

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council
FROM: Mary K. Lindley, Parks, Recreation, & Community Services Director
BY: Roger O. Blais, Parks and Landscape Manager *RB*
DATE: October 24, 2008 (CC Meeting of November 5, 2008)
SUBJECT: Consider Award of Contract to Malibu Pacific Tennis Courts for the Veteran's Memorial and the Adoption of a Resolution Amending the FY 2008/09 Budget

DISCUSSION

On September 17, 2008, City Council approved the design and specifications for construction of a Veteran's Memorial. In addition to the two add alternates (landscaping the small parcel east of the site and the inclusion of six benches at the corner of Spring Road) that were a part of the City Council's original direction, several new deduct alternates were approved to provide the Council with options in the event the cost exceeded the construction budget. Those design alternates were the elimination of the following features: the Victory Column, shot cobble, the drinking fountain, and reducing walkway security lighting. The project's bid documents addressed these design alternatives.

With the adoption of the FY 2008/09 budget, the City Council allocated \$520,000 from the Public Art Fund for the design and construction of the Veterans Memorial. The projected budget was as follows:

<u>Description</u>	<u>Estimate</u>
Design	\$ 55,000
Construction	\$ 400,925
Plan Check, Permit & Fees	\$ 8,000
Soils/Lab Testing	\$ 24,680
Construction Management	\$ 21,000
Contingency (10%)	\$ 40,000
Total	\$ 549,605

The formal bid process was concluded on October 21, 2008, and the City Council is now being asked to approve the award of the contract to the lowest responsible bidder, Malibu Pacific Tennis Courts, Inc. The bid results, based on the construction of the project as originally designed, and with the above design alternatives, are as follows:

		Alt.# 3	Alt.# 1	Alt.# 4	Alt.# 5	Alt.# 6	Alt.# 7
Contractor	Base Bid	Add Landscape Parcel	Add Six Benches	Deduct Victory Column	Deduct Shot Cobble	Deduct Security Lights	Deduct Drinking Fountain
Malibu Pacific Tennis Courts Inc.	\$424,424	\$31,000	\$29,000	-\$14,000	-\$3,500	-\$26,000	-\$6,000
Marina Landscape Construction	\$429,600	\$12,500	\$17,300	-\$24,700	-\$500	-\$7,000	-\$4,450
Pima Corporation	\$538,630	\$20,000	\$15,000	-\$10,000	-\$15,000	-\$3,000	-\$4,000
Mendez Concrete Inc.	\$539,012	\$16,200	\$14,674	-\$34,858	-\$1,961	-\$6,615	-\$5,181
C. S. Legacy Construction	\$629,107	\$47,000	\$24,000	-\$27,000	-\$100	-\$5,593	-\$3,000
G Coast	\$645,000	\$10,000	\$14,000	-\$5,000	-\$5,000	-\$15,000	-\$5,000

The bids were reviewed for completeness and mathematical errors. Staff has determined that the lowest qualified bidder is Malibu Pacific Tennis Courts, Inc., with a base price of \$424,424. Malibu Pacific Tennis Courts, Inc. possesses the necessary licenses to perform the work and has experience constructing similar projects for other cities. A reference check shows that they are highly recommended. Additionally, the City has had good experiences with Malibu. They were responsible for constructing Magnolia Park and the eight lighted tennis courts at Arroyo Vista Community Park.

Based on the lowest qualified bidder's base cost proposal (the original scope of work which includes the four deduct alternates but excludes the two add alternates), the cost exceeds the FY 2008/09 total budget allocation for this project by \$23,500. To remain within the project budget, in addition to rejecting the two add alternates, Council can choose to select one or more of the deduct alternatives resulting in a savings of up to \$49,500 from the original base bid. If the City Council wishes to proceed with the base bid (original scope of work) and include the two add alternates (landscape adjacent parcel and install six benches) it will need to appropriate an additional \$84,000 just to cover construction costs.

Staff proposes that the Council reject the two add alternates. The City can purchase and install the benches on its own for approximately \$12,000 and minimal landscape improvements can be made in-house to the adjacent parcel until additional funding is available. The minimal landscape improvements would include several trees, which would be hand-watered, and mulch for groundcover. In addition to the rejection of the two add alternates, staff proposes that the Council select the deduct alternate #5, reducing the number of walkway lights from eight to three. The lights are not an aesthetic feature and therefore will not affect the look of the project. If approved, this would amount to a savings of \$26,000 from the original scope of work with a construction contract budget of \$398,424. With the addition of the \$12,000 to be used by City staff for the purchase of six benches, the total construction budget would be approximately \$410,424.

The architect underestimated the amount of construction administration time that would be needed on this project. There were a number of unanticipated site issues including soils and utilities that were not included in the architect's proposal. Their original construction administration budget was \$3,350 and to date they have already spent \$5,000. They are requesting an additional \$10,500 to their contract price of \$53,450.

To proceed with construction, the City needs to secure the services of a soils testing and inspection consultant. Staff proposes using Pacific Materials Laboratory (PML) at a cost not to exceed \$24,679. PML has performed work for the City on a number of park improvement projects, most recently the Arroyo Vista Recreation Center expansion. The cost of the soil testing and inspection work was included in the original project budget.

With the staff proposed scope of work and architect changes (rejection of the two add alternates, reduction of walkway lights, and increase in architect's contract price) the project's estimated budget is now \$585,000 as shown below.

<u>Description</u>	<u>Estimate</u>
Design	\$ 64,000
Construction *	\$ 423,000
Plan Check, Permit & Fees	\$ 10,000
Soils/Lab Testing	\$ 25,000
Construction Management	\$ 21,000
Contingency (10%)	\$ 42,000
Total	\$ 585,000

* Includes \$12,000 for purchase and installation of six benches

To proceed with the staff recommended action, the Council needs to adopt the attached Resolution amending the budget by appropriating an additional \$65,000 from the Art Fund (2151) to the project.

FISCAL IMPACT

The funding source for this project is the City's Art Fund. The current fund balance in the Art Fund is \$1.6 million. There are sufficient funds in the Fund to include the base bid scope of work and to include the two add alternates if the Council elects to do so. However, the Council has approved several objectives calling for the design and installation of public art projects at the Moorpark Public Service Center, Arroyo Vista Community Park, and the new City Hall complex, which would typically be funded from the Art Fund.

STAFF RECOMMENDATION (Roll Call Vote)

1) Approve the project's scope of work to include the rejection of the two add alternates, the reduction in the number of the walkway lights and the purchase and installation of benches by staff, as outlined in the Agenda Report;

- 2) Award a contract to Malibu Pacific Tennis Courts at a cost not to exceed \$398,424 and authorize the City Manager to execute the agreement on behalf of the City;
- 3) Amend the agreement with Community Works Design Group, increasing compensation by \$10,500 and authorize the City Manager to execute the amendment;
- 4) Approve a contract with Pacific Materials Laboratory (PML) for soils testing, lab work, and inspections at a cost not to exceed \$24,679 and authorize the City Manager to execute the agreement on behalf of the City; and
- 5) Adopt Resolution No. 2008 - ___.

Attachment A: Resolution

RESOLUTION NO. 2008-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2008/09 BUDGET TO ALLOCATE \$65,000 FROM PUBLIC ART FUND RESERVE BALANCE (2151) TO THE VETERAN'S MEMORIAL EXPENDITURE ACCOUNT (2151.7900)

WHEREAS, on July 2, 2008, the City Council adopted the budget for Fiscal Year 2008/09; and

WHEREAS, a staff report has been presented to said Council requesting a budget amendment allocating \$65,000 from the Public Art Fund Balance for the Veterans' Memorial improvements.

WHEREAS, Exhibit "A" hereof describes said budget amendment and its resultant impacts to the budget line item(s).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A budget amendment allocating \$65,000 from the Public Art Fund for the Veterans' Memorial improvements as more particularly described in Exhibit "A" attached hereto is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 5th day of November, 2008.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit A – Budget Amendment

