



# AGENDA REPORT

**Department:** Engineering and Public Works  
**Prepared by:** Luca Zappiello, Associate Engineer - Civil  
**Meeting Date:** Tuesday, November 19, 2024  
**Approved by:** Benjamin A. Martinez, City Manager

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**SUBJECT:**

Awarding a Contract to Dick Miller Inc. for the El Toyon Park Proposition 68 Improvements, CIP No. 22-26.

**RECOMMENDATION:**

Adopt a Resolution entitled, "Resolution of the City Council of the City of National City, California, 1) Rejecting All Bids Received on June 13, 2024, for the El Toyon Park Proposition 68 Improvements, CIP No. 22-26; 2) Awarding a Contract to Dick Miller, Inc. in the Not-to-Exceed amount of \$5,334,781 for the El Toyon Park Proposition 68 Improvements, CIP No. 22-26; 3) Authorizing a 10% Contingency in the Amount of \$533,478 for any Unforeseen Changes; 4) Authorizing the Mayor to Execute the Contract; and 5) Authorizing the Establishment of an Appropriation of \$822,762 in the American Rescue Plan Act Fund for the El Toyon Park Proposition 68 Improvements."

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

The El Toyon Park Proposition 68 Improvements, CIP No. 22-26 includes removal and replacement of the multi-purpose athletic field, sports lighting system, both basketball courts, and playground equipment; new electronic scoreboard; lighting retrofits for the basketball courts, tennis courts, and park restrooms; resurfacing and restriping of the tennis courts; new pickleball courts with fencing and lighting retrofits; new park lighting, walking paths, ADA improvements, and bicycle connections; repaving and restriping of the parking lot on the west side of the park; landscaping and drainage improvements; public safety cameras; park signage; trash receptacles and recycling containers; picnic tables, benches and shade structures.

On March 2, 2021, per City Council Resolution No. 2021-14, City Council authorized staff to submit an application for a Proposition 68 Statewide Park Development and Community Revitalization Program grant for the El Toyon Park Project, and authorized the City Manager to execute the grant agreement. The City was awarded the Proposition 68 grant in the amount of \$5,632,600. On March 7, 2022, the City Manager executed Grant Agreement No. C9803043 with the State of California Department of Parks and Recreation for the Project, effective July 1, 2020.

Staff proceeded with project design based on input from the community. On February 1, 2024, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors, in accordance with the City's Project Labor Agreement (PLA). The bid solicitation was also advertised in the local newspaper.

On March 21, 2024, only one bid was received, which significantly exceeded the engineer's estimate. After reviewing all submitted documents, the bid was determined to be non-responsive and was rejected. The non-responsive bid notice was sent on April 9, 2024.

On May 16, 2024, staff re-advertised the project on PlanetBids, in accordance with the City's PLA. The bid solicitation was also advertised in the local newspaper. On June 13, 2024, two (2) bids were received by the 5:00 p.m. deadline. Both bids received significantly exceeded the engineer's estimate. Staff informed both bidders that the City was rejecting all submitted bids and would be exercising its reserved rights under the PLA to re-advertise the project as a non-PLA project.

On August 1, 2024, staff re-advertised the project as a non-PLA project on PlanetBids, in addition to the local newspaper. On September 11, 2024, eleven (11) bids were received by the 5:00 p.m. deadline. Dick Miller Inc., was the apparent lowest bidder with a total bid amount of \$7,307,474.94. Upon a review of all documents submitted, Dick Miller Inc.'s bid was deemed responsive and they are the lowest responsible bidder qualified to perform the work as described in the project specifications.

The total bid submitted by Dick Miller Inc. exceeds the available budget for the project. Consequently, staff reviewed the project scope to determine which bid items could be removed to get the project within budget. The objective was to keep the elements of the project that were of highest priority to the community. Staff then began negotiations with Dick Miller Inc. regarding the revised scope of work. Both parties ultimately reached an agreement, resulting in a total cost of \$5,334,781. For details on the revised project scope, including bid items that were removed, please refer to Exhibit D.

Based on the results of contract negotiations, staff recommends awarding a contract to Dick Miller Inc. in the not-to-exceed amount of \$5,334,781 and authorizing a 10% contingency in the amount of \$533,478 to address any unforeseen conditions that may arise.

Construction is estimated to start in January 2025 and be completed by December 2025. Updates will be provided on the City's CIP website at: <http://nationalcityprojects.com>.

### **FINANCIAL STATEMENT:**

#### Contract Award

\$822,762 (new appropriation - ARPA Fund)

Expenditure Account No. 117-10-18-18500-7598-1177117 (El Toyon Park Improvements)

\$4,512,019 (funds available through prior appropriations - State Prop 68 Grant)

Expenditure Account No. 296-10-18-18500-7598-6200296 (El Toyon Park Improvements)

#### 10% Contingency

\$533,478 (funds available through prior appropriations - General Fund)

Expenditure Account No. 100-10-18-18500-7598-1500100 (Facility Upgrades CIP)

### **RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Parks, Recreation and Library

### **ENVIRONMENTAL REVIEW:**

Notice of Exemption was filed with the County Recorder's Office on October 24, 2024

**PUBLIC NOTIFICATION:**

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

- Exhibit A – Project Site Plan
- Exhibit B – Bid Opening Summary
- Exhibit C – Three Lowest Bidders Summary
- Exhibit D – Revised Project Scope
- Exhibit E – Contract Agreement
- Exhibit F – Resolution