

Agenda Report

May 24, 2021

TO: Honorable Mayor and City Council

THROUGH: Finance Committee

FROM: Department of Public Works

SUBJECT: **CONTRACT AWARD TO ACT 1 CONSTRUCTION, INC. FOR PLAYHOUSE DISTRICT PARK AND PARKING LOT FOR AN AMOUNT NOT TO EXCEED \$4,250,000, AMENDMENT TO FISCAL YEAR 2021 CAPITAL IMPROVEMENT PROGRAM BUDGET, AND AMENDMENT TO CONTRACT WITH MIG, INC. (NO. 31,290-0)**

RECOMMENDATION:

It is recommended that the City Council:

1. Find the project proposed herein to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15332, Class 32, infill development, and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
2. Amend the Fiscal Year 2021 Capital Improvement Program Budget by appropriating \$400,000 in Residential Impact Fees to the Playhouse District Park and Parking Lot (78083) project;
3. i) Accept the bid dated April 1, 2021, submitted by Act 1 Construction, Inc. in response to the Project Plans and Specifications for the Playhouse District Park and Parking Lot, ii) reject all other bids, and iii) authorize the City Manager to enter into such contract for an amount not to exceed \$4,250,000 which includes the base contract amount of \$3,896,375 and a contingency of \$353,625 to provide for any necessary change orders;
4. Find that the proposed action of amending an existing contract is not a "project" as defined in the California Environmental Quality Act (CEQA), Public Resources Code Section 21065 and Section 15378(b)(4) and (5) of the State CEQA Guidelines and, as such, are not subject to environmental review; and

5. Authorize City Manager to amend Contract No. 31,290-0 with MIG, Inc. to increase the contract amount by \$100,000 for a total not-to-exceed amount of \$600,000.

BACKGROUND:

On January 8, 2018, the City Council approved the purchase of the approximately 9,750-square-foot (0.224 acres) former Banner Bank site located at 717 East Union Street for \$3.15 million.

On March 11, 2019, City Council appropriated \$2,500,000 from Residential Impact Fees – Central District to the Off-Street Parking Facilities Fund for the conversion of up to one-half of the City-owned Union/El Molino parking lot to park space. City Council directed staff to develop a new neighborhood park at Union Street and El Molino Avenue, combining up to one-half of the parking lot with the purchased Banner Bank site. Council indicated its desire to retain a minimum of 48 parking spaces (roughly half) and improve the parking lot by integrating it with the design of the new park, making it conducive to programming of public events.

On August 29, 2019, the City entered into an agreement with MIG, Inc. for professional planning and design services of the park and parking lot. To help guide and provide feedback to the project design team in developing a conceptual plan for the park, a Stakeholder Committee was formed comprising of representatives from the Playhouse District Association, Downtown Pasadena Neighborhood Association, local home owners associations, Council District liaisons, and City of Pasadena Public Works staff.

On September 11, 2019, the first project stakeholder meeting was convened to discuss the Committee's charge and role and to establish the project's guiding design principles. The Committee convened for four more meetings during the public outreach process, including a site visit to various West Hollywood dog parks.

As part of the Planning Phase of the project, public outreach was initiated in October 2019. Public Works staff hosted three community workshops held at Pasadena Presbyterian Church on the following dates:

- October 2, 2019 – The first workshop focused on providing the community an overview of the design process and an opportunity for attendees to share ideas for the new park;
- November 12, 2019 - At the second workshop, MIG presented conceptual design alternatives based on public input from the first workshop. Attendees worked in focus groups with consultant representatives to review and discuss the possible alternatives; and
- December 4, 2019 - At the third workshop, a conceptual design was presented based on feedback received on the alternative designs. The public was provided an opportunity to discuss the proposed design elements with consultant staff and provide comments.

The conceptual design of the park and parking lot were further refined following the third community workshop.

On January 22, 2020, City staff presented the refined concept to the Playhouse District Association Board of Directors, and acquired their unanimous support for the design as presented.

On February 4, 2020, City staff presented the refined concept to the Recreation and Parks Commission. The Commission voted to support the design concept as presented.

On June 1, 2020, City Council awarded a contract to Interior Demolition Inc. for the demolition of the former Banner Bank building. Demolition of the building and parking lot pavement was completed in September 2020.

On August 25, 2020, City staff and MIG presented the 90% Construction Document design to the Playhouse Village Association (formerly Playhouse District Association) Vision Implementation Advisory Committee and acquired their support. On August 26, 2020, City Staff presented the same 90% Construction Document design to the Playhouse Village Board of Directors. The Board voted unanimously to support the design as it was presented.

On August 27, 2020, City staff and MIG hosted a virtual community open house to present the design of the Playhouse District Park and Parking Lot project. The public was provided an opportunity to ask questions and discuss the park design elements with consultant staff and provide comments. All public comments received were favorable towards the presented park design.

The project design includes the following park features:

- Central lawn area for recreation and community gatherings;
- Shade trellis structure and platform for socializing and staging of community events;
- Parking plaza with integrated stormwater management system;
- Accessible children's play area with natural play elements, rubberized play surface, and shade structures;
- Off-leash dog run with delineating fence for big and small dogs;
- Mature tree plantings;
- New sidewalk along Union Street to integrate the pedestrian experience with the park; and
- New two-stall restroom building with storage for park maintenance and user groups. The restroom building was presented as an additive alternate due to the project's budgetary constraints.

A portion of the sidewalk work associated with the park construction overlaps with the scope of work included in the *Complete Streets Project –Union Street Cycle Track* (75087) project. This work includes the installation of access ramps and traffic signal foundations on the northwest corner of the Oak Knoll Avenue and Union Street

intersection and access ramps on the northeast corner of the El Molino Avenue and Union Street intersection. The work will be performed under this construction contract. A finding of compliance with the General Plan was previously made and is shown in the FY 2021 - 2025 CIP on page 8.6 – Parks and Landscaping – Park Projects.

The Department of Public Works and MIG, Inc. prepared plans and specifications for the subject contract. In accordance with Section 4.08.070 of the Pasadena Municipal Code, bids were requested and received. On February 17, 2021, a Notice Inviting Bids for Playhouse District Park and Parking Lot project was published in the local paper as well as posted on PlanetBids. The posting generated notices to all vendors who have previously registered with the City for this particular commodity class. A total of 138 vendors downloaded the specifications of which six were local. A total of 16 bids were received by the bid opening date, including one from a local vendor. Two bids were determined to be non-responsive.

BID RESULTS:

Following advertising, bids were electronically received on April 1, 2021. The basis for award includes the restroom building as an additive alternate and is included in the bid totals as follows:

<u>Bidder</u>	<u>Amount (\$)</u>
1. Act 1 Construction, Inc., Norco	\$3,896,375
2. Golden Sun Enterprise, Inc., Van Nuys	\$3,989,777
3. Landscape Support Services, North Hollywood	\$4,222,934
4. RenewAge Energy Solutions, Inc., El Segundo	\$4,249,309
5. Access Pacific, Inc., Pasadena	\$4,391,166
6. Monet Construction, Inc., Tujunga	\$4,439,087
7. CEM Construction Corp., Montebello	\$4,679,700
8. Los Angeles Engineering, Inc., Covina	\$4,768,000
9. Arc Construction, Inc., La Crescenta	\$4,787,400
10. Tobey/Schultz Construction, Inc., Lake Elsinore	\$5,113,533
11. CALIBA, Inc., Stanton	\$5,191,000
12. Graves Construction, Foothill Ranch	\$5,380,000
13. Nationwide Contracting Services, Inc., {CITY}	\$5,860,200
14. United Landscape & Maintenance, Northridge	\$5,897,000
 Engineer's Estimate	 \$4,000,000

It is recommended that Act 1 Construction, Inc. be awarded the contract for this project as they are the lowest responsive and responsible bidder. The proposed contract with Act 1 Construction, Inc. fully complies with the Competitive Bidding and Living Wage Ordinances. In addition, the proposed contract fully complies with the Prevailing Wage Law (Senate Bill 7) per Resolution 9406 adopted by the City Council on December 14, 2014.

The contractor has indicated that the award of this contract will result in five new hires to the present work force. Act 1 Construction, Inc. has not previously performed work for the City.

The contract will be set up as follows:

Base Bid	\$ 3,896,375
Contingency Allowance	\$ <u>353,625</u>
Contract Not-to-Exceed Amount	\$ 4,250,000

A contingency of nine percent is allocated to this contract given possible unforeseen conditions that may be encountered.

It is anticipated that construction will begin in August 2021 and the work will be completed in Spring 2022.

The Department of Public Works recommends increasing Contract No. 31,290-0 with MIG, Inc. by \$100,000 for a total not-to-exceed amount of \$600,000. MIG, Inc. is responsible for the design of the *Playhouse District Park and Parking Lot (78083)* project that began in March 2019. The contract amendment will cover costs associated with construction administration services during construction phase of the project. The additional services are not part of the original contract scope of work.

NAMING OF THE PARK:

In the coming months, City staff will conduct a public outreach effort for naming of the new park based on the procedures established in the *City of Pasadena Public Park and Recreational Facility Naming Policy*. As per the procedures, City staff will present a report to Recreation and Parks Commission detailing the input received during the public outreach process and, upon recommendation of the Commission, present to City Council.

As stated in the policy, the following criteria shall be used in determining the names of City parks and recreational facilities:

1. Geographical location of the park or facility; or
2. Natural or geological features proximate to the park or facility; or
3. Cultural or historical significance to the City or surrounding neighborhood; or
4. The name of an individual who has made a significant contribution to the community, country, state, or the field of parks and recreation.

COUNCIL POLICY CONSIDERATION:

The award of contract is consistent with the Open Space & Conservation Element, specifically the 'Increase Open Space' Implementation Measure by developing a pocket park in an urban area. It is also consistent with the Green Space, Recreation and Parks Element, Policy 6.2 (Neighborhood Parks) by acquiring a park within walking distance of

multi-family housing. In the Land Use Element, the project supports Policy 2.8 (Equitable Distribution of Community Devices and Amenities) by increasing the opportunity to access a public park, and Policy 2.13 (Parks) by developing a new park. Lastly, it addresses Policy 21.10 (Neighborhood Parks and Open Space Amenities) by ensuring this neighborhood has a park within easy walking distance of residents.

The contract amendment is consistent with City Council’s goal to improve, maintain, and enhance public facilities and infrastructure, and support and promote the quality of life and local economy.

ENVIRONMENTAL ANALYSIS:

The contract award has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15332, Class 32, infill development, and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

CEQA excludes from environmental analysis those actions that are not “projects” as defined by State CEQA Guidelines Section 15378. That section excludes from the definition of “project” the creation of government funding mechanisms and fiscal activities which do not yet commit the lead agency to any specific project, and also excludes organizational or administrative governmental activities that do not result in physical changes to the environment. The action proposed for the amendment to an existing contract herein is budgetary and part of the City’s normal administrative process.

FISCAL IMPACT:

Staff recommends amending the FY 2021 Capital Improvement Program Budget by appropriating \$400,000 in Residential Impact Fees to the *Playhouse District Park and Parking Lot* project and increasing the total estimated cost by a like amount. There is sufficient fund balance in Residential Impact Fee Fund (Central) to support the proposed increase. The additional appropriation of funds is needed to construct the park restroom and storage facility.

The cost of this construction contract is \$4,250,000 and the total cost of this action will be \$4,600,000. Funding for this action will be addressed by the utilization of existing and recommended budgeted appropriations in the *Playhouse District Park and Parking Lot* (78083) and *Complete Streets Project – Union Street Cycle Track* (75087) CIP projects. It is anticipated all costs will be spent in FY 2022.

Playhouse District Park and Parking Lot (78083)	\$	4,530,000
Complete Streets Project – Union Street Cycle Track (75087)	\$	70,000
Total Sources	\$	4,600,000

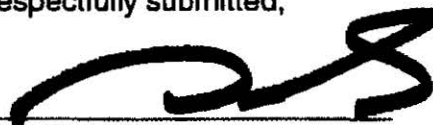
The following table represents a project summary.

Base Bid	\$	3,896,375
Contingency	\$	353,625
Contract Administration/Inspection	\$	350,000
Total Fiscal Impact	\$	4,600,000

The cost in amending Contract No. 31,290-0 with MIG, Inc. is \$100,000 for increasing the total not-to-exceed amount to \$600,000.

The Department of Parks, Recreation, and Community Services staff will be responsible for the operations and maintenance efforts for this new 0.66-acre City-owned park. The projected annual cost to maintain the Playhouse District Park is \$73,000. Additional annual funding appropriations will need to be made to the operations budget starting in FY 2023.

Respectfully submitted,



ARA MALOYAN, P.E.
Director of Public Works

Prepared by:



Kris Markarian, P.E.
City Engineer

Approved by:



STEVE MERMELL
City Manager

Attachment A – Park Renderings