

**CITY OF TEMECULA
AGENDA REPORT**

TO: City Manager/City Council

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

DATE: September 10, 2019

SUBJECT: Award a Construction Contract to American Ramp Company, Inc. for the Construction of the Ronald Reagan Sports Park Pump Track, PW18-04

PREPARED BY: Avlin Odviar, Senior Civil Engineer
Nino Abad, Associate Civil Engineer

RECOMMENDATION: That the City Council:

1. Approve an appropriation of \$160,000 from Quimby Fees to the Ronald Reagan Sports Park Pump Track, PW18-04;
2. Award a construction contract to American Ramp Company, Inc. in the amount of \$366,200.00 for the Ronald Reagan Sports Park Pump Track, PW18-04;
3. Authorize the City Engineer to approve change orders not to exceed the contingency amount of \$38,300.00, which is approximately 10% of the contract amount;
4. Make a finding that the Ronald Reagan Sports Park Pump Track, PW18-04 is exempt from CEQA per Article 19, Categorical Exemption, Section 15301, Existing Facilities, of the CEQA Guidelines.

BACKGROUND: This project will construct a new Pump Track at Ronald Reagan Sports Park at 42569 Margarita Road directly north of the existing Skate Park. The pump track will consist of hard packed dirt with an asphalt cap sculpted into a series of rollers, berms, banked turns, and transitions as well as a concrete launch area. These features are designed to permit a rider to traverse a looped course with minimal pedaling using gravity and momentum to flow through the course.

The Pump Track is approximately 10,387 square feet and will accommodate a wide range of bicycles from smaller BMX bikes to adult-sized mountain bikes, along with riders of all ages, sizes, and skill levels. Construction activities will generally consist of grading, modification to existing irrigation, installation of drainage facilities, placement of asphalt and base materials, and concrete work.

Due to the specialized nature of this work, and relatively few examples of pump tracks being

owned by local agencies nationwide, it was anticipated that few contractors had the expertise in building asphalt pump tracks for a public agency. Therefore, in coordination with the City Attorney's office, staff determined that a prequalification process should be completed ahead of bidding so only contractors meeting the requirements of the prequalification could submit a bid. This would ensure that the contractor was capable of not only constructing a high quality Pump Track, but also able to meet the other requirements of a public works construction contract (i.e., bonding, insurance, labor compliance, prevailing wages, etc.).

The Department of Public Works posted a Request for Qualifications on March 25, 2019 on the City's bid site, PlanetBids. On April 10, 2019, the City received one prequalification submittal. The sole submittal received was from American Ramp Company and staff determined that they met all the prequalification requirements.

On June 11, 2019, the City Council approved the specifications and authorized the Department of Public Works to solicit a construction bid from the prequalified bidder. The construction contract was publicly advertised between July 15 and August 5, 2019. On Thursday, August 5, 2019 the bid period was closed and the City did not receive a bid from the prequalified bidder.

After consultation with the City Attorney's office it was determined that staff could negotiate directly with American Ramp Company per section 22038(c) of the California Public Contracting Code (PCC) which states in part:

"If no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account, or negotiated contract without further complying with this article."

Staff has negotiated a construction contract with American Ramp Company for a total cost of \$366,200.00. American Ramp Company has constructed asphalt pump track facilities for various public and private entities throughout the United States, including tracks used for professional competition.

The project is Categorically Exempt under the California Environmental Quality Act (CEQA). The Notice of Determination was filed with the County of Riverside on May 29, 2019, in compliance with the provisions of Section 21152 of the Public Resource Code.

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) Fee Remittance and Collection Policy adopted by Resolution 07-04 on September 10, 2007. The RCA is a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP.

Beginning July 1, 2008, the RCA will require 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 five percent of construction costs. Construction and reconstruction on existing developed land, such as this project, are exempt from MSHCP fees.

FISCAL IMPACT: The Ronald Reagan Sports Park Pump Track is identified in the City's Capital Improvement Program (CIP) budget for Fiscal Year 2020-24. With the appropriation of \$160,000 from available Quimby fund balance, adequate funds are available in the project account to cover the construction contract amount of 366,200.00 plus the contingency amount of \$38,300.00, for a total amount of \$404,500.00

ATTACHMENTS:

1. Contract
2. Project Description
3. Project Location Map