

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

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

DATE: January 23, 2024

SUBJECT: Award Construction Contract to California Waters Development, Inc., dba California Waters for Community Recreation Center Splash Pad & Shade Structure Project, PW21-07

PREPARED BY: Avlin R. Odviar, Principal Civil Engineer
William Becerra, Associate Engineer II

RECOMMENDATION: That the City Council:

1. Approve the transfer of \$820,000 of Measure S funds from the Community Recreation Center Renovations project, PW19-07 to the Community Recreation Center Splash Pad & Shade Structure project, PW21-07; and
2. Award a construction contract to California Waters Development, Inc., dba California Waters, in the amount of \$1,840,406 for the Community Recreation Center Splash Pad & Shade Structure Project, PW21-07; and
3. Authorize the City Manager to approve construction contract change orders up to 10% of the contract amount, \$184,040.60; and
4. Make a finding that the Community Recreation Center Splash Pad & Shade Structure project is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: On April 25, 2023, the City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for the Community Recreation Center Splash Pad & Shade Structure Project, PW21-07.

The Community Recreation Center Splash Pad & Shade Structure Project, (Project) is an infrastructure project that will include the conversion of the existing kiddie pool into a splash pad and the addition of shade structures.

The construction contract was publicly advertised October 25 through November 30, 2023. Three (3) bids were received and publicly opened on Thursday, November 30, 2023. The results were as follows:

Rank	Bidder	Bid Amount
1.	California Waters Development, Inc.	\$ 1,840,406.00
2.	Armstrong Cal Builders, Inc.	\$ 2,650,000.00
3.	Aster Construction Services, Inc.	Non-responsive

Aster Construction Services, Inc. has been deemed as non-responsive because they did not complete the required Subcontractors List/Bidders List, page P-5 of the contract documents. Staff could not consider a late submission of a completed P-5 Subcontractor List received from Aster Construction Services, Inc. as it would provide an unfair competitive advantage over other bidders. Staff has been in communication with Aster Construction Services, Inc. on this matter and correspondence is attached.

Staff has reviewed the bid proposals and found California Waters Development, Inc., dba California Waters, of Yorba Linda, California is the lowest responsible bidder. California Waters Development, Inc. has public contracting experience and has successfully completed similar projects for the City.

The Engineer's Estimate of construction cost was \$1,102,000.00. The construction contract allows for 120 working days (approximately 6 months) to construct the Project.

The Multiple Species Habitat Conservation Plan (MSHCP) is an element of the Riverside County Intergraded 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 Community Recreation Center Splash Pad & Shade Structure Project, PW21-07 is included in the City's Capital Improvement Program Fiscal Years 2024-28. The source of funds is Measure S. With approval to transfer \$820,000 in Measure S funds, there will be sufficient funds in the project account to cover the contract amount of \$1,840,406.00 plus the 10% contingency of \$184,040.60 for a total encumbrance of \$2,024,446.60. There are sufficient funds in the Community Recreation Center Renovations project for the transfer.

ATTACHMENTS:

1. Contract
2. Project Location
3. Project Description
4. Correspondence with Aster Construction Services, Inc.