



Staff Report

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**File #:** 21-0660

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**REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 07/07/2021

**TO:** Honorable Mayor and City Council Members

**FROM:** Public Works Department

**SUBJECT:**

Award of Contract to Aguilar and Calderon Corporation for the Citywide Parks ADA Hardscape Improvements.

**EXECUTIVE SUMMARY:**

This action is to approve an award of Notice Inviting Bids ("NIB") 21-075HC for the Citywide Parks ADA Hardscape Improvements - Year 2 Project. This project consists of making repairs and alterations to the parking lots, sidewalks, and areas of decomposed granite at five (5) parks to enhance accessibility in compliance with the Americans with Disabilities Act ("ADA").

**RECOMMENDED ACTION:**

**That the City Council:**

- a. Adopt the Plans and Specifications for the Citywide Parks ADA Hardscape Improvements - Year 2 Project, Notice Inviting Bids 21-075HC.
- b. Award Notice Inviting Bids 21-075HC for the Citywide Parks ADA Hardscape Improvements - Year 2 Project to Aguilar and Calderon Corporation of Whittier CA, the lowest responsive, responsible bidder, for a total not to exceed amount of \$438,290 and waive any and all minor irregularities in the bidding document as submitted by said bidder.
- c. Authorize the City Manager, or his designee, to execute a contract with Aguilar and Calderon Corporation of Whittier, CA, in the amount of \$438,290.
- d. Authorize the City Manager, or his designee, to negotiate and execute non-substantive extensions, amendments and change orders up to ten percent of the project cost, which is equivalent to \$43,829.

- e. Authorize the Purchasing Manager to issue a purchase order to Aguilar and Calderon Corporation in the amount of \$438,290.

**BACKGROUND & HISTORY:**

In 1990, the United States Congress passed the first Americans with Disabilities Act (ADA). The ADA was the first civil rights law that was created to address the needs of people with disabilities by prohibiting discrimination in employment, public services, public accommodations, and telecommunications. The law consists of five titles that address different areas: Title 1 - Employment, Title II - Public Services, Title III - Public Accommodations, Title IV - Telecommunications, and Title V - Miscellaneous Provisions. In 1991 the first regulations were issued and became effective in 1992. ADA mandates reasonable accommodation for individuals with disabilities to ensure they have the same opportunities and access to programs and facilities as those without disabilities.

The City is primarily responsible for compliance with Title II standards, which address Public Services. Both the Federal government and the State of California have issued and amended Title II standards over the years that set building and public facility requirements for accessibility. These standards include requirements for the display of appropriate signage, accessible stalls within parking lots, accessible routes to and surfacing under playgrounds and amenities, and fixture heights, specific hardware, and clearances to ensure access to public restrooms. The City is currently in the process of making ADA improvements at 33 City parks over a five (5) year period. The first four (4) parks to be completed were Citrus, Mountain Gate, Promenade, and Santana Parks. This project is for five (5) parks in the second year and includes: Victoria, Ontario, Lincoln, Ridgeline, and Cresta Verde Parks.

**ANALYSIS:**

The proposed project is for improvements to the five (5) parks mentioned above. Improvements generally consist of modifying parking lot signage and striping, removing and replacing concrete sidewalks, installing compliant ramps and handrails, and refurbishing decomposed granite to improve maneuverability.

The Public Works Department issued NIB 21-075HC for this project. The bid was posted for the project on the City's PlanetBids bidding website and advertised in the Sentinel Weekly on May 12, 2021. A total of 111 contractors were solicited, and eleven (11) bids were received by the June 7, 2021 due date and time. The results of the bids are as follows:

Vendor	City	Total Bid Amount
<b>Aguilar &amp; Calderon Corporation</b>	<b>Whittier, CA</b>	<b>\$438,289.38</b>
Towo Enterprise Inc.	Fullerton, CA	\$562,155.00
C.S. Legacy Construction, Inc.	Chino, CA	\$683,533.05
Horizons Construction Company	Orange, CA	\$693,000.00
Gentry General Engineering, Inc.	Rancho Cucamonga, CA	\$711,476.36
CEM Construction Corporation	Montebello, CA	\$736,452.50
PUB Construction, Inc.	Diamond Bar, CA	\$849,826.00
MLC Constructors, Inc.	Wildomar, CA	\$995,341.10
Act 1 Construction, Inc.	Norco, CA	\$1,027,290.00
CT&T Concrete Paving Inc.	Diamond Bar, CA	\$1,184,936.80
Nationwide Contracting Services, Inc.	Fountain Valley, CA	\$1,552,179.00

The Engineer's estimate is \$464,150. Aguilar & Calderon Corporation of Whittier, CA is the apparent low bidder, with a bid submission of \$438,290. The total bid amount included three bid alternative schedules, which were used to determine the lowest bidder. All alternative bid schedules are proposed to be awarded at this time. Staff recommends that the City Council award the project to Aguilar & Calderon Corporation of Whittier, CA, in the amount of \$438,290.

Staff is also requesting authorization to approve change orders up to ten percent of the contract. The additional change order allowance is requested in the event that some unforeseen condition or circumstance arises that must be remedied.

#### **COMMITTEE ACTION:**

The overall five-year Citywide Park ADA Project was presented to the Parks and Recreation Commission on May 8, 2019, and the Public Services Committee on June 5, 2019, and was approved to proceed.

#### **FINANCIAL IMPACT:**

There is currently a Capital Improvement Project ("CIP") for this project, No. 68690, for Citywide ADA Improvements. CIP 68690 has a current balance of \$1,485,315 and is sufficient for awarding of NIB 21-075HC.

#### **ENVIRONMENTAL ANALYSIS:**

This action is categorically exempt pursuant to Section 15301 of the Guidelines for the California Environmental Quality Act (CEQA), which states that the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical

equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the CEQA determination, and is therefore exempt from CEQA. This action involves minor repairs and upgrades to existing restrooms for accessibility improvements. Therefore, no environmental analysis is required, and staff has filed a Notice of Exemption with the County of Riverside.

**PREPARED BY:** TRACY MARTIN, UTILITIES PROJECT MANAGER

**REVIEWED BY:** SAVAT KHAMPHOU, ACTING PUBLIC WORKS DIRECTOR

**Attachments:**

1. Exhibit 1 - Contract