



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: January 17, 2024

Subject

Award a construction contract for the Blackberry Farm Accessibility Improvements Project to Selway Construction, Inc. in the amount of \$289,601 for ADA and drainage improvements and approve an increase in the amount of \$85,209 in the contract for the Blackberry Farm Pool Improvements Project with Adams Pool Solutions for required equipment replacement.

Recommended Action

1. Award a construction contract for the Blackberry Farm Accessibility Improvements Project (budget unit 420-99-073) in the amount of \$289,601 to Selway Construction, Inc;
2. Authorize the City Manager to execute the contract with Selway Construction, Inc. when all conditions have been met;
3. Authorize the Director of Public Works to execute any necessary construction change orders with Selway Construction, Inc., up to a contingency amount of \$28,960 (10%), for a total contract amount of \$318,561; and
4. Authorize the City Manager to amend the contract amount with Adams Pool Solutions for the Blackberry Farm Pool Improvement Project (420-99-073, PO#2024-242) in the amount of \$85,209, for a total contract amount of \$437,880.

Reason for Recommendation

On December 5, 2022, the City of Cupertino received two bids for the Blackberry Farms Pool Improvements Project (Project) which included swimming pool improvements, Americans with Disabilities Act (ADA) improvements and the disconnection of the pool deck drains from the sanitary sewer system. The two bids were in the amounts of \$890,032 and \$1,048,957. Both bids exceeded the authorized budget of \$750,000. As a result, on January 17, 2023, the City Council authorized the Director of Public Works to reject all bids. Staff reviewed those bid proposals and found the costs associated with ADA improvements and drainage improvements significantly exceeded the Engineer's Estimate and, to encourage more competitive bids, the scope of the ADA and drainage improvements was removed from the scope of the pool improvements work and the two scopes were bid as separate packages.

The City advertised the ADA and drainage improvement scope of work for the Blackberry Farms Accessibility Improvements Project for bid on November 22. On December 12, 2023, the City received two responsive bids for the ADA and drainage improvements scope of work as detailed in the table below. The low bid, with proposed contingency, falls within the remaining Blackberry Farm Improvement Project funding of \$330,777.

Bidder	Total Bid Amount
Selway Construction, Inc.	\$289,601
JPB Designs	\$440,000

The low bid received for the ADA and drainage improvements is \$73,046 lower, as compared to bids received in December 2022. The low bid received for the pool improvements was \$64,462 lower when compared to the 2022 bids received.

The Department of Public Works reviewed Selway Construction, Inc's bid documents for completeness, confirmed the contractor's experience and qualifications, and determined the bid to be the lowest responsive and responsible bid per the instructions to bidders and the Cupertino Municipal Code. Therefore, staff recommends awarding a construction contract to Selway Construction, Inc. for a contract amount of \$289,601, and to include a 10% construction contingency in the amount of \$28,960, for a total contract amount of \$318,561. Construction contingency allows for unforeseen conditions and is 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/details/680>. Attachment B is a summary of the ADA and Drain Improvements Bid Results. For additional reference, the executed contract with Adams Pool Solutions can be found in the City's public records at: <https://records.cupertino.org/WebLink/DocView.aspx?id=1054803&dbid=0&repo=CityofCupertino>

On July 18, 2023, the City Council authorized the award of a construction contract for the Blackberry Farm Pool Improvements project to Adams Pool Solutions in the amount of \$320,610 with a 10% contingency amount of \$32,061 for a total contract amount of \$352,671. During initial pre-construction investigations, it was found that additional work was necessary. The additional work includes upgrades and replacement of equipment that will be required by Santa Clara County Department of Environmental Health before project completion. This work involves the installation of autofill mechanisms for each pool and the capping of equalizer lines at existing skimmers. The additional work also includes the replacement of the existing pool skimmers, many of which were discovered to have significant cracking and can be a source of water loss. As this additional work exceeds the project contingency, staff is recommending the total contract amount be amended to incorporate this work. Therefore, staff recommends that

the contract with Adams Pool Solutions be increased by \$85,209, for a total contract amount of \$437,880.

Sustainability Impact

The improvements and repairs to the swimming pools will allow for more efficient operation and better conservation of water resources.

Fiscal Impact

The Fiscal Year (FY) 21-22 adopted Budget allocated \$750,000 for the Blackberry Farm Pool Improvements Project (420-99-073). In addition, \$201,230 is available from the FY 23-24 authorized budget for City Wide ADA Improvements (420-99-007).

The contract total for the Blackberry Farm Accessibility Improvements Project falls within the existing project budget. However, the inclusion of the recommended additional work for the Blackberry Farm Pool Improvement project would exceed the current budget for the project. Based on observations, this additional work will likely be needed within the next three to five years. Performing these repairs now, while the facilities are exposed due to the existing work, will save the City considerable funds as opposed to waiting for these facilities to fail before repairing them. Therefore, the City recommends utilizing the existing City-Wide ADA Improvements funding to supplement the ADA upgrades and to utilize the existing Blackberry Farm Pool Improvements funds to increase the contract with Adams Pool Solutions to cover the additional scope of work.

No additional funding is required for the project. Approved funding is available in the Blackberry Farm Pool Improvement allocation and the City-Wide ADA Improvements allocation.

Current Fiscal Summary:

Project Funding	Amount
Blackberry Farm Pool Improvements Project – approved CIP funding (420-99-073)	\$750,000

Current Expenses/Encumbrances	Amount
Design, Permits, Fees	(\$66,552)
Construction Contract & Authorized Contingency (Adams Pool Solutions, Pool Improvements scope of work)	(\$352,671)
Subtotal	(\$419,223)

Project (420-99-073) Funding Available after Current Expenses/Encumbrances: \$330,777

Proposed Funding Impact	Amount
Selway Construction, Inc. Contract Total, including 10% Contingency (this agreement)	(\$318,561)
Additional Contract Amount for Adams Pool Solutions Contract (this request)	(\$85,209)
Subtotal	(\$403,770)

Overall Funding Impact	Amount
Current Project Funding Available	\$330,777
City Wide ADA Improvements (420-99-007), projected use of funds for Blackberry Farm Pool ADA Project	\$73,000
Proposed Funding Impact	(\$403,777)
Subtotal	\$7

California Environmental Quality Act (CEQA)

These projects are categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301(d) (maintenance or rehabilitation of existing facilities to meet current standards of public health and safety).

Prepared by: Jo Anne Johnson, Public Works 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

B - Bid Results