



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: July 18, 2023

Subject

Award of a construction contract for the Blackberry Farms Pool Improvements Project to Adams Pool Solutions for replastering the pools.

Recommended Action

1. Award a construction contract for the Blackberry Farms Pool Improvements Project (Project No. 2022-107P) in the amount of \$320,609.25 to Adams Pool Solutions;
2. Authorize the City Manager to execute the contract when all conditions have been met; and
3. Authorize the Director of Public Works to execute any necessary construction change orders up to a construction contingency amount of \$32,060.93 (10%) for a total contract amount of \$352,670.18.

Reasons for Recommendation

The Blackberry Farm Pools were originally purchased in 1991. The pools were last replastered in 2010. The industry standard is to have pools re-plastered or otherwise maintained approximately every eight to ten years. This project is necessary for the pools to remain operational over the next several years.

In 2019, \$200,000 was allocated in the Facilities Operations Budget to replaster the pools. The project was advertised for bids on October 23, 2019. One bid was received in the amount of \$469,000. On December 3, 2019, Council rejected that bid, as it exceeded the available budget. As a result, the Director of Public Works was authorized to proceed with a project of reduced scope for correction of deficiencies identified in the 2019 California Occupational Safety and Health Administration (OSHA) inspection report. In Fiscal Year 2020-21, the reduced scope project addressed the OSHA report, which included spot repairs to resolve rust stains showing through the pool plaster. Making these repairs allowed the facility to continue operating through the 2023 swim season.

In early 2020 staff determined that the project would require additional scope to bring the site into compliance with Americans with Disability Act (ADA) and California Building Code (CBC) standards. The revised Blackberry Farm Pool Improvement Project was approved in the FY 2021-22 CIP Budget, with an authorized project expenditure of

\$750,000. The revised project was advertised for bid on November 9, 2022. The City received two bids with the lowest bid in the amount of \$890,031.61. Staff evaluated the bid results and determined the proposed costs for portions of work required to bring the site into compliance with ADA standards significantly exceeded estimated costs. Staff recommended rejecting the bids, separating the pool replastering portion of the project from the required ADA improvements, and rebidding these items separately with the intended result of reducing the overall cost of the project. Council authorized rejection of the bids on January 7.

The City advertised the replastering scope of work for the Blackberry Farms Pool Improvements Project for bid on June 9. On June 27, the City received three responsive bids detailed in the table below.

Bidder	Total Bid Amount
Adams Pool Solutions	\$320,609.25
Tricon Aquatic Solutions	\$549,009.40
USA Construction	\$705,543.00
<i>Engineer's Estimate</i>	<i>\$469,000.00</i>

Staff reviewed the Adams Pool Solution bid documents for completeness and confirmed the contractor's experience and qualifications and determined the bid to be the lowest responsive and responsible bid per the Instruction to Bidders and Cupertino Municipal Code. Therefore, staff recommends awarding a construction contract to Adams Pool Solution for the contract amount of \$320,609.25 and a 10% construction contingency in the amount of \$32,060.93, for a total contract amount not-to-exceed of \$352,670.18. Construction contingency allows for unforeseen conditions and are a typical contracting best practice.

A Draft Construction Contract is included as Attachment A while the full project specifications can be found at <https://apps.cupertino.org/bidmanagement/index.aspx><https://apps.cupertino.org/details/655>. Construction is expected to begin in September 2023, after the seasonal closure of Blackberry Pools.

Sustainability Impact

This action does not have any direct sustainability impact.

Fiscal Impact

No additional funding is needed. Approving this item will expend \$320,609.25, with a project contingency of \$32,060.93 (10%). The available Capital Improvement Budget for this program (Budget Unit Account # 420-99-073) is \$690,208.75. Additional funds will be expended under a separate contract for ADA improvements at a later date.

Current Fiscal Summary:

Current Budget and Expenditures	Amount
Budgeted Funds for Blackberry Farm Pool Improvements (Capital Reserve)	\$750,000.00
Expenses/Encumbered to Date (Design/Environmental)	\$59,791.25
Remaining Budget	\$690,208.75

Estimated Funding Impact	Amount
Estimated ADA Improvement Costs and Permit Fees	\$120,000.00
Estimated Construction Management Costs	\$100,000.00
Estimated Sanitary Sewer Disconnection	\$50,000
Estimated Construction Total Including Contingency (<i>this agreement</i>)	\$352,670.18
Estimated Project Completion Total	\$622,670.18
Total Remaining Program Budget at Project Completion	\$67,538.57

California Environmental Quality Act (CEQA)

The project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301 (maintenance of existing facilities).

Prepared by: Jo Anne Johnson, Project Manager

Reviewed by: Chad Mosley, Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Contract