

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

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

DATE: May 14, 2024

SUBJECT: Award Construction Contract to Act 1 Construction, Inc., for the Pickleball Court Project, PW21-03

PREPARED BY: Avlin Odviar, Principal Civil Engineer
Samantha Preciado, Assistant Engineer II

RECOMMENDATION: That the City Council:

1. Approve the appropriation of \$261,000 of DIF - Quimby funds to the Pickleball Court Project, PW21-03; and
2. Award a construction contract to Act 1 Construction, Inc., in the amount of \$2,408,434.95 for the Pickleball Court Project, PW21-03; and
3. Authorize the City Manager to approve construction contract change orders up to 10% of the contract amount, \$240,843.50; and
4. Make a finding that the Pickleball Court Project, PW21-03 is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: On February 27, 2024, the City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for the Pickleball Court Project, PW21-03.

The Pickleball Courts Project is a parks/recreation project that will include the construction of a 17-court pickleball facility to replace the existing turf soccer field, also known as “The Pit”, at Ronald Reagan Sports Park.

Base Bid - Includes seventeen (17) dedicated concrete pickleball courts (16 standard and 1 championship/ADA) with colored court surfacing, surrounded by a 10-ft-high chain link fence with windscreen. The facility also includes 3.5-ft-high interior chain link fencing to separate courts and contain ball play, outdoor amenities such as a prefabricated shade structure, spectator area, outdoor furniture, and a designated area for portable restrooms with a hand-washing station. Four existing Musco lights will be protected in place and re-focused to light the new facility. The facility will be ADA accessible and comply with

current ADA standards. The parking lots will consist of gravel surfacing with solar-powered security lights.

Additive Alternative No. 1 - Modifies the Base Bid by replacing the westerly parking lot surfacing with asphalt concrete and installing additional solar-powered security lights.

Additive Alternative No. 2 - Modifies the Base Bid by replacing the easterly parking lot surfacing with asphalt concrete and installing additional solar-powered security lights.

The construction contract was publicly advertised March 25, 2024, through April 23, 2024. Eight (8) bids were received and publicly opened on Tuesday, April 23, 2024. The results were as follows:

Rank	Bidder	Base Bid Amount
1.	Act 1 Construction	\$1,937,230.95
2.	Bogh Engineering	\$1,939,330.54
3.	CS Legacy Construction, Inc.	\$2,097,997.03
4.	Wheeler Paving Inc.	\$2,113,623.00
5.	Urban Habitat	\$2,125,946.25
6.	Los Angeles Engineering Inc.	\$2,459,000.00
7.	Tovey/Shultz Construction, Inc.	\$2,783,030.25
	Hellas Construction	Non-Responsive

Hellas Construction, Inc. has been deemed non-responsive as they did not meet the 50% minimum requirement for work needed to be performed by the prime contractor.

Staff has reviewed the bid proposals and found Act 1 Construction, Inc., of Norco, California to be the lowest responsible bidder. Act 1 Construction, Inc., has public contracting experience and has successfully completed similar projects for the City and other public entities.

The recommended Contract amount of \$2,408,434.96 includes the Base Bid (\$1,937,230.95), Additive Alternate No. 1 (\$228,343.00), and Additive Alternate No. 2 (\$242,861.00).

The Engineer's Estimate of construction cost was \$1,980,000.00 for the Base Bid, \$226,000.00 for Additive Alternate #1, and \$244,000.00 for Additive Alternate #2, for a total of \$2,450,000.00. The construction duration is estimated to be 85 working days (approximately 4 months).

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Intergrated 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 improvement projects are 5% of construction costs. In this case, the Project is a rehabilitation to an existing development project that does not result in additional usable area and as such, it is exempt from MSHCP fees.

FISCAL IMPACT: The Pickleball Court Project, PW21-03 is included in the City's Capital Improvement Program (CIP) budget for Fiscal Years 2024-28. The source of funds are Measure S and Developer Impact Fees (DIF). With approval of the appropriation of \$261,000.00 in DIF – Quimby funds, there will be sufficient funds to cover the contract amount of \$2,408,434.95 plus 10% contingency of \$240,843.50, for a total amount of \$2,649,278.45. There are sufficient funds in Quimby – Park Improvement Program project for the transfer.

ATTACHMENTS:

1. Contract
2. Project Description
3. Project Location