

RESOLUTION NO. 2024 -

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.

WHEREAS, the El Toyon Park Proposition 68 Improvements, CIP No. 22-26 (“Project”) 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; and

WHEREAS, on March 2, 2021, the City Council adopted Resolution No. 2021-14 authorizing City staff to submit an application for the Proposition 68 Statewide Park Development and Community Revitalization Program (“Proposition 68 Grant”) for the Project, and authorized the City Manager to execute the grant agreement; and

WHEREAS, the City was awarded the Proposition 68 Grant in the amount of \$5,632,600 and, 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; and

WHEREAS, City staff proceeded with Project design based on input from the community; and

WHEREAS, on February 1, 2024, the bid solicitation for the Project was posted on PlanetBids, a free public electronic bidding system for contractors; and

WHEREAS, on February 5th, February 7th, and February 21st, 2024, the bid solicitation was advertised in the local newspaper; and

WHEREAS, on March 21, 2024, one bid was received by the 11:00 a.m. deadline but, upon reviewing all submitted documents, staff rejected the bid as non-responsive as they failed to submit required Post Bid Documents and, in addition, the bid submitted significantly exceeded the engineer’s estimate; and

WHEREAS, as a result of not receiving any responsive bids from the initial solicitation, on May 16, 2024 staff re-advertised the Project on PlanetBids; and

WHEREAS, on May 23rd and May 28th, 2024, the bid solicitation was advertised in the local newspaper; and

WHEREAS, on June 13, 2024, two (2) bids were received by the 5:00 p.m. deadline; and

WHEREAS, both bidders submitted proposals that significantly exceeded the engineer's estimate and, consequently, staff informed both bidders that the City intended to re-advertise the Project as a non-Project Labor Agreement ("PLA") project, exercising the City's reserved rights under the PLA; and

WHEREAS, as a result of the excessive cost of the earlier bids, on August 1, 2024 staff re-advertised the Project on PlanetBids as a non-PLA project; and

WHEREAS, on August 15th and August 20th, 2024, the bid solicitation was advertised in the local newspaper; and

WHEREAS, on September 11, 2024, eleven (11) bids were received by the 5:00 p.m. deadline; and

WHEREAS, upon review of all documents submitted, Dick Miller, Inc.'s bid in the total bid amount of \$7,307,474.94 was deemed responsive and they are the lowest responsible bidder qualified to perform the work as described in the Project specifications; and

WHEREAS, since Dick Miller, Inc.'s total bid exceeds the available budget for the Project, City staff reviewed the Project scope to determine which bid items could be removed to get the Project within budget, with consideration given to keeping the elements of the Project that were of highest priority to the community, and negotiated a revised scope of work with Dick Miller, Inc., resulting in a total contract award of \$5,334,781; and

WHEREAS, City staff recommends 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 revised scope of work 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 Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: That the City Council hereby rejects all bids received on June 13, 2024, for the El Toyon Park Proposition 68 Improvements, CIP No. 22-26.

Section 2: That the City Council hereby authorizes the Mayor to execute the contract with 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.

Section 3: That the City Council hereby authorizes a 10% contingency in the amount of \$533,478 for any unforeseen changes.

Section 4: That the City Council hereby authorizes the establishment of an appropriation in the amount of \$822,762 in the American Rescue Plan Act Fund for the El Toyon Park Proposition 68 Improvements.

Section 5: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED and ADOPTED this 19th day of November, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney