

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

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

DATE: May 9, 2023

SUBJECT: Award Construction Contract to Aster Construction Services for the Mary Phillips Senior Center Outdoor Recreational Area, PW22-08

PREPARED BY: Avlin R. Odviar, Principal Civil Engineer
Shawna Bennetts, Associate Civil Engineer

RECOMMENDATION: That the City Council:

1. Award a construction contract to Aster Construction Services, in the amount of \$550,822, for the Mary Phillips Senior Center Outdoor Recreational Area, PW22-08; and
2. Authorize the City Manager to approve contract change orders up to 10% of the contract amount, \$55,082; and
3. Approve an appropriation of \$200,000 from Measure S to the Mary Phillips Senior Center Outdoor Recreational Area, PW22-08; and
4. Make a finding that the Mary Phillips Senior Center Outdoor Recreational Area, PW22-08 is exempt from Multiple Species Habitat Conservation Plan fees.

BACKGROUND: On February 28, 2023, City Council approved the plans and specifications and authorized the Department of Public Works to solicit construction bids for Mary Phillips Senior Center Outdoor Recreational Area, PW22-08 (Project).

The Mary Phillips Senior Center Outdoor Recreational Area is an infrastructure project that includes the construction of an outdoor recreational area behind the Mary Phillips Senior Center. The Project includes three shuffleboard courts, seating areas, shade structures, landscaping, irrigation, perimeter wrought-iron fence/gate, lighting, storage and refuse areas.

The construction contract was publicly advertised between March 14 and April 13, 2023. Two (2) bids were received and publicly opened on Thursday, April 13, 2023.

The results were as follows:

Rank	Bidder	Bid Amount
1.	Aster Construction Services	\$ 550,822.00
2.	C.S. Legacy Construction, Inc.	\$ 557,586.00

Aster Construction Services, of Los Angeles, California is the lowest responsible bidder. Aster Construction Services, Inc. has public contracting experience and has successfully completed similar public projects. Staff has received a bid evaluation memorandum from the City's consultant for the Community Development Block Grant Program (CDBG) which verifies that Aster Construction Services, Inc. bid submittal meets CDBG requirements.

The Engineer's Estimate of construction cost was \$366,000. The construction contract allows for 30 working days (approximately 1.5 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 improvements projects are 5% of construction costs. Rehabilitation or remodeling an existing park, such as this project, is exempt from MSHCP fees.

FISCAL IMPACT: The Mary Phillips Senior Center Outdoor Recreational Area project is included in the City's Capital Improvement Program (CIP) Budget Fiscal Years 2023-27. The sources of funds include CDBG. With the appropriation of \$200,000 from Measure S to this project, adequate funds will be available in the project account to cover the contract amount of \$550,822 plus the 10% contingency amount of \$55,082 for a total encumbrance of \$605,904.

ATTACHMENTS:

1. Contract
2. CIP Budget Sheet