

Agenda Report

March 11, 2024

TO: Honorable Mayor and City Council
FROM: Department of Public Works
SUBJECT: **AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SHADE STRUCTURES, INC. (DBA USA SHADE & FABRIC STRUCTURES) FOR WASHINGTON PARK PLAYGROUND SHADE STRUCTURE PROJECT FOR AN AMOUNT NOT-TO-EXCEED \$282,523**

RECOMMENDATION:

It is recommended that the City Council:

1. Find the contract proposed herein to be categorically exempt under the California Environmental Quality Act (CEQA) pursuant to Title 14, Chapter 3, Article 19, Section 15301, Class 1 – Existing Facilities, and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances;
2. Authorize the City Manager to enter into a contract with Shade Structure, Inc. (DBA USA Shade & Fabric Structure) for the Washington Park Playground Shade Structure project for an amount not-to-exceed \$282,523 which includes the base contract amount of \$245,673 and a contingency of \$36,850 to provide for any necessary change orders. Competitive bidding is not required pursuant to City Charter Section 1002(H), contracts with other government agencies or their contractors for labor, materials, supplies or services; and
3. Grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B), contracts for which the City's best interests are served.

BACKGROUND:

The current budget for the *Citywide Parks Playground Shade Structure Installations – Phase I* (78084) CIP project provides for the design and construction of a playground shade structure installation at Washington Park and the design of playground shade structures at McDonald, Victory, and Vina Vieja parks.

Playground shade structures have several benefits including providing sun protection for users; creating cooler temperatures for the playground and equipment resulting in safer and longer periods of active use; and reducing wear and tear on equipment caused by constant sun exposure.

Sourcewell is a public government agency created specifically by the Minnesota legislature as a local unit of government (under Minnesota Constitution, article XII, section 3). Sourcewell operates as a service cooperative and acts as a national municipal contracting agency which establishes and provides nationally leveraged and competitively solicited construction contracts that can be utilized by member agencies such as the City of Pasadena. In November 2020, Sourcewell issued a Request for Proposals for Playground and Water Play Equipment with Related Accessories and Services. Twenty-five submissions were received and evaluated by the Sourcewell selection committee. Submissions were scored on a weighted scale of eight different criteria, with pricing being the most heavily weighted. The process undergone by Sourcewell has resulted in competitive pricing.

PlayPower, Inc., the parent company to Shade Structures Inc., who has a regional office in Orange County, earned the highest score out of the twenty-five respondents with 872 points out of a possible 1,000 and was awarded a contract through February 17, 2025. As part of PlayPower, Inc.'s proposal to Sourcewell, pricing was submitted for products and services provided by Shade Structures, Inc. Since PlayPower, Inc. received the highest score for their proposal, individual product-specific pricing contracts were agreed upon with Shade Structures, Inc. As instructed by PlayPower, Inc., Sourcewell member agencies are to obtain proposals and contract directly with their subsidiaries under the product-specific Sourcewell contracts.

Shade Structures Inc. has agreed to extend the contract prices, terms, and conditions under Sourcewell Contract #010521-LTS-6 to the City for shade structure at Washington Park Playground. As part of the Sourcewell contract terms, any entity that utilizes the contract receives a 10% discount on finished product costs. In addition, the proposal extended to the City as part of this agreement is based on the established unit pricing for materials under the 2020 contract. The 2020 contract pricing is fixed and has not been subject to escalations due to inflation. Furthermore, the City is not aware of any local vendors who directly furnish the design, fabrication, and install of shade structures, and none have bid similar projects in the past.

As part of this contract, Shade Structures, Inc. will be providing engineering and design services, materials, and installation of a new 52' x 75' shade structure at Washington Park. Since Shade Structures, Inc. is able to provide all engineering and design services, the City will be able to further reduce the overall project costs by eliminating the need to hire outside consultants to develop construction documents for bidding purposes. Furthermore, contracting directly with a turn-key vendor eliminates additional overhead costs bid by a general contractor.

The proposed contract fully complies with the Competitive Bidding and Living Wage Ordinances. The contractor has indicated the awarding of this contract will result in no new hires to the present workforce. In accordance with the Local Preference provisions of the contract, the contractor is encouraged to recruit Pasadena residents initially and to give them preference, if all other factors are equal, for any new positions generated from this contract.

Shade Structures, Inc. has previously performed work for the City as a subcontractor to install shade structures at Playhouse Village Park playground and Robinson Park basketball courts. Staff has confirmed the contractor's license and their Department of Industrial Relations status is in good standing.

The purchase order contract for Shade Structures Inc. will be set up as follows:

Base Bid	\$ 245,673
Contingency	<u>\$ 36,850</u>
Contract Not-to-Exceed Amount	\$ 282,523

A contingency of 15 percent is allocated to this contract given possible unforeseen conditions that may be encountered. It is anticipated that construction will begin in May 2024 and be completed in July 2024. The proposed dates include the material lead time required for manufacturing and delivery of items.

COUNCIL POLICY CONSIDERATION:

This proposed purchase is consistent with the City Council's goal to improve, maintain, and enhance public facilities and infrastructure.

ENVIRONMENTAL IMPACT:

The contract award has been determined to be categorically exempt under the CEQA Guidelines in accordance with Title 14, Chapter 3, Article 19, Section 15301, Class 1, minor alterations of existing public facilities involving negligible or no expansion of use beyond that previously existing at the time of the lead agency's determination. There are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances.

FISCAL IMPACT:

The total cost of this construction contract including contingency is \$282,523 and the total cost of this action is not-to-exceed \$312,523. Funding for this action will be addressed by the utilization of existing budgeted appropriations in the *Citywide Parks Playground Shade Structure Installations – Phase 1* (78084) CIP project. There is no impact to the General Fund, as this project is fully funded by Residential Impact Fee and Los Angeles County Measure A funds. It is anticipated that all costs will be expended in FY 2025.

The following table represents a contract summary.

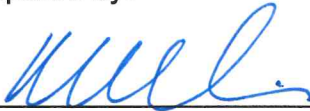
Base Bid	\$ 245,673
Contingency	\$ 36,850
Contract Administration/Inspection	\$ 30,000
Total Fiscal Impact	\$ 312,523

Respectfully submitted,



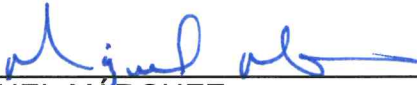
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