



## AGENDA REPORT

**Meeting Date:** September 23, 2014

**Item Number:** E-9

**To:** Honorable Mayor & City Council

**From:** Alan Schneider, Director of Project Administration *AS*

**Subject:** APPROVAL OF THE AWARD OF CONTRACT TO C.S. LEGACY CONSTRUCTION, INC. FOR THE ROXBURY PARK PLAYGROUND RENOVATION PROJECT; AND APPROVING PLANS AND SPECIFICATIONS THEREFOR; AND  
APPROVAL OF PURCHASE ORDER TO C.S. LEGACY CONSTRUCTION, INC. FOR THE CONTRACT WORK IN THE TOTAL AMOUNT OF \$1,065,626

**Attachments:**

1. Form of Contract
2. Bid Summary Sheet

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### **RECOMMENDATION**

Staff recommends that the City Council move to approve the award of contract to the lowest responsible bidder C.S. Legacy Construction, Inc., for the Roxbury Park Playground Renovation Project in the amount of \$969,626; approval of Alternates #1, #2, #3 and #4; approval of a construction contingency in the amount of \$96,000 and delegation of the authority to approve change orders to the Director of Capital Assets Department as provided in Beverly Hills Municipal Code Section 3-3-111; approval of the plans and specifications for the Project, dated July 10, 2014, with respect to design criteria; and approval of a purchase order in the amount of \$1,065,626.

### **INTRODUCTION**

In May 2012, the City Council directed staff to address the needs at Roxbury Park to include a new Community Center, site improvements for the athletic field, improvements to the park restroom, and renovation of the playground area. A new Community Center, field irrigation and drainage, and new park restroom building have been completed and are in use by the public.

The proposed project consists of renovation of the playground area including replacement of the play equipment and site improvements.

## **DISCUSSION**

The playground renovation design was reviewed at various stages by the Recreation and Parks Commission (RPC), as well as the Council Liaison Committee as a part of the upgrades at Roxbury Park. The RPC discussed the playground improvements and selection of equipment at 10 public Council/RPC liaison committee meetings and 18 public Commission meetings from February 2012 to September 2014. In addition, the Commission took 2 field trips to multiple area playgrounds to assess vendor quality and owner experiences, and observed children using the play equipment and engaged parents in their opinions of what is preferred. The recommended play equipment by Kompan was unanimously supported by the Commission for Roxbury Park.

Upon direction to proceed, staff engaged the services of landscape architecture firm, Community Works Design Group, to prepare the construction plans and specifications suitable for public bidding. The construction documents specify a base bid and seven alternates bid items to provide the option to adjust the project cost.

The base bid includes the procurement and installation of new play equipment; removal of the sand base and replacement with poured-in-place rubber matting; construct a new 8 feet wide walkway with benches around the perimeter; and new trash receptacles.

The seven bid alternates are described as follows:

- Alternate #1 – install new water/sand play area
- Alternate #2 – install shade sails over play equipment
- Alternate #3 – install shade canopies over swing set
- Alternate #4 – install new picnic pavilion
- Alternate #5 – cost savings for not removing the play equipment
- Alternate #6 – substitute artificial turf for the poured-in-place rubber matting
- Alternate #7 – substitute wood fiber surfacing for the poured-in-place

The City sought to obtain bids from experienced building contractors for the construction. A prequalification procedure was utilized following the State guidelines. Among the items that the procedure required was construction experience in several recent, local, and similar completed projects. The process was advertised in the Beverly Hills newspapers and the construction documents were posted on the City's website.

Seven firms applied for prequalification. After examination of the submissions and through an objective scoring system, staff prequalified four firms.

On July 31, 2014, three bids were received as follows:

	Base Bid	Total Alt. Bids	Total Comp. Delay	Total Bid Amount
C.S. Legacy Construction	\$618,882	\$243,938	0	\$862,820
Micon Construction	\$638,191	\$266,488	\$12,600	\$917,279
Environmental Construction	\$788,000	\$173,741	\$5,000	\$966,741

The bid documents specify that the low bidder is determined by the sum of the Base Bid, total of all alternate bids, and the compensable delay cost for twenty days. The bids were reviewed and the lowest responsible bidder is C.S. Legacy Construction, Inc. The bid also required the bidders to indicate the cost for the Kompan play equipment as part

of the base bid. The low bidder's play equipment cost is \$130,352 plus \$78,354 for installation for a total of \$208,706.

At the August 26, 2014 meeting of the Recreation & Parks Commission staff presented the bid results and reviewed the various elements of the low bidder's base bid and alternate bids. The commission unanimously endorses the project to include:

- New playground equipment and site improvements (Base Bid)
- New water/sand play area (Alternate #1)
- Shade sails over play equipment (Alternate #2)
- Shade canopies over swing set (Alternate #3)
- New picnic pavilion (Alternate #4)

A meeting on September 11, 2014 of the Council/Commission liaison committee comprised of Mayor Bosse, Council member Mirisch, Commissioner Friedman and Commissioner Bilak was held to affirm the recommendation of the Recreation & Parks Commission. The liaison committee supports the project as presented and to submit to the full City Council for the award of contract.

Therefore, staff recommends acceptance of the base bid with alternates #1, #2, #3 and #4, resulting in a construction award amount of \$969,626. A contingency for the project is recommended to cover unforeseen conditions in the amount of \$96,000 (approximately 10% of the contract amount). Expenditures from the contingency are made utilizing the Change Order process in the Municipal Code upon adequate written justification and substantiation. Bid alternates #5, #6 and #7 are not accepted for the following reasons:

Alternate #5 requested a cost savings for not removing the play equipment as part of the contract work. The non-profit organization, Kids Around the World recycles playgrounds that have been donated for children in underprivileged areas. The organization removes the equipment, refurbishes and then ships it overseas to other countries. In accordance with direction from the previous liaison committee, staff obtained advice from the City Attorney's office that disposing of the equipment in this manner is permissible and paperwork will be submitted to indemnify the City from any future obligations or liabilities. As currently planned the equipment removal will be done on a weekend to facilitate interest from the community. This alternate was developed in response to this plan for re-cycling the existing play equipment. However, in lieu of accepting Alternate #5, a deductive change order for \$4,750 will be executed upon removal of the play equipment by Kids Around the World, thus retaining the contractor's responsibility for this work as a back-up plan if needed.

Alternates #6 and #7 provided options for the basic surfacing in the two playground areas. The base bid calls for a poured-in-place rubber matting surface and the two alternates specified artificial turf and wood fiber chips respectively. The poured-in-place material is highly recommended by staff and is generally considered the preferred surface for playgrounds.

The bid documents specify a 135 day completion period for the contract work. The anticipated project start date is October 2014 with completion in February 2015.

**FISCAL IMPACT**

The total contract amount of \$1,065,626 (including the contingency) has been budgeted for in the FY 14-15 Capital Improvement Program (CIP) budget approved by the City Council for the Roxbury Park Project #0914.

David E. Lightner  
Approved By



# **Attachment 1**

**APPENDIX A**

**FORM OF CONTRACT**

This contract ("Contract") is entered into by and between the City of Beverly Hills ("City"), a California municipal corporation, C.S. LEGACY CONSTRUCTION, INC. a Corporation, whose address is 1461 S. East End Avenue, Pomona, CA 91766.

In consideration of the agreements herein contained, the parties agree as follows:

1. **WORK TO BE PERFORMED.** Contractor shall furnish at Contractor's own expense all labor, materials, supplies, equipment, tools, transportation and other items of expense necessary to complete in a workmanlike manner all Work in accordance with the terms and conditions of the Contract, except for the labor, materials, supplies, equipment, tools, transportation and other items of expense as may be required to be furnished by the City. The Work is defined in detail in the Contract Documents, which govern the interpretation and performance of this Contract, but may be generally described as follows:

**ROXBURY PARK PLAYGROUND RENOVATION PROJECT**

Item Description: Demolition and replacement of existing play areas including new surfacing (interlocking pavers, poured-in-place rubber matting, play sand); play equipment (Kompan, Landscape Structures, Thomas Steele); and below grade misting system at the Roxbury Memorial Park located at 471 S. Roxbury Drive in the City of Beverly Hills.

2. **CONTRACT DOCUMENTS.** This contract consists of this Form of Contract and the following Contract Documents, including all exhibits, appendices, addenda, drawings, specifications and documents therein and attachments thereto, all of which are by this reference incorporated herein and made a part of this Contract:

**SECTION 1: NOTICE INVITING BIDS**  
**SECTION 2: INSTRUCTIONS TO BIDDERS**  
**SECTION 3: SPECIAL CITY REQUIREMENTS**  
**SECTION 4: GENERAL SPECIFICATIONS**  
**SECTION 7: ADDITIONAL FORMS**  
**SECTION 8: GENERAL CONDITIONS**

**APPENDIX A: FORM OF CONTRACT**  
**APPENDIX B: SCOPE OF WORK**  
**APPENDIX C: PAYMENT PROCEDURES**  
**APPENDIX D: BID FORM**  
**APPENDIX E: TECHNICAL SPECIFICATIONS**

as contained in City's Bid Document for Bid No. 14-40, dated July 10, 2014 and

**SECTION 5: BIDDER'S BID**  
**SECTION 6: SIGNATURE PAGE AND LEGAL STATUS**

of Contractor's Bid in response thereto, all of which are incorporated herein by reference, and all of which shall comprise the Contract Documents for this Contract. If any item of the Scope of Work, Payment Schedule, or any other item of the Bid Package is modified by either of the parties or arrived at by negotiation between the parties, that item as finally agreed upon by the parties shall also become a Contract Document, it shall supersede the corresponding item of the Bid Package, if any, and it shall be subject to all terms and conditions of the Contract.

3. PERFORMANCE PERIOD. Contractor shall commence Work after execution of the Contract, and shall complete all Work in 135 calendar days from the date of Notice To Proceed as set forth in the Contract Documents.

4. PAYMENT. City shall pay Contractor as full consideration for the satisfactory performance by Contractor of all Work required under this Contract the sum of Nine Hundred Sixty Nine Thousand Six Hundred Twenty Six Dollars (\$969,626.00), inclusive of Alternate Bids #1, #2, #3 and #4, payable as provided in the Contract Documents.

5. The City Manager or his designee shall administer the terms of the Agreement on behalf of the City.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed as of the date stated below.

DATED: \_\_\_\_\_

CITY OF BEVERLY HILLS  
"City"

\_\_\_\_\_  
LILI BOSSE  
Mayor

ATTEST:

\_\_\_\_\_  
BYRON POPE  
City Clerk

APPROVED TO FORM:

\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

DATED: \_\_\_\_\_

C.S. LEGACY CONSTRUCTION, INC.  
"Contractor"

By: \_\_\_\_\_  
GREGG STRUMPF  
President

By: \_\_\_\_\_  
RICHARD GONZALES  
Secretary

APPROVED AS TO CONTENT:

\_\_\_\_\_  
JEFFREY C. KOLIN  
City Manager

\_\_\_\_\_  
DAVID E. LIGHTNER  
Deputy City Manager/ Dir. of Capital Assets

\_\_\_\_\_  
ALAN SCHNEIDER  
Director of Project Administration

\_\_\_\_\_  
KARL KIRKMAN  
Risk Manager

# **Attachment 2**

