

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Patrick Thomas, Director of Public Works/City Engineer

**DATE:** February 27, 2024

**SUBJECT:** Award Construction Contract to Ace Capital Engineering for the American with Disabilities Act Transition Plan Implementation Project, PW18-16

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**PREPARED BY:** Nino Abad, Senior Civil Engineer  
Laura Bragg, Associate Engineer II

**RECOMMENDATION:** That the City Council:

1. Award a construction contract to Ace Capital Engineering in the amount of \$356,528.53 for the American with Disabilities Act Transition Plan Implementation Project, PW18-16; and
2. Authorize the City Manager to approve contract change orders up to 15% of the contract amount, \$53,479.28; and
3. Make a finding that the American with Disabilities Act Transition Plan Implementation Project, PW18-16, project is exempt from Multiple Species Habitat Conservation Plan fees.

**BACKGROUND:** On September 12, 2023, City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for American with Disabilities Act (ADA) Transition Plan Implementation Project, PW18-16.

As part of the Capital Improvements Program and Budget for Fiscal Year 2020-24, the City Council approved appropriations to support an Americans with Disabilities Act (ADA) Transition Plan Implementation Program. The project would implement the recommended improvements identified in the previously completed Americans with Disabilities (ADA) Transition Plan. The ADA Transition Plan prioritized the removal of identified barriers preventing disabled persons access to City facilities and programs. Each Fiscal Year the City utilizes the available budget to implement the ADA Transition Plan.

The Americans with Disabilities Act (ADA) Transition Plan Implementation Project, PW18-16, includes four new ADA accessible dugouts at the Ronald Reagan Sports Park North/South Baseball Fields, an ADA accessible ramp from Margarita Road to the North/South Baseball Fields,

ADA parking lot reconfiguration, and modifications to sidewalks.

The construction contract was publicly advertised between December 15, 2023, and January 11, 2024. Three (3) bids were received and publicly opened on Thursday, January 11, 2024.

The results were as follows:

<b>Rank</b>	<b>Bidder</b>	<b>Bid Amount</b>
1.	Ace Capital Engineering	\$ 356,528.53
2.	Aster Construction Service Inc.	Non-Responsive
3.	HZS Engineering Inc.	Non-Responsive

The bid submitted by Aster Construction Services Inc. did not include acknowledgement of Addendum #1 or Addendum #2, which is required to be submitted with the bid packet, so the bid was deemed non-responsive.

HZS Engineering Inc. failed to submit the required exhibits for the CDBG funding, which is required to be submitted with the bid packet, so the bid was deemed non-responsive.

Ace Capital Engineering, of Lake Forest, California, did not sign Addendums #1 and #2 but acknowledged the Addendums on page P6 of the proposal. This clerical omission is deemed a waivable minor irregularity. Therefore, it has been determined that Ace Capital Engineering is the lowest responsive and responsible bidder. Ace Capital Engineering has public contracting experience and has successfully completed similar public projects. Staff has received a bid evaluation memorandum from the City's CDBG consultant which verifies that Ace Capital Engineering bid submittal meets CDBG requirements.

The Engineer's Estimate of construction cost was \$275,000. The construction contract allows for 60 working days (approximately 3 months) to construct the Project.

The Ronald Reagan Sports Park North/South baseball fields have never received renovation such as the ones being proposed. Renovation projects of older facilities often uncover additional deficiencies during construction that would need to be remedied. As such, staff is requesting the approval of a 15% contingency instead of the 10% normally requested.

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Integrated Project (RCIP) to conserve open space, nature preserves and wildlife to be set aside in some areas. It is designed to protect over 150 species and conserve over 500,000 acres in Western Riverside County. The City of Temecula is a permittee to the MSHCP and as such is required to abide by the Regional Conservation Authority's (RCA) MSHCP Mitigation Fee Implementation Manual adopted by Resolution 2020-013 on December 7, 2020. The RCA is a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP.

Since July 1, 2008, the RCA has required that locally funded Capital Improvement Projects contribute applicable MSHCP fees within 90-days of construction contract award. Fees outside the public right of way are calculated on a cost per acre of disturbed area basis, while fees for typical right-of-way improvements projects are 5% of construction costs. Maintenance only projects, such as this project, are exempt from MSHCP fees.

**FISCAL IMPACT:** The Americans with Disabilities Act (ADA) Transition Plan Implementation is identified in the City's Capital Improvement Program, Fiscal Years 2024-28, and is funded with Community Development Block Grant (CDBG) and Measure S. Adequate funds are available in the project account to cover the contract amount of \$356,528.53 plus the 15% contingency amount of \$53,479.28 for a total encumbrance of \$410,007.81.

**ATTACHMENTS:**

1. Contract
2. Project Description
3. Project Location