.
2. Motion Amending the Professional Services Agreement with David Volz Design Landscaping Architects, Inc., (DVD) increasing the contract in the amount of \$149,596.00 for a new total not-to-exceed contract amount of \$1,254,473.00 and extending the contract duration until the completion of the project.
3. Motion Amending the Professional Services Agreement with Maestro Development, LLC (Maestro) increasing the contract in the amount of \$190,000.00 for a new total not-to-exceed contract amount of \$855,000.00 and extending the contract duration until the completion of the project.

COUNCIL ACTION

Item Type: Action Calendar

Approved for March 7, 2023 **calendar**

EXECUTIVE SUMMARY

The Fremont Park Renovation Project has been in the design, approval, and procurement phases for several years due to the evaluation of various design elements, funding, and permitting. The city received bids for the Fremont Renovations Project on January 11, 2023, however, due to various issues with bidder responsiveness and four of the five bids being over the anticipated engineer's estimate for the Project, staff recommends all bids should be rejected.

The Public Works Department is managing the procurement process and believes that the five contractors that submitted bids are viable contractors to perform the Fremont renovations. The Public Works Department proposes to negotiate with one or more of the bidders to achieve a conforming bid and best value pricing.

COUNCIL PRIORITIES

Infrastructure: Add new park amenities and improve accessibility, functionality, safety, and reliability of park features. Improve 35-year-old features to current codes, regulations, functionality, energy efficiency, and conservation.

RECOMMENDATION

Approve the Resolution rejecting all bids received, dispense with competitive bidding and authorizing the Director of Public Works or his designee to negotiate a contract with one or more of the contractors submitting bids, approve the Motion amending the Professional Services Agreements with DVD and Maestro.

BACKGROUND

Fremont Park, approximately 7.9 acres in size, is located adjacent to the Glenwood and Vineyard Neighborhoods south of Glenoaks Boulevard and west of Pacific Avenue. It is one of the oldest neighborhood parks in the city created in 1922 and has numerous heavily used amenities including: 8 tennis courts, children's play equipment, a wading pool, a basketball half-court, a sand volleyball court, open fields, a rose garden, and numerous picnic areas clustered under the park's mature trees.

The park is extensively used for both active and passive recreation. Picnic areas are frequently used by patrons on weekdays as well as on weekends. The children's play area is heavily used daily. The wading pool is reserved on weekends extensively during the summer. The basketball half-court is used throughout the day for pick-up games by multiple age groups. In addition, the open field areas are regularly used for soccer games.

In July 2016, City Council approved a motion authorizing the City Manager to execute a Professional Services Agreement with DVD for the preparation of design and construction documents for the Fremont Park Renovation Project. To date, DVD has completed the preparation of the project construction documents. Staff has obtained Los Angeles County Health Department approvals. Building and Safety has initialed the project plans as complete and ready for permits to be issued.

On October 5, 2021, City Council authorized a Professional Services Agreement for Construction Management Services with Maestro.

The Fremont Renovation Project construction duration is estimated at 18-months during which time the entire park will be closed to expedite the work and to keep the public safe from the construction activities.

ANALYSIS

The City has a Professional Services Agreement with DVD for professional design services for the Fremont Park Renovation Project. This agreement has been in place since 2016 and additional design services are needed to transition this project to the construction phase. Staff recommends increasing the amount of Agreement C106224 with DVD to provide additional plan updates, bidding support, and construction administration in the amount of \$149,596, for a new total not-to-exceed contract amount

of \$1,254,472 and extend the agreement to the end of the project duration which is projected to be June 30, 2025.

The City has a Professional Services Agreement with Maestro, for professional construction management services for the Fremont Park Renovation Project. Staff recommends extending the agreement 8001517 with Maestro to include additional bidding support and required 3rd-party inspections and testing in the amount of \$190,000, for a new total not-to-exceed contract amount of \$855,000 extend the agreement to the end of the project duration, which is projected to be June 30, 2025.

On October 8, 2019, City Council approved a resolution adopting plans and Specification 3624 and directed the City Clerk to advertise for bids. The Public Works Department hosted a job walk on February 21, 2021, and 18 contractors attended. This procurement process was cancelled due to the turf field materials evaluation that was completed in June 2022 with the final determination made to include Shaw brand artificial turf materials into the project specifications.

On October 10 and 17, 2022, the project was re-advertised and a job walk was hosted by the Public Works Department on November 2, 2022, and 12 contractors attended.

On January 11, 2023, the city received five bids. During the evaluation of bids, three separate bid protests were filed. Upon thorough review of all bids received, all the bids were non-responsive, including that of the apparent low bidder and four of the bids exceeded the engineer's estimate.

On January 11, 2023, the following five bids were received. The anticipated bid estimate is approximately \$18,000,000:

Contractor	Bid Amount
Dorado Design and Construction, Inc.	\$16,712,240
ARC Construction, Inc.	\$21,850,000
Ohno Construction Company	\$23,750,000
Masters Contracting Corp.	\$28,076,000
LA Engineering, Inc.	\$29,550,000

While each of the five bids had various technical issues including subcontractor listings, federal funding documentation, and bid line-item amounts, the five contractors are reputable, capable, qualified, and several have performed successfully for the city on past projects.

Due to the current momentum and various factors including competition, construction pricing, permitting, and project budget, the Public Works Department recommends negotiating with one or more of the contractors that submitted bids on January 11, 2023. Negotiating a bid price would expedite the initiation of the construction phase as opposed to updating plans and specifications and rebidding, allow for further value engineering of project elements, preserve the designs and permitting already approved, provide the best price for the work, and ensure a conforming bid and contract.

Article VI, Section 9 of the City Charter authorizes City Council to dispense with competitive bidding and have the contract negotiated without further bidding if it is in the best interest of the City to do so.

Staff believes that a collaborative negotiation with one or more firms that submitted bids would allow the contractor(s) to better understand the unique project requirements and eliminate excessive contingencies that the contractor(s) may have included in their bid. In addition, it is staff's expectation that a negotiated bid will provide further opportunities for value engineering which will essentially allow for the best project at the lowest overall cost. Any firm recommended for a contract as a result of negotiations would have to meet all bidding requirements as defined in the initial Invitation for Bids.

Following successful negotiations, staff will return to the City Council with a recommendation to award a construction contract and approve a resolution of appropriation to provide adequate funding for this project.

STAKEHOLDERS/OUTREACH

As part of the master planning and conceptual design process, two community meetings were held to engage the community and find out what they would like to see as part of the master plan. The first meeting was held on Saturday, April 11, 2015. About 50 participants took a walking tour of the park and then broke out into small groups and acted as landscape architects for a day by preparing initial planning maps that explored ideas for the park's renovation. At the end of the exercise, each group was asked to present their plans and explain what they would like to see added/changed/kept the same in the park. There was also a questionnaire provided for the attendees to provide written feedback. DVD gathered all the feedback from the community meeting and the written responses, reviewed the feedback with CSP staff, and prepared three different master plan conceptual designs which were shared with the community at the second community meeting.

The second meeting was held on Wednesday, May 27, 2015 when about 50 community members attended to review the three versions of conceptual master plans for the park. DVD presented each plan and explained the features. At the end of the presentation, DVD asked for a show of hands as to which plan the attendees favored and the majority of the attendees favored Schematic B which is the plan recommended for Council review and approval, with minor adjustments to address further feedback received from the community and/or city departments such as the Police Department.

After this extensive community outreach process, the final master plan was prepared and presented to the Parks Recreation and Community Services Commission on November 16, 2015 and with their recommendation to take to City Council for approval.

FISCAL IMPACT

There is no fiscal impact associated with rejecting all bids, dispensing with competitive bidding and authorizing staff to negotiate a contract with one or more of the bidders. The Architects original estimate from October 2019 for the construction phase of the Fremont Park Renovation Project is \$15,000,000 to \$16,000,000; however, based on the current market and materials and labor inflation, the revised estimate is \$18,000,000. Funding for this project is budgeted in the Capital Improvement Fund (4010), Park Mitigation Fee Fund (4050) and Community Development Block Grant Fund (2010); however, additional funding will have to be appropriated at construction contract award to adequately fund the project construction phase.

The professional project design services amendment with DVD and professional construction services amendment with Maestro will cost \$339,596. The approved project funding has the available budget to absorb this cost and therefore no new appropriation is being requested at this time. The City Council approved funding is outlined below:

Existing Appropriation		
Amount	Account String	Funding Source
\$1,682,731	GL: 51200-4010-CSP-0020-P0000- PL: 51873	Capital Improvement Fund
\$5,448,041	GL: 51200-4050-CSP-0020-P0000- PL: 51873	Park Mitigation Fee fund

ENVIRONMENTAL REVIEW (CEQA/NEPA)

This project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) as a Class 2 exemption pursuant state CEQA Guidelines, Section 15302.

CAMPAIGN DISCLOSURE

In accordance with the City Campaign Finance Ordinance, the following are the names and business addresses of the members of the board of directors, the chairperson, CEO, COO, CFO, Subcontractors and any person or entity with 10% interest or more in the firm proposed for contract in this Agenda Item Report:

David Volz Design Landscaping Architects, Inc. (DVD)

Full Name	Title	Business Address	City	State	Zip
David Volz	Chief Executive Officer/President	151 Kalmus Drive No M8	Costa Mesa	CA	92626

Maestro Development, LLC (Maestro)					
Full Name	Title	Business Address	City	State	Zip
Nareg Mouradian	North American President/CEO	555 West 5 th St. Fl. 35	Los Angeles	CA	90013

Twining, Inc. (subconsultant of Maestro)					
Full Name	Title	Business Address	City	State	Zip
Edward M. Twining Jr.	Chairperson	2883 East Spring St. Ste. 300	Long Beach	CA	90806
Robert Ryan	CEO/President				
Linas Vitkus	COO				
Robert Hathaway	CFO				
N/A	Board of Directors				
Edward M. Twining Jr.	More than 10% interest owner				

ALTERNATIVES

Alternative 1: Approve the Resolution rejecting all bids, dispensing with competitive bidding and authorizing the Director of Public Works or his designee to negotiate a contract with one or more of the contractors that submitted bids, and approve the Motions amending the PSAs with DVD and Maestro

Alternative 2: Re-bid the project. Rebidding would cause significant delays due to updating the plans and specifications, and a new procurement process.

Alternative 3: Do not approve the recommended Motions. Parks and Public Works Departments will continue to maintain the playground and features and keep them in service for as long as possible.

Alternative 4: Consider any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Prepared by:

Kevin Todd, Assistant Director of Public Works

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

N/A