



## Legislation Details (With Text)

**File #:** 18-438      **Version:** 1      **Name:**  
**Type:** Report Item      **Status:** Passed  
**File created:** 8/24/2018      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency  
**On agenda:** 9/17/2018      **Final action:** 9/17/2018

**Title:** SUBJECT: Waiving Competitive Bidding Requirements, Supplemental Appropriation from General Fund and/or Park Reserve Fund, and Approval of a Cooperative Purchasing Agreement with Park Associates, Inc. (doing business as NSP3) Through the California Multiple Award Schedule (CMAS) for the Purchase and Installation of Playground Equipment at Applegate Park

### REPORT IN BRIEF

Considers waiving competitive bidding requirement based on cooperative purchasing through CMAS and approving a supplemental appropriation from the General Fund and/or Park Reserve Fund to award a contract to Park Associates, Inc., (doing business as NSP3), in the amount of \$307,509.71 for the purchase and installation of playground equipment at Applegate Park.

### RECOMMENDATION

City Council - Adopt a motion:

A. Approving a supplemental appropriation in the amount of \$337,510 from the General Fund and/or Fund 442 Park Reserve and authorizing the Finance Officer to make the appropriate budget adjustments based on the final funding as determined by the City Council for the Applegate Park Playground Equipment Replacement Project 118040; and,

B. Waiving the competitive bidding requirements and awarding the CMAS Contract to Park Associates, Inc., DBA NSP3, in the amount of \$307,509.71, for the Applegate Park Playground Equipment Replacement Project 118040; and,

C. Authorizing the City Manager or Assistant City Manager to execute the necessary documents and approve change orders not to exceed the total budget appropriations.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Statement of Services, 2. Presentation

Date	Ver.	Action By	Action	Result
9/17/2018	1	City Council/Public Finance and Economic Development Authority/Parking Authority/Successor Agency to the Redevelopment Agency	approved	Pass

*Report Prepared by: Ken F. Elwin, PE, Director of Public Works*

**SUBJECT: Waiving Competitive Bidding Requirements, Supplemental Appropriation from General Fund and/or Park Reserve Fund, and Approval of a Cooperative Purchasing Agreement with**

Park Associates, Inc. (doing business as NSP3) Through the California Multiple Award Schedule (CMAS) for the Purchase and Installation of Playground Equipment at Applegate Park

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- B. Waiving the competitive bidding requirements and awarding the CMAS Contract to Park Associates, Inc., DBA NSP3, in the amount of \$307,509.71, for the Applegate Park Playground Equipment Replacement Project 118040; and,
- C. Authorizing the City Manager or Assistant City Manager to execute the necessary documents and approve change orders not to exceed the total budget appropriations.

## ALTERNATIVES

1. Approve, as recommended by Staff; or,
2. Approve, subject to conditions outlined by Council; or,
3. Deny or,
4. Refer to staff for reconsideration of specific items; or,
5. Continue to a future meeting.

## AUTHORITY

Charter of the City of Merced, Section 200.

Merced Municipal Code Section 3.04.210 - Exemptions from Competitive Bidding, provides that waivers from competitive bidding may be authorized for cooperative purchasing in conjunction with other governmental agencies. The California Multiple Award Schedules (CMAS) is a type of cooperative purchasing that authorizes the State and local agencies to contract with CMAS awarded suppliers without further competitive bidding [Public Contract Code Sections 10298, subd. (a) and 10299, subd. (a).]

## CITY COUNCIL PRIORITIES

The Council considered the replacement of the Applegate Playground Equipment a top Council Priority.

## DISCUSSION

The project consists of, in general, the design and installation of new play equipment and new poured

-in-place rubber surfacing with base layer, as well as all project closeout, cleanup, and corrective work. The approximate playground area is 4,273 square feet and is located within Applegate Park at the northwest corner of West 25<sup>th</sup> and P Streets.

In August 2018, staff solicited Request for Proposals for the Applegate Park Playground Equipment Replacement Project through the California Multiple Award Schedule (CMAS) delivery method. By utilizing a CMAS contract, the City will realize a saving on the play equipment pricing of 10% to 15%. Also, the overall costs would be reduced by eliminating the general contractor's markup on the playground equipment cost. The City has used this process in the past with great success.

Staff received only one proposal from Park Associates, Inc., DBA NSP3, for the playground replacement project.

The proposal was evaluated by staff. Evaluation criteria included, but was not limited to: quality of design, play value, quality and durability of equipment, uniqueness, compliance with the Americans with Disability Act (ADA) and other standards, as well as the reliability and customer service of the manufacturer. Ultimately, NSP3's proposal meets the needs of the City and staff recommends awarding the contract.

The following is the proposed budget for the project:

Construction	\$307,509.71
Contingency (Engineering, Testing & Inspection)	\$30,000.29
<b>TOTAL:</b>	<b>\$337,510.00</b>

## HISTORY AND PAST ACTIONS

The Applegate Park play equipment was installed in February 1997. Over the years, there have been various repairs to the equipment, which include replacing components, such as slides, swings, etc., at the park. Unfortunately, the play equipment met its useful lifespan and was removed in January 2018.

Staff sought out various structure design options for replacing the playground equipment. The options were presented at multiple town hall and City Council meetings, and members of the public were invited to provide input on their preferred option. Ultimately, the woodland/jungle design theme, along with inclusive play elements, was selected by Council.

## IMPACT ON CITY RESOURCES

A supplemental appropriation from the General Fund and/or Fund 442 Park Reserve is required. Council shall determine the proportionate split between the General Fund and the Park Reserve Fund 442.

## ATTACHMENTS

1. Statement of Services
2. Presentation