



## Legislation Text

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**File #:** 21-0249, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Erick Lee, Public Works Director

Prem Kumar, City Engineer

Anastasia Seims, Senior Civil Engineer

**SUBJECT:**

Consideration of the Following Regarding the Polliwog Park Lower Playground Replacement Project:

- a) A Resolution Awarding an Agreement to Landscape Support Services for \$1,309,484.50 for Construction of the Polliwog Park Lower Playground Replacement Project; Approving the Plans and Specifications for the Project; Authorizing the City Manager to Approve Additional Work if Necessary up to \$165,480.19;
- b) A Resolution Awarding an Agreement to Ardurra Group, Inc. for \$294,100.00 for Inspection and Construction Management on the Project; and
- c) A Resolution Awarding an Agreement to Kompan, Inc. for \$622,105.01 for the Purchase of Play Equipment for the Project and Waiving the Purchasing Procedures to Permit Selection of the Vendor Through a Presentation, Survey, and Selection Process (Public Works Director Lee).

**ADOPT RESOLUTION NOS. 21-0094, 21-0095 AND 21-0096**

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**RECOMMENDATION:**

Staff recommends that the City Council:

- 1. Adopt Resolution No. 21-0094 awarding a construction agreement to Landscape Support Services for \$1,309,484.50 for the Polliwog Park Lower Playground Replacement Project (Project); authorizing the City Manager to approve additional work if necessary up to \$165,480.19; and approving the plans and specifications for the Project;
- 2. Adopt Resolution No. 21-0095 awarding a professional services agreement to Ardurra Group, Inc. for \$294,100.00 for inspection and construction management on the Project; and
- 3. Adopt Resolution No. 21-0096 awarding a purchase agreement to Kompan, Inc. for \$622,105.01 for the purchase of play equipment for the Project and waiving the City purchasing procedures to permit the selection of the vendor through a presentation, survey, and selection process.

**FISCAL IMPLICATIONS:**

This Polliwog Park Lower Playground Replacement Project was approved with the 5-Year Capital Improvement Program (CIP) with a total budget of \$2,600,000.

The project is partially funded by grant funds which includes Los Angeles County Regional Parks and Open Space District (LA County RPOSD) Proposition (Prop) A Maintenance and Servicing (M&S) funds in the amount of \$672,615; LA County RPOSD Prop A funds in the amount of \$150,000; and LA County RPOSD Measure A M&S funds in the amount of \$65,567. These funds are confirmed and available for use on the Project. Staff will be applying to receive additional LA County RPOSD Measure A funding allocations in the amount of \$272,753 and State of California Parks & Water Bond 2018 Proposition 68 Per Capita Grant (CA State Parks Prop 68) funding allocations in the amount of \$199,995. These funds are committed to the City but it requires paperwork in order to receive them. These additional allocations will reduce the City's contribution from the CIP Fund.

There are sufficient funds available to complete the scope of work. The Budget and Expenditure Summary is attached.

### **BACKGROUND:**

The original larger playground equipment next to the pond in Polliwog Park was built by members of a city service group in the 1970's and included a large sunken wooden galleon. In 2003, the play structure was replaced with modernized equipment.

The existing playground equipment and padded surface have reached the end of their useful life. They are in a state of disrepair due to the extensive wear and tear of heavy, regular use by the public over the last 17 years. Due to safety concerns, the existing play equipment has been placed off limits to users.

In the spring of 2019, the City held community meetings and requested public input on playground equipment designs from four different playground equipment manufacturers. As a result of this process, a playground design by Kompan, Inc. was selected for a revitalized Polliwog Park Playground at the Parks and Recreation Commission on June 24, 2019.

On April 20, 2020, the City awarded a design contract to SWA Group. The design was completed and includes the following scope of work:

- Replace the existing play equipment with equipment that can withstand flooding from the pond while maintaining the natural theme of Polliwog Park.
- Provide full Americans with Disabilities Act (ADA) access to the playground and the play equipment.
- Replace the existing fence surrounding the area designated for smaller, two to five year old children.
- Replace the play area padded surface.
- Provide additional site drainage and landscaping between the play area and the pond as an additive bid item.
- Provide shade structures over the play area as an additive bid item.

On September 15, 2020, the City authorized the submittal of an application for CA State Parks Prop 68 funds and the submittal of an application for a LA County RPOSD Prop A funds.

### **DISCUSSION:**

## Construction Bids

Bids for the Polliwog Park Lower Playground Replacement Project were solicited in July 2021 on a competitive basis in accordance with the provisions of the California Public Contract Code. The project bid was advertised in the Beach Reporter, which is the City's publisher of record, on PlanetBids, and was listed on the City's website.

A total of three competitive bids were received and opened on August 23, 2021. The bid results are as follows:

<b>Contractor</b>	<b>Total Bid Amount</b>
Landscape Support Services	\$1,309,484.50
OakWest Services, Inc.	\$1,482,111.32
KASA Construction, Inc.	\$1,720,324.00

Staff reviewed Landscape Support Services' contractor license and found it to be in order. Additionally, references indicate the contractor has the knowledge and capability to complete the work in a timely and acceptable manner.

All bid packets were analyzed for arithmetical errors, completeness, accuracy, etc. Landscape Support Services' bid packet did not include additional evidence indicating the capacity of the person signing the Bid to bind the Bidder and did not include a completed copy of the Designation of Subcontractors form, but the information required in the Designation of Subcontractors form was submitted in the Subcontractors List section of PlanetBids that is part of the submitted bid packet. In consultation with the City Attorney's Office, it was determined that the late submittal of evidence of signature authority and the completed copy of the Designation of Subcontractors form are immaterial deviations for the purposes of considering its bid as responsive.

Polliwog Park is a detention basin, and the Project site and available equipment and materials storage area is within that detention basin. Since the detention basin will flood with sufficient rainfall and, due to the location of the Project site and storage area within the detention basin, the work, equipment and materials may come in contact with, or be submerged in water, causing damage or destruction to the work, equipment and materials in the event of a large rain event. As such, the Contractor must provide a Builder's Risk Insurance Policy at its own cost and expense, and is responsible for properly protecting and storing any work, equipment and/or materials, and shall bear the risk of repairs or replacement due to flooding in the detention basin. However, in the event that repairs or replacement is required due to flooding, the construction duration will increase from the currently stipulated 110 working days.

Staff recommends that City Council authorize the City Manager to award a construction contract with Landscape Support Services for \$1,309,484.50 and approve additional work, if necessary, for up to \$165,480.19.

## Construction Management and Inspection Services

In July 2021, the City issued Request for Proposal (RFP) No. E1263-21S for construction management and inspection services for the Polliwog Park Lower Playground Replacement Project. A total of four proposals were received by the August 24, 2021, deadline. Each proposal was evaluated and ranked by the City's evaluation committee based on the proposer's understanding of

the scope of services, proposed methodology and work plan, and experience of both the firm and the project team members. The City's evaluation committee included Parks & Recreation and Public Works staff.

Ardurra Group, Inc. submitted the most responsive and comprehensive proposal. The firm's assigned staff has relevant experience and its proposal demonstrated a superior understanding of the key project tasks and constraints. The recommended award of \$294,100 will cover the expected costs for the scope outlined in the RFP, which includes construction management and inspection services during the construction phase of the Project. Per Government Code Section 4526, Professional Services Consultants are selected based on qualifications.

Key services to be provided by Ardurra Group, Inc. include:

- Full-time inspection of construction activities.
- Ongoing review and oversight of the construction schedule and budget.
- Responding to contractor questions, requests for information, and issues that arise in the field during construction.
- Materials testing and inspection.
- Coordinating between the contractor and City staff.

Staff recommends that City Council authorize the City Manager to award a professional services agreement for construction management and inspection services with Ardurra Group, Inc. for \$294,100.

### **Play Equipment**

Four playground equipment manufacturers presented design concepts to, and received feedback from, staff and the public during a community meeting on April 29, 2019. After addressing the comments received, these manufacturers created potential designs that were presented to the Parks & Recreation Commission on May 23, 2019. Because two of the manufacturers were ranked equally, staff posted a survey on Open City Hall to receive community input on the top two manufacturers. The survey results showed that the majority of community responses favored Kompan, Inc. as the equipment manufacturer. This result was presented to the Parks & Recreation Commission on June 24, 2019, and Kompan, Inc. was selected as the playground equipment manufacturer. This selection of Kompan, Inc. as the playground equipment manufacturer requires the waiver of City purchasing procedures to permit the selection of the vendor through a presentation, survey, and selection process.

In January 2020, the City issued RFP No. 1235-20 for design services for the preparation of design plans that replace the existing equipment with the selected playground equipment manufactured by Kompan, Inc., provide full ADA access to the playground and the play equipment, replace the existing fence surrounding the area designated for two to five year old children, replace the play area surfacing, and address site drainage issues. SWA Group, Inc. was awarded the Project and completed the design with the selected play equipment incorporated.

The purchase of the play equipment is not included in the construction contract so that the City can procure such items without incurring an additional markup from the construction contractor. Since the original quote was provided two years ago, and due to cost impacts related to COVID-19, the cost of

the play equipment has increased by approximately 8.5% from \$573,255.46 to \$622,105.01. Additionally, since the play equipment is manufactured in Europe, and due to impacts related to COVID-19, the delivery timeline for the equipment (starting from the date the order is placed) has increased from a range of 20 - 22 weeks to 24 - 26 weeks. With a construction contract duration of 110 working days, which is approximately 22 weeks, starting from the execution of the contract and upon notice from the City, the purchase of the play equipment is time sensitive and could impact the construction duration in the event of any delays to the delivery of the play equipment.

Staff recommends that City Council authorize the City Manager to purchase play equipment from Kompan, Inc. for \$622,105.01 and waive the City purchasing procedures to permit the selection of the vendor through a presentation, survey, and selection process.

### **Anticipated Schedule**

It is anticipated that construction activities for the Polliwog Park Lower Playground Project will commence in November 2021 and will be completed by May 2022. Allowable construction hours will be from 7:30 AM to 4:30 PM, Monday through Friday, excluding City observed holidays.

### **PUBLIC OUTREACH:**

On April 29, 2019, four playground equipment manufacturers presented design concepts to and received feedback from staff and the public during a community meeting. The meeting was publicly noticed through social media, Parks & Recreation e-blasts, and Manhattan Beach Unified School District newsletters. An ad was also placed in The Beach Reporter regarding community input for the project.

The four manufacturers created potential designs that were presented to the Parks & Recreation Commission on May 23, 2019. Because two of the manufacturers were ranked equally, staff posted a survey on Open City Hall to receive the community's input on the top two manufactures. The survey inviting the community to select a final design was posted twice on Open City Hall in 2019: May 9 through May 23, and June 7 through June 19. Ads were placed in The Beach Reporter and the project was marketed through social media and e-blasts. The survey results showed that the majority of community responses favored Kompan, Inc. as the equipment manufacturer. This result was presented to the Parks & Recreation Commission on June 24, 2019.

Once the construction phase begins, public outreach will include an initial project construction notice mailed to nearby residents and periodic updates at construction milestones on the City website.

### **ENVIRONMENTAL REVIEW:**

The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to Section 15302(b) (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 as the structure replaced) of the State CEQA Guidelines. A Notice of Exemption will be filed with the Los Angeles County Clerk's Office for the Project.

### **LEGAL REVIEW:**

The City Attorney has approved the agreements as to form.

### **ATTACHMENTS:**

1. Resolution No. 21-0094
2. Agreement - Landscape Support Services
3. Bid Proposal
4. Plans and Specifications (Web-Link Provided)
5. Resolution No. 21-0095
6. Agreement - Ardurra Group, Inc.
7. Resolution No. 21-0096
8. Agreement - Kompan, Inc.
9. Budget and Expenditures Summary
10. Location Map
11. PowerPoint Presentation