



File #: 20-0651, Version: 1

REPORT TO COUNCIL

SUBJECT

Award of Bid No. PW20-02 to Robert A. Bothman Construction for Fair Oaks Park Renovation & Enhancement and Magical Bridge Playground, Finding of California Environmental Quality Act (CEQA) Categorical Exemption, Approve Second Amendment to Consultant Services Agreement with Magical Bridge Foundation, and Approval of Budget Modification No. 6

REPORT IN BRIEF

Approval is requested for authorization for the City Manager to take certain actions related to the Fair Oaks Park Renovation & Enhancement and Magical Bridge Playground Project (Project No. PR-16-04) and for the City Council to Approve Budget Modification No. 6. Council approval is recommended as follows:

Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301;
- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$16,300,000.00 to Robert A. Bothman Construction;
- Authorize the City Manager to execute the construction contract when all necessary conditions have been met;
- Approve a 10% construction contingency in the amount of \$1,630,000;
- Authorize the City Manager to execute a Second Amendment to a Consultant Services Agreement, in substantially the same form as Attachment 3 to the report, with Magical Bridge Foundation to increase the City's contribution to \$2,301,500 and the contract amount to a new not-to-exceed amount of \$4,591,500; and
- Approve Budget Modification No. 6 in the amount of \$3,399,392 to provide additional project funding.

BACKGROUND AND DISCUSSION

The Fair Oaks Park Renovation and Enhancement Project and Magical Bridge Playground Project were both created for the modernization and improvement of portions of Fair Oaks Park. The site chosen for the Magical Bridge Playground is within Fair Oaks Park and construction of both projects was expected to overlap, so the projects were put out to bid together as one project. The combined project will allow one contractor to schedule, coordinate and perform all necessary construction work, eliminating the need for coordination between contractors. The project provides for replacement of the athletic fields with the City's first synthetic turf fields, renovation of the picnic areas and park amenities, upgrades to existing lighting, addition of ADA improvements, replacement of basketball courts, and installation of a new restroom facility and parking lot.

Also, this project will incorporate an all-inclusive playground with equipment suitable for all park users, including children with various physical and cognitive abilities and the elderly. The playground was designed by the Magical Bridge Foundation (MBF).

A design contract was awarded by City Council in December 2017 to Verde Design for design and construction support services (RTC No. 17-1049) for the park renovation project. In addition, an Agreement was executed with the MBF for fundraising and design of an all-inclusive playground in Sunnyvale. City staff and the architect hosted a series of community meetings to review the objectives of the project and received input on desired design features of the new facility. A preferred conceptual design was created based on a combination of feedback from the community, input from City staff that will program and maintain the facility, and the Council approved goals for the Capital Projects (830340 and 832780). The preferred conceptual design was approved by Council on October 16, 2018 (RTC No. 18-0646) and detailed design, preparation of construction documents and permitting began. The final design includes improving the informal parking lot at the north end of the park near Britton Ave, installation of the first multi-use artificial turf sports field in Sunnyvale, a new prefabricated restroom and concession building at the north end of the park, improvements to the basketball courts, picnic areas, landscaping, and several other park amenities. In addition, two dog parks will be added near the skate park at the south end of the park.

As the project design progressed, the construction cost estimate was updated, and several adjustments were made by the design team in an attempt to keep construction costs in line with the budget while keeping true to the approved conceptual plan. While undergoing the lengthy PG&E service application process, construction costs increased beyond initial expectations so some adjustments to the project were made. Some cost saving decisions in the park project design include:

1. Reduce overall fence height at field perimeter and remove gates at selected areas
2. Reduce quantity of tables in picnic areas
3. Remove chain link roof from dugouts
4. Remove storage lockers from dugouts
5. Replace concrete behind softball field backstop with asphalt
6. Revise bleachers from elevated structure to prefabricated 5-row units
7. Resurface existing asphalt at basketball courts instead of remove and replace
8. Revise columnar pedestrian light product from Hess to concrete pole with top-mounted fixture
9. Remove scoreboards

Likewise, some features of the Magical Bridge Playground design were adjusted to keep costs in line with the project budget. These include:

1. Reduce the overall number of swings
2. Reduce the overall number of retreat huts
3. Remove the half-ball climbers

An Invitation for Bids was posted on the City's DemandStar public procurement network, distributed to the Bay Area Builder's Exchange and published on the City's website on May 1, 2020. Thirty-three (33) contractors requested bid documents and four responsive bids were publicly opened on June 3, 2020. Robert A. Bothman Construction was the lowest responsive and responsible bidder in the amount of \$16,300,000. The bid summary is contained in Attachment 1. Although the low bid exceeds the available budget for the combined project, an evaluation of the bids received

demonstrates that the lowest bid is approximately 9.7% below the next two lowest bids. Therefore, staff believes this is a competitive price and recommends approving the budget modification and awarding the contract.

In continuing to evaluate strategies to keep project costs in line with the originally approved budget, some value engineering cost saving ideas have been discussed with the contractor and could be implemented after the contract is awarded. If cost saving ideas are implemented, the proposed park features would continue to meet Council approved goals and will be constructed with quality materials. Funds not used during construction would be returned to the Park Dedication Fund.

The MBF has completed the services outlined in their agreement for the agreed upon fee up to this point, including reaching the target fundraising goal and completing design of the playground. The agreement includes fees for engineering services during construction to be paid upon opening the playground. Staff is requesting a second amendment to the agreement to increase the total City contribution for construction funding from \$1,960,000 to \$2,301,500 based on the low bid.

EXISTING POLICY

Section 1309 of the City Charter requires public works construction contracts to be awarded to the lowest responsive and responsible bidder.

Pursuant to Section 2.09.040 of the Sunnyvale Municipal Code, City Council approval is required for public works contracts exceeding \$100,000 in any one transaction.

Pursuant to Sunnyvale Charter Section 1305, at any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) determination for this project is a categorical exemption pursuant to CEQA Guidelines Section 15301 for the minor alteration of existing facilities involving negligible or no expansion of the existing use.

FISCAL IMPACT

Project costs consist of the construction contract in the amount of \$16,300,000 and a 10% construction contingency in the amount of \$1,630,000 for a total of \$17,930,000.

The low bid amount for the playground item exceeds the All-Inclusive Playground goal budget of \$4,348,650 and the Magical Bridge Foundation is unable to fundraise the additional amount needed to cover the cost of the playground. Therefore, staff is recommending that the City contribution (\$1,960,000 in Park Dedication Funds per RTC No. 18-0985) be increased by \$341,500 (for a total City contribution of \$2,301,500) to allow the project to move forward.

The Fair Oaks Renovation and Enhancement project costs are estimated at \$15,156,542, which exceeds the current budget of \$12,000,000 by \$3,156,542.

\$11,103 million in prior year carryover is available in Project 830340 for the Fair Oaks Park Renovation and Enhancement, and \$3,848,650 in Project 832780 for the All-Inclusive Playground Project. Budget Modification No. 6 has been prepared to appropriate \$3,399,392 in Park Dedication

funds as follows: \$242,850 to 832780 and \$3,156,542 to 830340 to fully fund these projects.

**Budget Modification No. 6
FY 2020/21**

	Current	Increase/ (Decrease)	Revised
Infrastructure Renovation and Replacement Fund - General Assets Sub-Fund			
<u>Transfer In</u>			
Transfer from Park Dedication Fund	\$0	\$3,399,392	\$3,399,392
<u>Expenditures</u>			
All Inclusive Playground Project (832780)	\$3,848,650	\$242,850	\$4,091,500
Fair Oaks Renovation and Enhancement Project (830340)	\$11,101,811	\$3,156,542	\$14,258,353
Park Dedication Fund			
<u>Transfers Out</u>			
Transfer from Park Dedication Fund	\$0	\$3,399,392	\$3,399,392
<u>Reserves</u>			
Park Dedication Fund Capital Project Reserve	\$45,057,025	(\$3,399,392)	\$41,657,633

Funding Source

The Fair Oaks Park Renovation and Enhancement Project (830340) is funded by the Park Dedication Fund.

All-Inclusive Playground Project Budget (832780)

\$2,301,500	Park Dedication Fund
\$1,290,000	Magical Bridge Foundation Contribution
\$1,000,000	County of Santa Clara All-Inclusive Playground Grant
\$4,591,500	Total

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Take the following actions:
 - Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301;

- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$16,300,000.00 to Robert A. Bothman Construction;
 - Authorize the City Manager to execute the construction contract when all necessary conditions have been met;
 - Approve a 10% construction contingency in the amount of \$1,630,000;
 - Authorize the City Manager to execute a Second Amendment to a Consultant Services Agreement, in substantially the same form as Attachment 3 to the report, with Magical Bridge Foundation to increase the City's contribution to \$2,301,500 and the contract amount to a new not-to-exceed amount of \$4,591,500; and
 - Approve Budget Modification No. 6 in the amount of \$3,399,392 to provide additional project funding.
2. Do not award the construction contract and other actions stated in Alternative 1.
 3. Take other action as determined by Council.

STAFF RECOMMENDATION

Alternative 1:

Take the following actions:

- Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines Section 15301;
- Award a construction contract in substantially the same form as Attachment 2 to the report in the amount of \$16,300,000.00 to Robert A. Bothman Construction;
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- Approve Budget Modification No. 6 in the amount of \$3,399,392 to provide additional project funding.

Prepared by: Gregory S. Card, Purchasing Officer

Reviewed by: Tim Kirby, Director of Finance

Reviewed by: Chip Taylor, Director of Public Works

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Bid Summary
2. Draft General Construction Contract
3. Draft Second Amendment to Consultant Services Agreement