

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

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

DATE: March 26, 2024

SUBJECT: Award Construction Contract to Land Forms Landscape Construction, Inc. for the Dog Park Renovation at Michael “Mike” Naggar Community Park Project, PW21-14

PREPARED BY: Nino Abad, Senior Civil Engineer
Kellen Freeman, Assistant Engineer

RECOMMENDATION: That the City Council:

1. Award a construction contract to Land Forms Landscape Construction, Inc. in the amount of \$608,420 for the Dog Park Renovation at Michael “Mike” Naggar Community Park Project, PW21-14; and
2. Authorize the City Manager to approve construction contract change orders up to 10% of the contract amount, \$60,842; and
3. Make a finding that the Dog Park Renovation at Michael “Mike” Naggar Community Park Project, PW21-14, project is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: The Dog Park Renovation at Michael “Mike” Naggar Community Park (Project) is a park and recreation project that will include the addition of 2 separated off leash dog pens to separate small dogs from larger dogs. In addition, there will also be benches covered by shade structures in each dog pen for the dog owners to comfortably watch their dogs. Each dog pen will have their own water dispenser with a dog bowl at the bottom of the dispenser. Other improvements include a concrete sidewalk around the perimeter of the park and various landscape improvements.

On May 23, 2023, City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for Dog Park Renovation at Michael “Mike” Naggar Community Park Project, PW21-14.

The construction contract was originally advertised for bid on July 13, 2023. That bid advertisement was cancelled on July 19, 2023 as staff was notified that federal American Rescue Plan Act (ARPA) funds were allocated to the project through the County of Riverside. This required staff to execute the corresponding grant agreement with the County as well as integrate the required federal funding provisions into the contract documents before it could readvertise the construction contract.

The construction contract was publicly readvertised between January 25, 2023, and February 22, 2024. Twelve (12) bids were received and publicly opened on Thursday, February 22, 2024.

The results were as follows:

Rank	Bidder	Bid Amount
1.	Land Forms Landscape Construction, Inc.	\$ 608,420
2.	Leonida Builders Inc.	\$624,800
3.	Seed Landcare Inc.	\$625,116
4.	Roadway Engineering and Construction Corp.	\$693,830
	ABNY General Engineering Inc.	Non-Responsive
	Aneen Construction Inc.	Non-Responsive
	Gentry General Engineering Inc.	Non-Responsive
	HZS Engineering Inc.	Non-Responsive
	JMJ Construction	Non-Responsive
	Southern California Landscape Inc.	Non-Responsive
	Urban Habitat	Non-Responsive
	US Builders & Consultants	Non-Responsive

ABNY General Engineering Inc., Aneen Construction Inc., and MJM Construction did not fully complete the bid sheets so these bids were deemed non-responsive.

Gentry General Engineering and HZS Engineering Inc., did not include the Equal Employment Opportunity (EEO) form for their subcontractors and did not correct this omission in the allotted time frame, so these bids were deemed non-responsive.

Southern California Landscape Inc.'s proposal included subcontracted work in excess of 50% of the total bid amount, so this bid was deemed non-responsive.

Urban Habitat's bid bond was submitted incomplete and without a signature from the surety so this bid was deemed non-responsive.

US Builders & Consultants did not fully complete the EEO form indicating past experience with contracts subject to the EEO provision and did not correct this error in the allotted time frame, so this bid was deemed non-responsive.

Land Forms Landscape Construction, Inc., of Santa Ana, 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 Land Forms Landscape Construction, Inc. is the lowest responsive and responsible bidder. Land Forms Landscape Construction, Inc. has public contracting experience and has successfully completed similar public projects.

The Engineer's Estimate of construction cost was \$650,000. The construction contract allows for 35 working days (approximately 2 months) to construct the Project.

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 improvement projects are 5% of construction costs. In this case, the Project is not located in a MSHCP and includes construction and reconstruction on existing developed land, either circumstance makes this project exempt from MSHCP fees.

FISCAL IMPACT: The Dog Park Renovation at Michael "Mike" Naggar Community Park Project, PW21-14 is included in the City's Capital Improvement Program, Fiscal Years 2024-28, and is funded with Measure S, Proposition 68 grant funding from the California Department of Parks and Recreation, and American Rescue Plan Act (ARPA) federal grant funding administrated through the County of Riverside. Adequate funds are available in the project account to cover the contract amount of \$608,420 plus the 10% contingency amount of \$60,842 for a total encumbrance of \$669,262.

ATTACHMENTS:

1. Contract
2. Project Description
3. Project Location