



City of Rialto

Legislation Text

File #: 20-0349, Version: 1

For City Council Meeting [May 26, 2020]

TO: Honorable City Council

APPROVAL: Rod Foster, City Manager

FROM: Savat Khamphou, Public Works Director/City Engineer

Request City Council to 1) Approve Contract Change Nos. 1-25, which includes the elimination of the Basketball/Tennis Courts, with RC Graves Construction; 2) Authorize the City Manager to Approve a Construction Contingency in the amount not to exceed \$300,000 (2%) for any Potential Construction Contract Change Orders, Professional Services, and Related Support Costs; 3) Approve a First Amendment to the Professional Services Agreement with Griffin Structures, Inc. in the Amount not to exceed \$42,000; 4) Approve Purchase Order to West Valley Water District for Permit Fees in the Amount of \$22,011.68 and; 5) Delete the Dog Park as Part of the Frisbie Park Project and defer it to a Future Phase or Separate Project.

(ACTION)

BACKGROUND

Frisbie Park located at 598 E. Easton Street and totals approximately 27.4 acres, consisting of 16.7 acres of developed and 10.7 acres of both undeveloped and underutilized park property. Existing park improvements include three (3) baseball diamonds, three (3) softball diamonds, two (2) basketball courts, a playground area, a pavilion, two (2) concessions facilities, and restroom facilities. An overall layout of the park and Master Plan is included as **Attachment 1**.

On July 12, 2016, the City Council awarded a Professional Services Agreement (PSA) in the amount of \$227,880 to Community Works Design Group, Inc. (CWDG) of Riverside, California, for preparation of Master Plans for expansion of Frisbie Park, and development of Joe Sampson Park.

On May 9, 2017, the City Council made several decisions governing the Frisbie Park Expansion project. First, Council approved the Master Plan for Frisbie Park, which identified in concept, the amenities that the park is to provide to the Rialto community. Second, Council approved the Second Amendment to the Professional Services Agreement with CWDG for Phase II Final Engineering, Landscape Design, and Project Management Services for the Frisbie Park Expansion project. That action authorized CWDG to initiate final design and engineering activities leading to completion of construction documents for the project. This action also included appropriation of an additional \$789,322, to accommodate Phase II design and engineering work by CWDG. Following this approval, CWDG initiated final design of the plans and specifications for the project.

On November 14, 2017, City Council approved a Third Amendment with CWDG, to address ADA path of travel deficiencies within existing portions of the park, outside of the scope of the park

expansion and redevelopment project. The work included in that amendment would bring the remaining 13.2 acres of the existing park into compliance with ADA and California Building Code (CBC) path of travel requirements.

Additionally, under the Third Amendment, CWDG evaluated existing park facility conditions, including dugouts, backstops and fencing, for recommendations regarding replacement and/or compatibility with the park expansion project, but excluded general renovation of the remaining portions of the park.

On February 27, 2018, City Council approved a Phase I contract with Griffin Structures, Inc. (GSI), for a constructability review of the construction documents. That independent review is customary for complex, large or otherwise challenging projects, and generally leads to projects that more closely adhere to project scope, construction delivery schedule, and a reduction of unforeseen conditions affecting project budget.

On June 26, 2018, the City Council authorized release of Request for Bids for construction of the Frisbie Park Expansion. On August 2, 2018, the City received eleven (11) bids for the project. Staff conducted a thorough review of those bids and identified that the three (3) apparent lowest bidders, and three (3) of the remaining bidders, had errors or inconsistencies in their bids. Based on this evaluation, staff recommended that all project bids be rejected, and the project be re-advertised.

On August 28, 2018, the City Council rejected all bids and authorized re-bid of the Frisbie Park Expansion project. On October 18, 2018, the City received eleven (11) bids for the project. During the bid evaluation period, the second low bidder submitted a formal bid protest. Staff and the City Attorney's office evaluated the protest, with the apparent low bidder submitting a rebuttal to the protest. After review of all documents submitted by the apparent low and second low bidder, staff recommended project award to the apparent low bidder. The City Attorney confirmed that the award to the lowest bidder would be appropriate. On November 13, 2018, City Council rejected all bids and authorized re-bid of the Frisbie Park Expansion project.

On November 27, 2018, the City Council authorized release of Request for Bids (RFB) No. 19-056, for the Frisbie Park Expansion Project. On December 19, 2018, the City received eight (8) bids for the project, with RC Graves Construction, Rialto, California, was determined as the apparent low bidder.

On February 12, 2019, City Council awarded the construction contract for site improvements at Frisbie Park to RC Graves Construction (RCG), in the amount of \$15,081,000. The City also approved a transfer of General Fund Reserves to the Park Development Impact Fee Account in the amount of \$17,499,195 to fund the total project cost. As developers pay future Park Development Impact Fees, the City may use impact fees to pay back the general fund advance. Further, the City Council approved a Phase II of the Professional Services Agreement with GSI, in the amount of \$630,165 for Construction Management, Specialty Inspection, and Materials Testing Services for the Frisbie Park Expansion, City Project No. 150304.

On July 9, 2019, the City Council approved a Fourth Amendment to the Professional Services Agreement with CWDG, covering the design of a Dog Park at Frisbie Park in the amount of \$47,845 for a total cumulative contract amount of \$1,491,313. Further, the City Council also authorized issuance of a Purchase Order to Public Restroom Company, Inc. in the amount of \$1,104,945, to

purchase and install two (2) prefabricated buildings for the Frisbie Park Expansion project. These two facilities have recently been installed.

In that same staff report, CWDG provided a concept plan for a Dog Park, reflecting the scope and fee for the design of the Dog Park, and removal of the combined tennis and basketball courts. This design serves both large and small dogs, placing them within separately fenced and adjacent areas. The inclusion of a Dog Park in the park area southerly of Easton Street would require the following changes to the construction documents for the Park:

- Removal of the combined tennis/basketball courts southerly of Easton Street;
- Slight re-grading of the subject area; and
- Reduction in size of the turfed open space area to accommodate inclusion of the dog park.

It was also conveyed in the staff report that the Dog Park conceptual design was shared with the Ad-hoc Committee members and received concurrence from its members to move forward with the Council proposed change to the Frisbie Park amenities. The elimination of the basketball/tennis court and the addition of the dog park was expected to be a cost neutral impact, however, that is not the case with the current design and cost estimates received.

The net project cost supplanting basketball/tennis courts southerly of Easton Street, with a Dog Park, was expected to have a cost neutral impact, due to the offset costs of deleting the tennis and basketball court concrete paving, and replacing with dog park amenities (fencing, surfacing, benches, lights, etc.). Upon completion of the design, staff would return to City Council for approval of a contract change order to enact the change to the project for construction which is currently being brought before the City Council tonight.

ANALYSIS/DISCUSSION

Construction Change Order

On February 12, 2019, the Frisbie Park Expansion project was awarded to RC Graves Construction in the amount of \$15,081,000. There were no change order contingencies for the project. Change Order Nos. 1-5 were approved by prior staff. Change Order Nos. 6, 7, 8, 10, 11, 12, 13 and 15 were also approved by prior staff and recently authorized for payment by the City Manager because the work was completed and the contractor was demanding payment for the work performed. The Public Works Department has now established protocols where no work can be completed until a change order has been properly executed by the appropriate approving authority. For Change Orders 1-20, staff has carefully gone over all the change order requests confirming that justification, negotiations and proper documentation supports the requested change orders. Change orders 21-25 are currently undergoing evaluation, but the costs and credits will not exceed or be reduced, respectfully, beyond the indicated amounts. Contract Change Order Nos. 1-25 are summarized in **Table 1** and described in detailed in **Attachment 2**. The credit balance of \$15,188.51 includes the deletion of the tennis/basketball courts for a credit amount of \$218,158.28 as part of contract change order No. 16.

CCO #	Description	Amount
1	Provided credit for the deletion of the leach field system, septic tank and 6" sewer line. Connection of sewer mainline done under a separate contract.	(\$29,765.45)
2	Revise rebar design of the light poles for proper wind load.	\$14,892.16
3	Provide additional handrails at the long pedestrian ramp South of Easton St. and eliminate the need of handrails at the Eastern basketball court ramp.	\$11,364.61
4	Remove (4) multi-use court sports lights and replace with (3) added Musco sports light at the Dog Park area.	(\$25,136.19)
5	Installation of 8" fire service lateral to connect to the existing 8" A.C.P. waterline and 6" DDCA assembly per West Valley Water District (WVWD) standards and per revised LUT-2 plan approved by WVWD on 01/10/2020 using an approved WVWD contractor. Due to actual field location of existing waterline, the connection will shift 22' to the West on Easton St.	\$28,135.80
6	Re-stake and re-chalk the SCE route at the South side due to conflict with storm drain retention basins and sewer line.	\$2,216.64
7	Increase backstop footings sizes and provide added rebar cages per revised structural calculations for wind load.	\$14,401.18
8	Electrical Investigation for relocating existing underground electrical and pull box to avoid conflict with switchback ramp.	\$1,578.43
9	Provide adjustment to the existing bullpen fencing to allow proper clearance for new concrete flatwork.	\$1,597.40
10	Increase block wall height from Elevation 22.0 to 25.0 for a length of 35 LF.	\$5,903.19
11	Provide added class II base over paving to meet revised finish surface elevation and install new 3" AC over entire lot for one continuous surface.	\$34,329.16
12	Provide realignment to the North Drive Approach due to conflict with existing guy wire. Credit received	(\$3,150.17)
13	Unforeseen Asbestos Pipe. Install approx. of new 6" PVC Irrigation Mainline on the North side in lieu of Existing Mainline.	\$29,965.36
14	Provide added removable Tennis posts sleeves.	\$530.47
15	Remove and re-install on-site sewer line with revised invert elevations and provide two added cleanouts.	\$21,573.69
16	Deletion of Tennis Courts South of Easton Street	(\$218,158.28)
17	Provide added Griswold 2000 series master valve at point of connection for the North side of the park as well as added new flow sensor and controller using two wire decoder and pathway as they were not called for in the plans.	\$3,447.05
18	Demo existing septic tank and backfill leach pit. Plans called for abandonment.	\$3,263.11
19	Provide revisions to the irrigation mainline and valves.	\$2,311.66
20	Provide electrical revisions and shade structure column masonry changes per ASI No. 01.	\$55,939.85
21	Relocation of Existing Pull box that Conflicts with Switchback Stairs	\$49,960.67
22	Provide added one Priscilla Mejia Sign / QCP Monument Sign at Southern Softball Field.	\$34,917.38
23	Deletion of the Installation of the Picnic Shelter by the Electrical Enclosure and Deletion of Related Footings	(\$17,400)
24	Deletion of a Section of the Pathway at LG-6 and Adjustment of Landscape and Irrigation	(\$40,000)
25	Provide revised POC for the existing irrigation mainline at the South.	\$2,093.77
	Total Credit	(\$15,188.51)

Table 1 - Contract Change Order Summary**Authorize the City Manager to Approve Contingency Costs of up to \$300,000**

The Frisbie Park project may encounter other potential construction change orders due to field, construction, or design challenges and have cost impacts on the overall construction budget, consultant services, and/or support services related to the project. Staff is requesting Council authorize additional contingency costs be approved by the City Manager in the not-to-exceed maximum amount of \$300,000, approximately 2% of the construction cost. Any contingency costs

that would be expended will include reasons and justifications and be reported and updated on a regular basis to the City Council. The change order for the dog park is not included as part of this contingency request and is being requested separately and discussed later in the report.

Project Schedule

A Notice to Proceed was issued to the contractor on June 12, 2019. The construction duration is 250 working days followed by a plant establishment period of 65 working days. Section 6.7 "Time of Completion" of the project special provisions stipulated a contractual obligation to complete the project in 315 working days, inclusive of 65 working days for the plant establishment period. Due to construction and procurement delays, weather days and unforeseen issues, the schedule will be modified to meet original target obligations. The project schedule milestone is summarized below in **Table 2**:

Project Schedule	
Notice to Proceed	June 12, 2019
Construction Duration	250 Working Days
Substantial Completion	July/August
Plant Establishment	65 Working Days
Final Completion Date	October 2020 (Originally -September 11, 2020)

Table 2 - Construction Schedule

Currently, the project construction is 68% complete. Work in progress includes concrete flatwork, shade structures and trellises, irrigation and planting, fencing, skate park, electrical work, bleachers, play area, multi-use courts, etc. Current project photos are provided as **Attachment 3**.

First Amendment to the Professional Services Agreement with Griffin Structures, Inc.

Griffin Structures', Inc. (GSI) original proposal and contract assumed a construction duration of 12 months during both the contract negotiations and the preconstruction phase of the project. Actual project and Construction Management services, during the various construction phases, extended 2-3 months based upon the contractors schedule and required additional services including specialty inspections. Based on this projection the cost of the services for Griffin Structures Inc. projects a shortfall of \$42,000 which is less than the full cost of three (3) additional months of service. Staff is recommending approval of the First Amendment in the amount not to exceed \$42,000. The First Amendment and supporting documentation from GSI is included as **Attachment 4**.

West Valley Water District Permit Fees

On the approved design plans, the existing water line on Easton Street was identified to be owned by City of Rialto yet was not confirmed at any time during the progress of the project. During construction, it was later identified that West Valley Water District (WVWD) serviced the area and, therefore, a permit fee is required from WVWD. The waterline tie-in and fire service connection work shall be done according standards and approved contractor required by WVWD. The permit fee invoice in the amount of \$22,011.68 from WVWD is included as **Attachment 5**. Staff recommends approval of this payment to WVWD in order to move forward with the service connection.

Delete the Dog Park as Part of the Frisbie Park Project and defer it to a Future Phase or Separate Project.

On July 9, 2019 City Council approved a Fourth Amendment to CWDG's agreement for the design of the Dog Park and removal of the combined tennis and basketball courts. The design serves both large and small dogs, placing them within separately fenced and adjacent areas.

The engineer's base bid cost estimate by CWDG for the dog park is \$206,603.33. Additional upgrades proposed by the designer will increase the cost estimate to \$412,128.33 per **Attachment 6**.

The dog park plans were presented to RC Graves Construction for a contract change order to construct the dog park. A rendering of these plans is included as **Attachment 7**. After several negotiations between the GSI and the contractor, a contract change order in the amount of \$635,439.86 was provided by the contractor for the dog park. With a value engineering alternative which included fencing revision from Ameristar fencing or equal tubular steel fencing to galvanized chain link fencing and deletion of the Reinforced Concrete Pipe tunnel, the contractor provided an alternative contract change order price of \$508,266.42. A rendering of the value engineered dog park is shown in **Attachment 8**. The contractor's RC Graves cost breakdown of the two cost alternatives provided as **Attachment 9**. In addition to the contractor's dog park cost, construction management costs for GSI would increase to an additional \$25,000.

ENVIRONMENTAL IMPACT

Construction of the Project is subject to state environmental review pursuant to the California Environmental Quality Act (CEQA). The City, acting as the lead agency pursuant to CEQA, certified an Initial Study and a Mitigated Negative Declaration (MND) for the Project. The MND was approved by the City on March 20, 2019, and the Notice of Determination recorded with the County Clerk, on March 21, 2019.

GENERAL PLAN CONSISTENCY

Approval of this action complies with the following City of Rialto Guiding Principle:

Our City government will lead by example, and will operate in an open, transparent and responsive manner that meets the needs of the citizens and is a good place to do business.

Goal 2-24: Take advantage of opportunities to increase and enhance open spaces throughout Rialto.

Goal 2-27: Provide a variety of park facilities that meet the diverse needs and interests of the community.

Policy 2-27.1: Establish a Master Plan for Parks and Recreation that achieves a park ratio of 3.0 acres per 1,000 residents, evenly distributes park facilities throughout the community, and contains strategies for funding facilities and maintenance.

Policy 2-27.2: Plan for and designate adequate funding to maintain new and existing parks and facilities.

LEGAL REVIEW

The City Attorney has reviewed and supports this staff report.

FINANCIAL IMPACT

As of May 12, 2020, the project budget is \$20,114,017 of which \$18,265,190 of actual expenditures are on record, leaving a remaining balance of approximately \$1,848,827 as shown in the **Table 3** below. Sufficient funding is available in the budget for the request for approval from City Council for Contract Change Order Nos. 1 thru 25; First Amendment to GSI's PSA in the amount of \$42,000; WVWD Permit Fees in the amount of \$22,011.68; and authorization to the City Manager in the amount of \$300,000 for contingencies, as well as any potential construction contract change orders, professional services, and related support costs.

Table 3 - Project Budget Summary

Frisbie Park Expansion--Project No. 150304			
<i>Sources of Funds</i>	<i>Budget</i>	<i>Encumbrances / Actuals</i>	<i>Account No.</i>
General Capital Funds	\$2,614,822	\$ 1,189,722	300-500-8150-3001
Park Development Impact Funds	\$17,499,195	\$ 17,075,468	210-500-4760-3001
Total Sources of Funds:	\$20,114,017	\$18,265,190	
<i>Uses of Funds</i>	<i>Budget</i>	<i>Encumbrances / Actuals</i>	<i>Account No.</i>
Soft Budget Costs			
01 Design	\$ 1,078,917	\$ 1,189,722	300-500-8150-3001
04 Administration	\$ 225,000	\$ 140,767	210-500-4760-3001
13 Overhead Allocation	\$ 40,000	\$ 576	210-500-4760-3001
15 Construction Support	\$ 30,000	\$ 22,508	210-500-4760-3001
16 Construction Management	\$ 800,000	\$ 704,475	210-500-4760-3001
Construction Budget Costs			
Construction Contract (Site)	\$ 15,081,000	\$ 15,081,000	210-500-4760-3001
Prefabricated Buildings	\$ 1,150,000	\$ 1,104,945	210-500-4760-3001
Construction: DIF	\$ 188,195	\$ 21,197	210-500-4760-3001
Construction: General Funds	\$ 1,520,905	\$ -	300-500-8150-3001
Total Uses of Funds:	\$ 20,114,017	\$ 18,265,190	

Licensing:

Prior to execution of the Professional Service Agreement/Purchase Order/Construction

Contract/Amendment, the vendor shall submit a business license application and pay the appropriate Business License tax, as well as Administration and State fees.

RECOMMENDATION:

Staff recommends that the City Council:

- 1) Approve Contract Change Nos. 1-25, which includes the elimination of the Basketball/Tennis Courts, with RC Graves Construction;
- 2) Authorize the City Manager to Approve a Construction Contingency in the amount not to exceed \$300,000 for any Potential Construction Contract Change Orders, Professional Services, and Related Support Costs;
- 3) Approve a First Amendment to the Professional Services Agreement with Griffin Structures, Inc. in the Amount not to exceed \$42,000;
- 4) Approve Purchase Order to West Valley Water District for Permit Fees in the Amount of \$22,011.68; and
- 5) Delete the Dog Park as Part of the Frisbie Park Project and defer it to a Future Phase or Separate Project.