



Legislation Text

File #: 23-1085, **Version:** 1

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SUBJECT: Request Authorization to Waive the Competitive Bidding Process for Community Park 42 (CP-42) and Single Source the Remainder of the Work as Approved by the Merced City Council for the Construction of the Second Phase of Development at Community Park 42 (CP-42), Including the Approval of Contract Change Order No. 2 on Project Number CP220061 - Community Park 42 (CP-42) in the Amount of \$1,532,539 for Additional Work

REPORT IN BRIEF

Staff request authorization to waive the competitive bidding requirements for CP-42 and single source the remainder of the work as approved by City Council for the construction of the second phase of development at CP-42, and request Council approve Contract Change Order No. 2 for additional site grading; installing the electrical for irrigation controls, lights, and field lights; installing storm drain and irrigation for the two extra soccer fields and landscaping, sidewalks, and basketball courts; and contract quantity adjustments in the amount of \$1,532,539.

RECOMMENDATION

City Council - Adopt a motion:

- A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210; and,
- B. Approving Contract Change Order No. 2 with American Paving Co. in the amount of \$1,532,539 and adding 40 working days for the change in scope of work; and,
- C. Authorizing the City Manager to execute the necessary documents; and,
- D. Authorizing the Finance Officer to make any necessary budget adjustments.

ALTERNATIVES

- 1. Approve, as recommended by staff; or,
- 2. Approve, subject to conditions other than recommended by staff (identify specific findings and or conditions amended to be addressed in the motion); or,
- 3. Deny; or,
- 4. Refer to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
- 5. Continue to a future meeting (date and time to be specified in the motion).

AUTHORITY

Charter of the City of Merced, Article XI, Section 1109 - Contracts on Public Works, Merced Municipal Code Chapter 3.04, Article IV - Public Works Contracts, and City of Merced Charter Section 3.04.210 - Exemptions from Competitive Bidding.

CITY COUNCIL PRIORITIES

As provided for in the 2023-24 Adopted Budget.

DISCUSSION

During the December 6, 2021, Public Hearing, City Council adopted the American Rescue Plan Act (ARPA) Strategic Investment Plan that included an allocation of \$5,000,000 to fund the Community Park 42 Regional Sports Facility. The allocation of ARPA funds was approved by City Council on April 18, 2022.

On May 2, 2022, City Council accepted and appropriated grant funds in the amount of \$177,952.00 from State of California - Natural Resources Agency Department for the development of two restrooms at Community Park-42. The grant requires matching funds in the amount of \$44,488.00 from the City of Merced.

On April 17, 2023, City Council approved a Memorandum of Understanding (MOU) Between the City of Merced and the Merced County Office of Education (MCOE) to Accept \$650,000 to Install a Futsal Court at Community Park 42 Regional Sports Facility and Award Bid the base bid to American Paving Co. for the Community Park 42, Project Number CP220061, in the Amount of \$5,800,580.70.

The awarded contract with American Paving Company included all work proposed as Phase 1 of the project, two soccer fields, a section of parking lot, a futsal court, two tennis and pickleball courts, sand volleyball courts, and some connecting walkways.

On September 5, 2023, City Council approved Contract Change Order No. 1 in the amount of \$1,365,524.00 for the award of the following bid schedules:

- Bid Schedule B - extra sidewalks and concrete work, picnic tables, landscaping, and site grading.
- Bid Schedule C - electrical feeder to the shade structure, picnic tables, and the 50'x100' shade structure.
- Bid Schedule D - additions sidewalk and flatwork, picnic tables, electrical feeder to the shade structure, and excluded the 30'x30' shade structure due to budgetary reasons.
- Bid Schedule F - adding lights to the parking lot and surrounding areas.

Contract Change Order No. 2 is necessary and allows the contractor to continue to construct the project without delays and pose additional cost to the City for remobilization and extra trenching work. The additional work includes, site grading, installing the electrical for irrigation controls, lights, and field lights, installing storm drain, irrigation for the two extra soccer fields and landscaping, sidewalks, and basketball courts. The change order also accounts for some unit price quantities from the original contract. In most cases the unit prices for Change Order No. 2 are as good as or better than the original bid due to quantity increases.

Additional work will still be necessary to complete the overall project such as field lights, chain link

fence, field markers benches, soccer goals, soils preparation, turf hydroseeds, shrubs, trees, landscape maintenance, and unforeseen items.

Staff is currently seeking authorization to waive the competitive bidding process to single source the remainder of the work for construction of the second phase of development and is seeking additional funding sources to complete the project, and recommends Council approve Contract Change Order No. 2 to allow the contractor to continue work to avoid any work stoppages.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed.

ATTACHMENTS

1. Contract Change Order No. 2
2. Original Contract & Change Order No. 1
3. Presentation