



## Legislation Text

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

DATE: 1/15/2020

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

**SUBJECT:**

City Council consideration of an agreement with Kompan, Inc., in the amount of \$171,551.37 for the purchase of Inclusive Playground Equipment for the Capital Improvement Project No. 7381 titled "Santana Park Accessible Playground."

**RECOMMENDED ACTION:**

That the City Council:

1. Make a determination under Corona Municipal Code (CMC) Section 3.08.140 (C) that competitive bidding is not required for the purchase of inclusive playground equipment for Santana Park based upon the fact that a competitive bid procedure has been conducted by another public agency.
2. Authorize the City Manager, or Acting Public Works Director, to execute the attached Sales Proposal with Kompan, Inc., for the purchase of inclusive playground equipment for Santana Park.
3. Authorize the Purchasing Manager to issue a purchase order to Kompan, Inc., in the amount of \$171,551.37 as an exception to bid per CMC Section 3.08.140 (C) and approve necessary change orders or amendments up to the amount provided by CMC 3.08.080 (i).

**ANALYSIS:**

On July 19, 2017, a series of resolutions, Resolution Nos. 2017-058 through 2017-061, were adopted by the Corona City Council. Collectively, these resolutions established Community Facilities District (CFD) No. 2017-2 (Valencia/Seville), approved a funding and acquisition agreement, called an election and declared the results of said election for the property known as Tract No. 37057. CFD 2017-2 was formed for the purpose of financing public facilities and services necessary for the development of Tract No. 37057 by the developer, VD Corona Kellogg, LLC. Tract No. 37057, which consists of 92 single family detached homes, is located at the northeast corner of Santana Way and

Kellogg Avenue, adjacent to Santana Park. Based on the proximity of the new tract to Santana Park and potential for increased activity at Santana Park, \$400,000 of the funding and improvements identified in the funding and acquisition agreement were set aside for improvements at Santana Park to meet the increased demands of Tract No. 37057.

During approximately the same time period as the establishment of CFD 2017-2, the City of Corona (City) was negotiating a settlement stemming from a lawsuit regarding Americans with Disabilities Act (ADA) compliance. In 1990, the United States Congress passed the first ADA, the first civil rights law created to address the needs of people with disabilities by prohibiting discrimination in employment, public services, public accommodations, and telecommunications. 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. Due to the high cost of implementing many of these standards, the City created a transition plan and timeline to accomplish these mandates. To settle the lawsuit, the City entered into a settlement agreement that required various ADA improvements at 33 City parks over a five-year period. One of the improvements identified in the settlement agreement was the installation of an accessible playground at Santana Park. The funding from CFD 2017-2 dedicated for facilities at Santana Park would be utilized to install the accessible playground at Santana Park.

Early in 2019, City staff identified a need to replace the aging playground equipment at Lincoln Park, and through local partnerships decided to install an inclusive playground. Inclusive playgrounds are different than traditional or accessible playgrounds in that the playground is designed to truly engage all individuals, with and without disabilities, in the activity of play. As part of the Lincoln Park Playground Replacement Project, the City conducted public outreach which included two meetings and an online survey to receive feedback from the community regarding needs at an inclusive playground. The most common ideas focused on providing themed and imagination-based play, a place for both interactive play and socialization, and providing the opportunity and equipment that would allow for independent play. Other topics of concern included having a variety of activities and equipment, different areas for children of varying ages, shade and safety.

The City worked with a local landscape architect firm, BMLA, Inc., to come up with a final design for the Lincoln Park Playground that most accurately captured the community's vision. Based on the results of that same survey and the positive response from the community to the final design of the Lincoln Park playground, staff and BMLA began work on the design of the Santana Park Playground, envisioned to be a sister-playground to Lincoln Park. The resulting design is a pirate-themed adventure. The play elements are mostly ground level and provide an opportunity for group play. In addition, installation of rubberized surfacing will allow children with mobility issues to independently navigate the playground. The final design is illustrated on Exhibit "A" of this report.

### **Basis for Exception to Competitive Bidding**

The project qualifies for an exception to competitive bidding pursuant to Corona Municipal Code ("CMC") Section 3.08.140 (C), which states as follows:

"(C) Competitive bidding already completed. When the purchasing agent and the authorized contracting party, with the approval of the City Manager, determines that:

- (1) A competitive bid procedure has been conducted by another public agency including, but not limited to, another local agency, the state through the California Multiple Award

Schedule (CMAS), the federal government through the General Services Administration (GSA), the U.S. Communities Government Purchasing Alliance, or the Western States Contracting Alliance (WSCA); and

- (2) The price to the City is equal to or better than the price to that public agency.”

A Request for Proposal (RFP) process was conducted by another public agency for the playground equipment utilized in the design of the Santana Park Playground. On January 25, 2017, the City of Charlotte, North Carolina, issued RFP #269-2017-028 for playground equipment, outdoor fitness equipment, surfacing, site accessories, and related products and services. The City of Charlotte, acting as the lead agency, competitively solicited and awarded a contract to Kompan through this process, and subsequently designated U.S. Communities as the administrative and marketing conduit for the distribution of its contract to participating public agencies. The City of Corona is a participating public agency that is a member of the U.S. Communities Government Purchasing Alliance. The agreement between the City of Charlotte and Kompan, Inc., is attached as Exhibit “C.” Additional documentation, including the RFP document, can be found online at <https://www.omniapartners.com/publicsector/contracts/supplier-contracts/kompan-inc>. The RFP was sent to 18 different companies and advertised publicly. Five companies responded to the RFP. All proposals received through this process were reviewed and scored by the U.S. Communities Advisory Board Members, which includes 30 agencies consisting of cities, counties, states, and various universities and school districts. Multiple awards were issued as a result of the process, to GameTime and Kompan.

The RFP conducted by the City of Charlotte leveraged the buying power of multiple agencies, and therefore achieved the same or better pricing than the City of Corona would have obtained through a similar process. The resulting pricing in the U.S. Communities Contract results in list pricing less 10%, with additional volume discounts. By utilizing the U.S. Communities program, the City of Corona is saving \$15,297.92 off list price. As such, pursuant to CMC Section 3.08.140 (C), the City Manager and the City’s Purchasing Agent recommend that a determination be made that competitive bidding is not required for the purchase of the playground equipment from Kompan, Inc., because a formal competitive bid procedure was conducted by the City of Charlotte in 2017 and a five-year contract with annual renewals was awarded to Kompan, Inc.

The Sales Proposal attached as Exhibit “B” will form the agreement between the City and Kompan, Inc., for the purchase of the inclusive playground equipment. The Sales Proposal incorporates the terms and conditions of the agreement between the City of Charlotte and Kompan, Inc., by reference, such that the established pricing structure set forth in the contract between Kompan and the City of Charlotte will apply and will result in a price to the City that is equal to the price to the City of Charlotte.

#### **COMMITTEE ACTION:**

This item was taken to the Parks and Recreation Commission on August 14, 2019 and November 13, 2019, as well as the Public Services Committee on September 4, 2019, as part of a presentation on project updates and upcoming playground replacements. Both the Commission and Committee recommended the project for City Council approval.

#### **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 accessible playground equipment at Santana Park. It further supports Strategic Plan Goal 4: Actively engaging in public and private partnerships to provide services and amenities. Corona partnered with the community to receive input on play activities and equipment that are desirable and will encourage active play among all abilities.

**FISCAL IMPACT:**

Funding for this project has been included in the “Santana Park Accessible Playground” Capital Improvement Project in the adopted Fiscal Year 2019-20 budget. There are sufficient funds available in the project for this purchase.

**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 purchase of inclusive playground equipment that will replace existing playground equipment at Santana Park, which will serve the same purpose and capacity as the existing playground equipment. 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

**SUBMITTED BY:** JACOB ELLIS, CITY MANAGER & EXECUTIVE DIRECTOR

**Attachments:**

1. Exhibit A - Santana Park Playground Concept and Layout
2. Exhibit B - Sales Proposal with Kompan, Inc.
3. Kompan / U.S. Communities Agreement