



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Loesch
Jon Cicirelli
Jim Shannon

SUBJECT: See Below

DATE: March 3, 2025

Approved

Date:

3/12/25

COUNCIL DISTRICT: Citywide

SUBJECT: Actions Related to the 8721 - FEMA San José Family Camp Re-Bid

RECOMMENDATION

- (a) Report on bids and award of contract for the 8721 - FEMA San José Family Camp Re-Bid to the lowest responsive, responsible bidder Sinclair General Engineering Construction, Inc., in the amount of \$2,366,156.
- (b) Approve a 10% contingency in the amount of \$236,616.
- (c) Adopt the following Fiscal Year 2024-2025 Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: City-wide Parks Purposes:
 - (1) Increase the 2017 Flood – Family Camp Playground Shade Structure, Retaining Wall, and Slope Stabilization appropriation to the Parks, Recreation and Neighborhood Services Department by \$836,000; and
 - (2) Decrease the Unrestricted Ending Fund Balance by \$836,000.

SUMMARY AND OUTCOME

This memorandum summarizes the bids received and requests the award of a construction contract for 8721- FEMA San José Family Camp Re-Bid (Project).

Approval of the construction contract to Sinclair General Engineering, Inc. will enable the Project to proceed with construction. Approval of a 10% contingency will provide funding for any unanticipated work necessary for the proper construction or completion

of the Project. Approval of the recommended appropriation ordinance amendments will provide additional funding needed for the construction of the Project.

BACKGROUND

The San José Family Camp facility is located on federal US Forest Service land in the Sierra Mountains, between the town of Groveland and Yosemite National Park in Tuolumne County (**Attachment** - Location Map- 8721- FEMA San José Family Camp). The project site is operated and maintained by the City of San José. In 2017, heavy rains from a storm event caused significant damage to specific areas of the San José Family Camp. Repairs included in this project are the rock revetment wall (within the beach and “pool” area) and the playground. The existing play structure and a wooden “Fort” were damaged beyond repair, along with a concrete retaining wall enclosing the play area.

The scope of work will include demolition, mobilization, grading and drainage, paving, renovation of the playground, installation of a prefabricated shade structure and decking, concrete retaining walls, site furnishings, and re-construction of the revetment rock stone wall.

In addition to the repairs, specific American Disability Act upgrades are required as part of this Project. The repairs triggered the California Building Code Chapter 11B, which states that any alteration project could require improvements to access the altered areas. As a result, new American Disability Act accessible pathways, upgrades to the existing parking lot, and accessibility upgrades leading to the fort, beach areas, and existing pavement will be included as part of the scope of work.

This Project was originally advertised in September 2024. A single bid (57% over the Engineer’s Estimate) was received. It was deemed non-responsive for failure to submit a list of designated subcontractors and a properly executed bidder’s bond. The Project was re-bid in December 2024.

Construction is anticipated to begin in the summer of 2025 and be completed in the fall of 2025. Due to the proximity of the Project site to the Tuolumne River, the permitting agencies require that construction be limited to the dry season months of June through October.

ANALYSIS

Bids were opened on January 30, 2025, with the following results.

Contractor	Bid Amount	Variance Amount	Over/(Under Percent)
Engineer's Estimate	\$1,627,000	---	---
Sinclair General Engineering Construction, Inc. (Oakdale)	\$2,366,156	\$739,156	45%
Njirich and Sons, Inc. (Sonora) <i>(non-responsive)</i>	\$2,795,995	\$1,168,995	72%
Sierra Mountain Construction, Inc. (Sonora)	\$2,960,388	\$1,333,388	82%
Suarez and Munoz Construction, Inc. (Hayward) <i>(non-responsive)</i>	\$4,682,980	\$3,055,980	188%

The bids from Njirich and Sons, Inc., and Suarez and Munoz Construction, Inc. were deemed non-responsive for failing to submit a properly completed California Air Resources Board Regulation Compliance form.

The bid received from Sinclair General Engineering Construction, Inc., is considered acceptable for the work involved in the Project. Although there is a 45% variance from the Engineer's Estimate, staff believes that due to the location and nature of the Project, increases in construction costs and competitive bidding climate justify the higher variance. The higher than anticipated costs for temporary creek diversion, which is necessary to divert any water in the pool area during construction, is one example of the unusual scope of work and cost that was underestimated by the consultant.

Sinclair General Engineering Construction, Inc. has not done work with the City of San José. However, staff conducted reference checks to verify that they have completed similar work for other public agencies including a project at Berkeley Tuolumne Camp for the City of Berkeley.

Contingency

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all Public Works contracts except those involving the renovation of a building or buildings. The standard 10 % contingency is appropriate for this Project.

Wage Theft Prevention Policy Check

The Office of Equality Assurance reviewed bidders for compliance with the City's Wage Theft Prevention Policy on January 30, 2025, and again on February 7, 2025. No wage theft issues were identified.

Project Labor Agreement Applicability

The City's Project Labor Agreement is not applicable to this Project. The Engineer's Estimate is over the \$1.21 million Project Labor Agreement threshold, but the Project received an exemption from the Buildings Trade Council because the Project is not in Santa Clara County. The Project is in Tuolumne County, approximately 150 miles away.

Local and Small Business Analysis

The recommended contractor is not a local or small business enterprise. In addition, no local or small business enterprises are listed as subcontractors.

Federal Emergency Management Agency (FEMA) Reimbursement

This Project is a small project by Federal Emergency Management Agency (FEMA) standards and is part of a group of 18 other small projects to receive FEMA reimbursement for the 2017 Flood, and only amounts to a small portion of the total project cost. A total of up to \$20,896, of which \$8,735 has been received and a remaining amount of \$12,161, is anticipated to be received as reimbursement for the Family Camp project upon completion of the Project. The City was originally awarded \$9,317 from FEMA for damages at Family Camp in July 2018. In May 2022, FEMA approved an additional \$11,578 in funding to include new American Disability Act compliance work, which is a requirement by the state to provide accessibility for the public.

EVALUATION AND FOLLOW-UP

No additional follow-up action with City Council is expected at this time.

COST SUMMARY/IMPLICATIONS

The total revised cost for the Project is estimated at \$4.1 million. The total budget for the Project is \$3.3 million, which is funded by the Construction Tax and Property Conveyance Tax Fund: City-wide Parks Purposes. An additional \$836,000 is needed for this Project due to the re-bid efforts and unanticipated higher construction costs for temporary creek diversions. As noted above, the additional \$12,161 from FEMA will be received upon project completion. The operation and maintenance costs are already incorporated in the PRNS operating budget.

1. TOTAL COST OF PROJECT:

Project Delivery*	\$1,541,228
Construction	\$2,366,156
Contingency	<u>\$236,616</u>
TOTAL PROJECT COSTS	\$4,144,000
Prior Years' Expenditures and Encumbrances	(\$1,025,080)
TOTAL REMAINING PROJECT COSTS	\$3,118,920

* Project delivery includes \$1,374,759 for Design Services and \$166,469 for Construction Management and Inspection Services.

2. COST ELEMENTS OF AGREEMENT/CONTRACT:

General Mobilization, Underground Utility Allowance, Mitigation	\$192,950
North Pool Area Retaining Wall	\$752,259
South Pool Area Retaining Wall	\$455,782
Play Area	\$662,380
Play Area Shade Structure	\$115,000
American Disability Act Pathway	<u>\$187,785</u>
TOTAL CONTRACT AMOUNT	\$2,366,156

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the recommended contract as part of this memorandum and remaining project costs, including project delivery, construction, and contingency costs.

Fund #	Appn. #	Appropriation Name	Total Appropriation	Rec. Budget Action	Amount for Contract	2024-2025 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
391	407E	2017 Flood – Family Camp Playground Shade Structure, Retaining Wall and Slope Stabilization	\$2,283,000	\$836,000	\$2,366,156	541	10/22/2024 31133
391	8999	Unrestricted Ending Fund Balance	\$1,488,267	(\$836,000)	N/A	538	10/22/2024 31133

COORDINATION

This memorandum has been coordinated with the City Attorney’s Office and the Planning, Building, and Code Enforcement Department.

PUBLIC OUTREACH

This memorandum will be posted on the City’s Council Agenda website for the March 25, 2025 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Mitigated Negative Declaration for the San José Family Camp Storm Damage Repair, File No. PP19-050 and ER21-268.

HONORABLE MAYOR AND CITY COUNCIL

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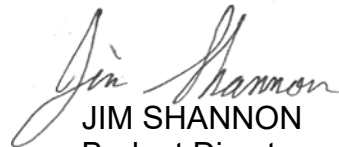
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PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
MATT LOESCH
Director of Public Works

/s/
JON CICIRELLI
Director of Parks, Recreation, and
Neighborhood Services


JIM SHANNON
Budget Director

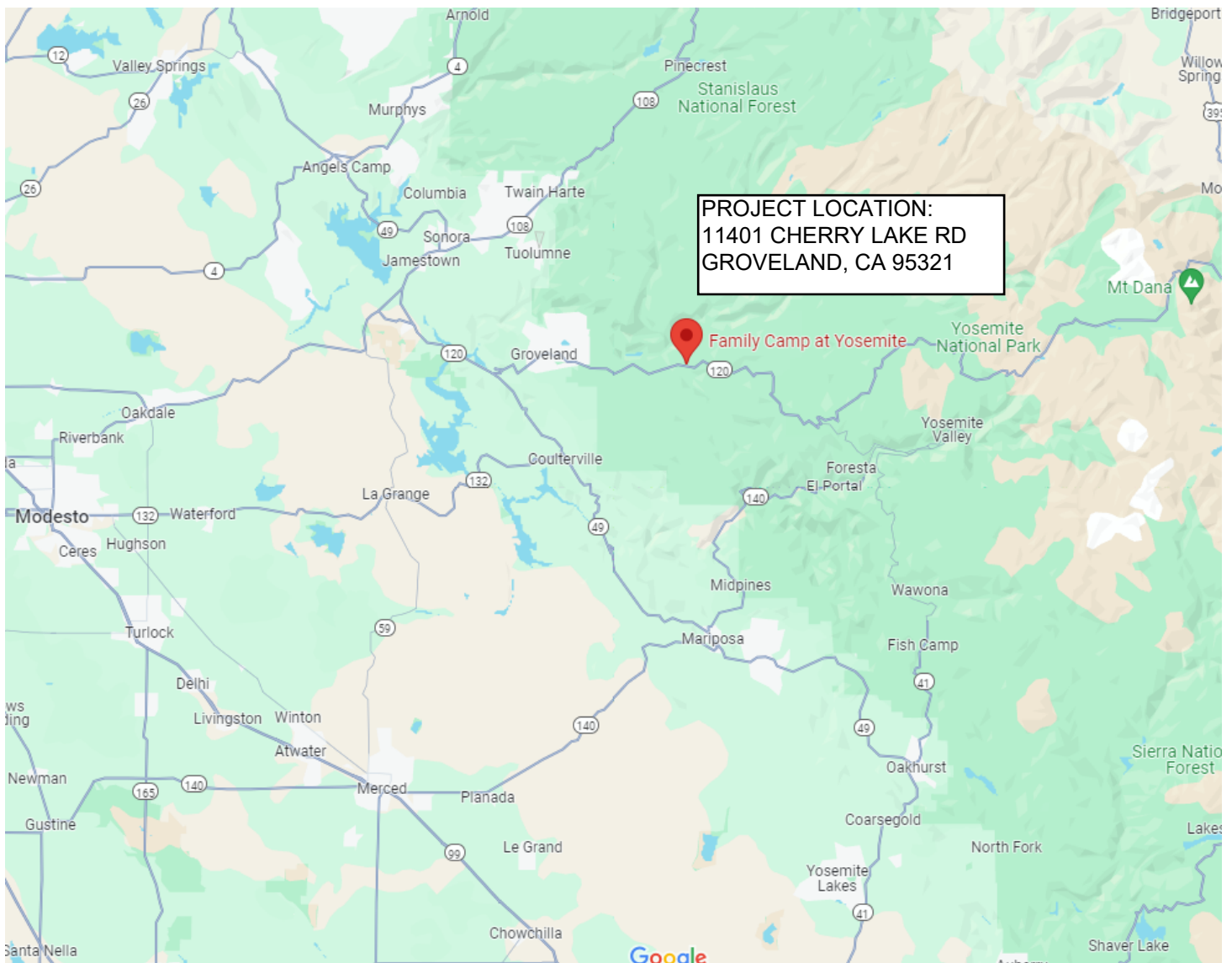
For questions, please contact Sal Kumar, Deputy Director of Public Works, at Sal.Kumar@sanjoseca.gov or (408) 535-8300.

ATTACHMENT

Location Map - 8721-FEMA San José Family Camp Re-Bid

Attachment Location Map

8721- FEMA SAN JOSE FAMILY CAMP



SOURCE: 2024 GOOGLE MAPS