



## Legislation Details (With Text)

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**Title:** City Council consideration of approval of award of Notice Inviting Bid ("NIB") 20-060HC for Citywide American with Disabilities Act ("ADA") Park Improvements Project.

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Staff Report, 2. Exhibit A - Surfacing Layouts, 3. Contract

Date	Ver.	Action By	Action	Result
7/15/2020	1	City Council	approved	Pass

### **AGENDA REPORT REQUEST FOR CITY COUNCIL ACTION**

**DATE:** 07/15/2020

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

**FROM:** Public Works Department

**SUBJECT:**

City Council consideration of approval of award of Notice Inviting Bid ("NIB") 20-060HC for Citywide American with Disabilities Act ("ADA") Park Improvements Project.

#### **RECOMMENDED ACTION:**

##### **That the City Council:**

- a. Adopt the Plans and Specifications for the Citywide ADA Park Improvements Project.
- b. Award NIB 20-060HC for the Citywide ADA Park Improvements Project to Ortco, Inc., of Orange, California, in the amount of \$453,750.00.
- c. Authorize the City Manager to execute a contract with Ortco, Inc., in the amount of \$453,750.00, and approve necessary change orders up to ten percent (10%) of the contract amount.

- d. Authorize the Acting Public Works Director and City Attorney to negotiate and execute any amendments to this agreement which are either non-substantive or otherwise in compliance with the City Council's actions hereunder.
- e. Authorize the Purchasing Manager to issue a purchase order to Ortco, Inc., in the amount of \$453,750.00, in accordance with duly authorized and executed agreements.

### **ANALYSIS:**

Since the 1990 passage of the ADA, the United States Congress has passed various laws to address the needs of people with disabilities. As part of ADA law, reasonable accommodation for individuals with disabilities must be made to ensure that they have the same opportunities and access to programs and facilities as those without disabilities. The City of Corona ("City") is responsible for compliance with Title II standards of the ADA and has a transition plan to accomplish the mandates of the ADA. However, after an ADA lawsuit alleged non-compliance at various City parks, the City entered into a settlement agreement for various improvements at the City's parks over the next five years. A "Citywide ADA Park Improvements" project was created and has been included in the Fiscal Year 2021 Capital Improvement Projects Budget for this purpose.

As part of these improvements, accessible routes to playgrounds must be installed or corrected to allow for accessible routes to certain ground level and elevated play components, as well as providing accessible entry and exit points to the playground area. City staff worked with a local landscape architect firm, BMLA, Inc., to develop the required surfacing and ramps for four playgrounds at Citrus, Ontario, Promenade, and Victoria Parks. These playgrounds are in the first and second year of the ADA settlement agreement. While there are other playgrounds scheduled in the first two years of the agreement, the surfacing for those parks is being addressed as part of related projects to replace the playground equipment, such as in the case of Lincoln and Santana Playgrounds.

Attached to this staff report are exhibits which outline the areas that will receive surfacing for each park playground. The surfacing at Ontario, Promenade, and Victoria Parks meets the minimum requirements for access. Areas that do not receive surfacing at Ontario, Promenade, and Victoria Parks will have bark mulch installed. The surfacing at Citrus Park provides rubberized surfacing to the whole playground for three main reasons: 1) Citrus Park is a community park; 2) the proximity of the playground to the Citrus Park Splashpad; and 3) the playground equipment at Citrus Park has an expected useful life ("EUL") that matches the EUL of the surfacing. Community parks such as Citrus Park generally have more patrons and, therefore, more amenities than smaller neighborhood parks. Children often traverse between the splashpad and playground equipment freely, but the current surfacing material at the playground is comprised mostly of bark mulch. Replacing mulch with rubberized surfacing will help reduce injuries to children's bare feet and provide a more cohesive design for the area. While Promenade Park is also a community park, there currently are no replacement parts available for the playground as it is approaching the end of its useful life. Therefore, it is not financially prudent to install complete surfacing at Promenade Park at this time, but this can be done in the future when the playground equipment is ready to be replaced.

This project was initially bid as NIB 20-041HC on March 11, 2020 and advertised in the Sentinel Weekly and the construction trade journals specified in § 22036 of the Act on March 11, 2020. A

total of 27 prospective bidders registered for the project bid through the City's PlanetBids website. Six bids were received by the due date and time of April 1, 2020 at 12:00 p.m. The results of the bids were as follows:

<b>Vendor</b>	<b>City</b>	<b>Total Bid Amount</b>
<b>Next Stage Engineering</b>	<b>Fresno, CA</b>	<b>\$445,000.00</b>
Leonida Builders, Inc.	Santa Clarita, CA	\$462,092.00
RE Schultz Construction, Inc.	Orange, CA	\$487,318.00
Environmental Construction, Inc.	Woodland Hills, CA	\$518,836.00
BNC Construction, Inc.	Artesia, CA	\$529,700.00
California Landscape & Design, Inc.	Upland, CA	\$599,580.00

However, the lowest and second lowest bidders, Next Stage Engineering and Leonida Builders, Inc., were both found to be non-responsive for failure to submit all required information and forms as specified in the bid documents by the due date and time. Due to the cost difference of \$42,318.00 between Next Stage Engineering and the next responsive, responsible bidder, RE Schultz Construction, Inc., City staff opted to reject all of these bids and conduct the bidding process again in order to secure the lowest possible cost.

Subsequently, a second bid for the installation of rubberized surfacing was issued as NIB 20-060HC on May 20, 2020 and advertised in the Sentinel Weekly and the construction trade journals specified in § 22036 of the Act on May 20, 2020. A total of 29 prospective bidders registered for the project bid through the City's PlanetBids website. Six bids were received by the due date and time of June 17, 2020 at 2:00 p.m. The results of the bids are as follows:

<b>Vendor</b>	<b>City</b>	<b>Total Bid Amount</b>
<b>Ortco, Inc.</b>	<b>Orange, CA</b>	<b>\$453,750.00</b>
R E Schultz Construction, Inc.	Orange, CA	\$479,995.00
Micon Construction, Inc.	Placentia, CA	\$524,412.00
California Landscape & Design, Inc.	Upland, CA	\$535,185.00
C.S. Legacy	Chino, CA	\$596,058.00
Horizons Construction Company	Orange, CA	\$697,000.00

Ortco, Inc., of Orange, California is the apparent lowest responsive and responsible bidder, with a bid submission of \$453,750.00. Public Works recommends that the City Council award the project to Ortco, Inc., of Orange, California in the amount of \$453,750.00. All licenses and references for

Ortco, Inc., have been reviewed and verified by City staff and all other documentation is in order.

**COMMITTEE ACTION:**

This 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.

**STRATEGIC PLAN:**

This item supports the City's Strategic Plan Goal 1: Promote Public Safety: Protect our Residents and Businesses; Objective C: Ensure adequate funding for investments and improvement in infrastructure that support public safety. The recommended action will help achieve these goals by installing rubberized surfacing for ADA accessibility at existing playgrounds at Citrus, Ontario, Promenade, and Victoria Parks.

**FISCAL IMPACT:**

Funding for this project is available in the "Citywide ADA Improvements" Capital Improvement Project (68690). There are sufficient funds available in the project for the recommended action.

**ENVIRONMENTAL ANALYSIS:**

This action is categorically exempt pursuant to Sections 15302 and 15303 of the Guidelines for the California Environmental Quality Act (CEQA), which states that the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity is exempt from CEQA, and Section 15303, which states that the construction or installation of small new equipment and structures is exempt from CEQA. This action will authorize the replacement of playground surfacing at four parks in Corona - Citrus, Ontario, Promenade, and Victoria Parks - with existing playground equipment. The surfacing will serve the same purpose and capacity as the existing playground surfacing but will enable better accessibility. Therefore, no further environmental analysis is required.

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

**REVIEWED BY:** TOM KOPER, P.E., ACTING PUBLIC WORKS DIRECTOR

**REVIEWED BY:** SCOTT BRIGGS, PURCHASING SPECIALIST V

**REVIEWED BY:** KIM SITTON, ACTING ADMINISTRATIVE SERVICES DIRECTOR

**REVIEWED BY:** ROGER BRADLEY, ASSISTANT CITY MANAGER

**SUBMITTED BY:** JACOB ELLIS, CITY MANAGER

**Attachments:**

1. Exhibit A - Surfacing Layouts
2. Contract