



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli
Angel Rios, Jr.

SUBJECT: 8713 – FEMA – WATSON PARK
TURF SOCCER FIELDS AND
FIELD LIGHTING (SCSJG82/PW-1169)

DATE: February 5, 2018

Approved

Date

2/15/18

COUNCIL DISTRICT: 3

RECOMMENDATION

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award a construction contract for the 8713 FEMA – Watson Park – Turf Soccer Fields and Field Lighting (SCSJG82/PW-1169) Project to the lowest responsive and responsible bidder for the Base Bid, Repair Bid Alternates Nos. 1, 2, 3, and/or 4, and Bid Alternates Nos. 5, 6, and/or 7, in an amount not to exceed \$3,805,750 and to approve a fifteen (15) percent (of the Base Bid) change order reserve/contingency in an amount not to exceed \$395,000;
- (b) Decide any timely bid protest(s), make the City's final determination as to the lowest responsive bidder that is responsible, or reject all bids and re-bid the project; and
- (c) Negotiate and execute any single and/or multiple change orders paid from the contingency for the project in any amount up to the amount of the contingency.

OUTCOME

Adoption of these recommendations will enable the Director of Public Works to award the construction contract, allowing construction of the 8713 - FEMA – Watson Park – Turf Soccer Fields and Field Lighting (SCSJG82/PW -1169) Project.

BACKGROUND

Watson Park is a community park of approximately 35 acres located along Coyote Creek within the 13th Street Strong Neighborhood Initiative (SNI) area in Council District 3 in central San José. Watson Park is bordered by 22nd and Jackson Streets to the west, Highway 101 to the north, Coyote Creek to the east, and a school and private property to the south (map attached).

Access to the site is from the east end of Jackson Street with a secondary access off Taylor Street at the northern end of the park.

Watson Park was closed in 2005, after toxins were discovered in the soil associated with a burn dump incinerator and smokestack that once occupied the site. The toxins were encapsulated on site with a three-foot cover of clean soil. On August 27, 2011, the park reopened with synthetic and natural turf lighted soccer fields, a dog park, upper lawn areas, two basketball courts, a play area, a restroom, paved pathways and sidewalks, two parking lots, benches, picnic tables, bio-swale areas and landscaping.

February 2017 Flood Event

During the February 2017 flood event, severe storms caused increased levels of storm water runoff, which flooded nearby Coyote Creek. The creek flood waters flowed into Watson Park, submerging the electrical service for the entire park; damaging the electrical power boxes for the field lighting and the irrigation system. The natural grass field, the synthetic turf field, bio-swale areas, and dog park areas were submerged in about eight feet of water for five days before the water receded back to Coyote Creek. The upper turf areas were also damaged as a result of the shutdown of the park's electrical system and irrigation controllers.

This project will repair and restore the affected areas of Watson Park to its pre-flood state.

ANALYSIS

In addition to the reimbursement opportunities from the Federal Emergency Management Agency (FEMA), the City would like to make the fields available for public use as soon as possible. There is a high demand for sports fields in the City.

The construction contract for this project will include base work consisting of replacement of all the known elements damaged by the flood including the electrical equipment associated with the lighting of the fields, replacement of synthetic and natural turf fields, replacement of decomposed granite paving adjacent to sports fields and the dog park, replacement of planting at upper park turf areas, and bio-swale storm water treatment areas. The current Engineer's Estimate for the base work is \$2,505,000.

The construction contract for this project will also include the following four items for repairs that the contractor may need to perform:

- Repair Bid Alternate No. 1: Athletic Surfacing Base Course and Drainage Repair
- Repair Bid Alternate No. 2: Natural Lawn Drainage Replacement
- Repair Bid Alternate No. 3: Electrical Conduit Replacement
- Repair Bid Alternate No. 4: Bio-Swale Soil Replacement

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In order for the FEMA reimbursement to reflect an accurate scope of the flood damaged conditions, the project uses Repair Bid Alternates to capture a competitive bid for potential repairs. The Engineer's Estimate for the four repair bid alternatives is \$889,000.

The City won't know whether any of the Repair Bid Alternate work will need to be performed, until after the contractor has started construction and removed some of the damaged materials, exposing additional potentially damaged substrate. As part of the bid process, the contractor will provide a bid amount for each of the four possible repairs, and these bid amounts will be included in the construction contract. If any of the repair work reflected in a repair bid alternate is needed, the Director of Public Works will issue an approval for the contractor to proceed with the work in the amount of the Repair Bid Alternate already contained in the construction contract. In other words, the City would pay for the performance of any of these four Repair Bid Alternates from funds already included in the contract and not from the contingency.

The bid will also include the following 3 bid alternates:

Bid Alternate No. 5: Upgrade – Bio-Swale Sod

Bid Alternate No. 6: Upgrade – South Lawn Sod

Bid Alternate No. 7: Hazard Mitigation – Relocation of Lighting Control Cabinet that provides power to the sports fields lights

The Director of Public Works will also have the authority to award any or all of the bid alternates 5, 6 and 7 in any combination at the time of awarding the construction contract. The Engineer's Estimate for Bid Alternates 5-7 is \$411,750.

The Director of Public Works will determine the lowest responsible bidder based on the total bid amount for the base work, the four Repair Bid Alternates, and the three bid alternates. Staff is requesting authority for the Director of Public Works to award a contract that could be ten (10) percent higher than the Engineer's Estimate for the combined project amount (base bid, repair bid alternates and bid alternates) at \$3,805,750.

This memorandum is requesting authority for a fifteen (15) percent of base bid construction change order reserve per FEMA, also known as construction contingency, for unanticipated change orders associated with this project in an amount not to exceed \$395,000.

The Director of Public Works is currently authorized to issue changes orders up to \$100,000. This memorandum is requesting for this project only, that the Director of Public Works be authorized to execute change orders paid from the Change Order reserve in any amount up to the limit of the reserve/contingency.

Staff has requested the Director of Public Works award authority in order to anticipate potential bid protests that may extend the award timing and consequently the construction start date. Additionally, the Director of Public Works change order authority is requested to include all change orders so as to reduce the process time - which for FEMA projects include agency review

and approval can be inherently longer than typical capital improvement projects. The authority given to the Director of Public Works provides staff the greatest flexibility to complete the project in a timely manner.

EVALUATION AND FOLLOW UP

No follow up action is anticipated at this time.

PUBLIC OUTREACH

This memorandum will be posted on the City’s website for the February 27, 2018, City Council Agenda. The Friends of Watson Park have been informed of this date.

COORDINATION

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

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

COST SUMMARY/IMPLICATIONS

1. **AMOUNT OF RECOMMENDATION/COST OF PROJECT:**

Project Delivery	\$935,250
Construction (Base Bid)	2,505,000
Construction (Repair Bid Alternates 1-4)	889,000
Construction (Bid Alternates 5-7)	411,750
Contingency (15% of Base Bid)	395,000
Total Project Costs	<u>\$5,136,000</u>
Prior Year’s Expenditures/Encumbrances*	0
TOTAL REMAINING PROJECT COSTS	\$5,136,000

*No expenditure occurred prior to August 1, 2017.

2. COST ELEMENT OF AGREEMENT/CONTRACT:

Mobilization	\$226,300
SWPPP Measures	\$72,950
Demolition and Site Preparation	\$248,050
Grading, Drainage and Utilities	\$446,500
Concrete / Masonry and Miscellaneous Paving	\$108,000
Irrigation Electrical	\$3,000
Irrigation	\$65,700
Planting	\$433,650
Athletic / Play Area Equipment and Surfacing	\$727,500
Sports Field Electrical	\$156,850
Maintenance	\$15,000
Project Closeout	\$1,500
Sub-Total Base-Bid	\$2,505,000
Repair Bid Alternate No. 1: Athletic Surfacing Base Course Replacement	\$339,000
Repair Bid Alternate No. 2: Natural Lawn Drainage Replacement	\$127,800
Repair Bid Alternate No. 3: Electrical Conduit Replacement	\$32,200
Repair Bid Alternate No. 4: Bio-Swale Replacement	\$390,000
Sub-Total Repair Bid Alternates	\$889,000
Bid Alternate No. 5: Upgrade – Bio-Swale Sod	\$40,300
Bid Alternate No. 6: Upgrade – South Lawn Sod	\$218,500
Bid Alternate No. 7: Hazard Mitigation – Relocation of Lighting Control Cabinet	\$152,950
Sub-Total Bid Alternates	\$411,750
PROJECT CONSTRUCTION COST	\$3,805,750

3. SOURCE OF FUNDING: Construction and Conveyance (C&C) Tax Fund: City-Wide Parks Purposes

At its February 13, 2018 meeting, the City Council will consider the approval of a variety of actions to establish the budgets for multiple capital remediation projects related to the 2017 flood. Funding for parks-related facilities will be provided by a combination of reimbursements from American International Group (A.I.G.), the City's property insurance company, FEMA, and C&C revenues. A significant portion of these costs will be fronted with commercial paper proceeds also scheduled for City Council authorization at its February 13, 2018 meeting.

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BUDGET REFERENCE

The table below identifies the fund and appropriation that will fund the contracted amounts. It is important to note that the total appropriation amount listed below includes additional hazard mitigation work related to Watson Park such as moving the PG&E transformers, irrigation controllers, re-routing conduits and wires, and new electrical service components to higher ground that will be brought forward once additional design work has been completed and has been approved by FEMA.

Fund #	Appn #	Appn. Name	Total Appn*	Contract Amount	2017-2018 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
391	NEW*	2017 Flood – Watson Park Turf, Lighting, and Electrical Mitigation*	\$6,348,000	\$3,805,750	N/A	N/A

*This new appropriation is scheduled for City Council approval at its meeting on February 13, 2018.

CEQA

Determination of Consistency with the Watson Park Remedial Action Plan and Master Plan Mitigated Negative Declaration for FEMA-Watson Park Flood Repair Project, File No. PP17-074.

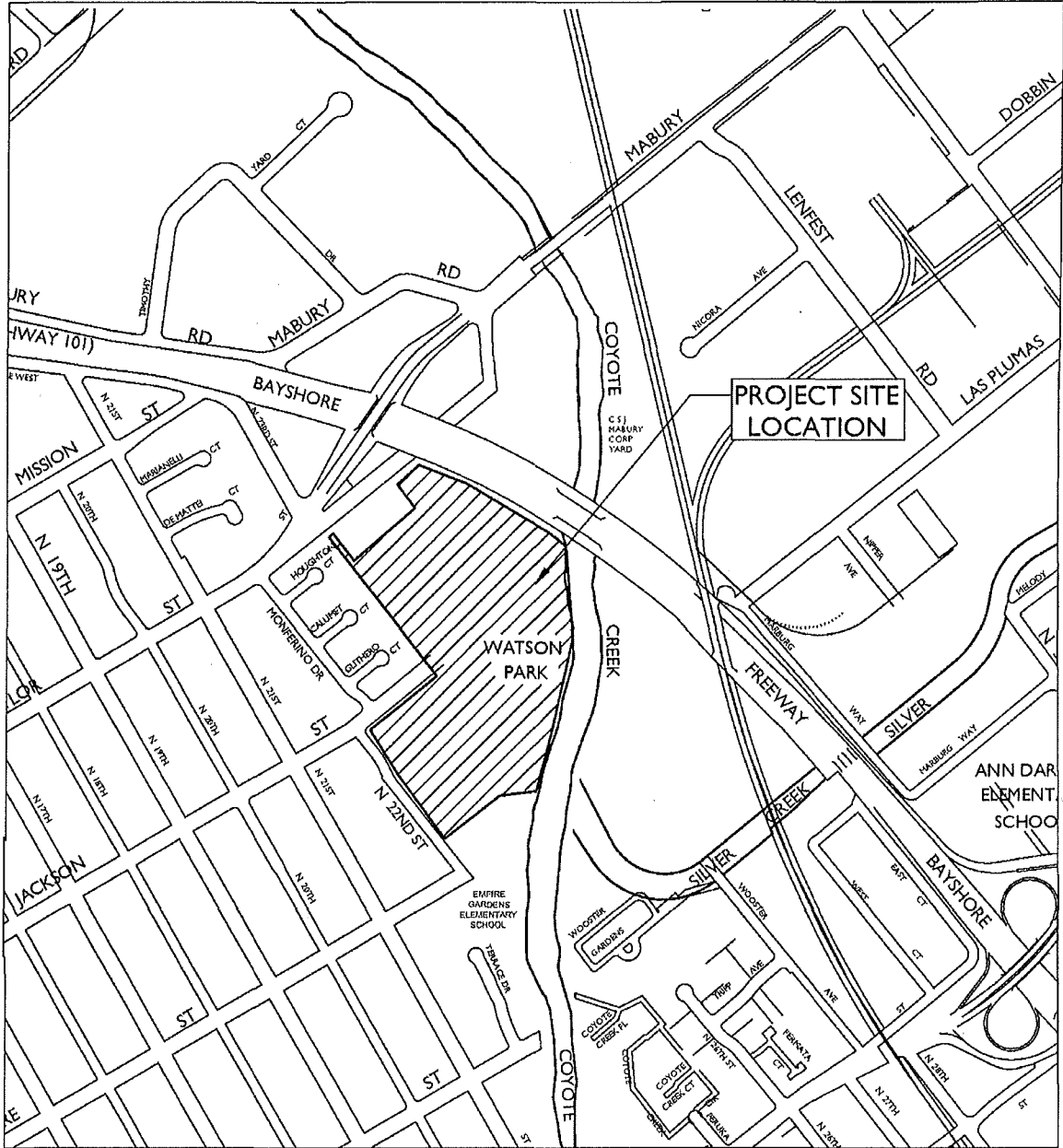
/s/
 JON CICIRELLI
 Acting Director of Public Works

/s/
 ANGEL RIOS, JR.
 Director, Parks, Recreation and
 Neighborhood Services

For questions please contact Michael O’Connell, Acting Assistant Director, at (408) 535-8300.

Attachment: Watson Park Location Map

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WATSON PARK LOCATION MAP

NOT TO SCALE



NORTH