



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: January 17, 2023

Subject

Consider award of a construction contract for the Wilson Park Community Garden Project (Project No. 2020-01.1) for construction of a new community garden and associated improvements.

Recommended Action

1. Award a construction contract for the Wilson Park Community Garden Project and authorize the City Manager to execute a contract in the amount of \$284,585 (including base bid of \$245,085 plus \$39,500 for bid alternatives 2, 3, 4, and 5) with Tyman Construction;
2. Authorize the Director of Public Works to execute any necessary change orders up to a construction contingency amount of \$28,458 (10%) for a total authorized contract amount of \$313,043; and
3. Adopt Resolution No. 23-xxx approving budget modification #2223-249 increasing appropriations in the Capital Improvement Program (budget unit 420-99-083) and the Capital Projects Reserve (budget unit 420-90-001) by \$90,000 to fully fund the remaining project costs, which include contingency, construction management, inspection, and testing services.

Background

On February 18, 2020, the City Council approved the Parks and Recreation System Master Plan (Master Plan.) The Master Plan helps guide the City of Cupertino in enhancing recreation opportunities for all residents. The Master Plan started in 2015 with a robust community outreach and engagement process. Residents, stakeholders, partners, businesses, elected officials, and youth were invited to share their ideas for the park and recreation system. More than an estimated 2000 community members provided input and feedback through online and in-person activities. Through the outreach and engagement process, the community identified 12 Key Themes on which the City should focus.

The addition of a garden to Wilson Park directly addresses some of the objectives that are included in several Key Themes, including nature experience and park and facility access.

The outreach and engagement process helped develop seven Master Plan goals. The addition of the community gardens supports several of them including Master Plan Goal #1, conservation, which includes the specific goal to incorporate community gardens at multiple park sites to provide hands-on opportunities to interact with nature by growing and harvesting food.

Master Plan Goal #4 is enhancement, with a target of incorporating additional features suggested by the community, which includes community gardens. Goal #5 is activity and emphasizes revitalizing parks and recreation facilities and diversifying offerings to support broad and inclusive recreation interests. It also emphasizes supporting lifelong learning and recreation for adults and seniors by increasing opportunities to get seniors outdoors, such as through gardening. Wilson Park is listed as a potential location for a community garden in the Master Plan.

On December 30, 2021, a virtual community meeting was held for the project. Staff from Parks and Recreation and the Capital Improvement Program hosted 21 members of the public. The project designer, Callander Associates, and Master Gardener Pamela Roper also participated in the meeting. A conceptual plan of the proposed garden was presented, followed by a question-and-answer session. The attendees supported the project, and questions were focused on specific finish items, rodent deterrent strategies, operation plans, and the opportunity to use the garden for educational activities.

Discussion

Pending approval, the Wilson Park Community Garden Project would construct a new community garden at Wilson Park to provide an enhancement to the park and support inclusive activity for residents, as identified in the Master Plan.

On December 6, 2022, the City received five bids for the project. The lowest bid was from Tyman Construction, which was approximately 15% below the Engineer's Estimate. Michael Glynn Construction Service, Inc. withdrew their bid.

Bidder	Base Bid Amount
Tyman Construction	\$245,085.00
VNH Builders	\$264,175.00
Innovate Concrete	\$285,807.00
<i>Engineer's Estimate</i>	<i>\$290,000.00</i>
Agbayani Construction	\$404,795.71
Michael Glynn Construction Services, Inc.	Withdrawn

Bids for the project included six additive alternative bid items. Per the project documents, the low bid was determined considering the base bids only, as listed above.

Because of the favorable bid pricing, staff recommends including the following additive alternatives (Add Alt) as shown in Tyman Construction's bid:

• Add Alt 2- 4 benches and footings	\$20,000
• Add Alt 3 – 1 table with footing	\$5,000
• Add Alt 4 – Storage Shed	\$9,000
• Add Alt 5 – Storage Shed foundation	<u>\$5,500</u>
Total	\$39,500

The bid submission from Tyman Construction was thoroughly reviewed for completeness and the contractor's experience and qualifications are confirmed. It was determined that this bid is the lowest received, that the bid is responsive, and that the contractor is a responsible entity. Pending Council approval, the Project construction is scheduled to begin in February or March.

The authorized contract amount requested for the project construction includes a 10% contingency. Contingency amounts are a typical contracting best practice. A contingency of between ten and twenty percent is normal, with more complicated or large projects justifying a higher percentage contingency amount, whereas a more straightforward or smaller projects can be managed with a smaller contingency. Staff recommends a ten percent contingency for this project as it is straight forward.

Sustainability Impact

This project addresses "Expanding community gardens program beyond McClellan Ranch Preserve" in Measure CS-2: Leverage the carbon sequestration potential of open space and carbon removal in City of Cupertino's Climate Action Plan 2.0.

California Environmental Quality Act (CEQA)

This project is exempt from the CEQA under 14 C.C.R. Sections 15301 (minor alterations to existing facilities) and 15304(b) (minor alterations to land.)

Fiscal Impact

The Fiscal Year 2022-2023 Capital Improvement Programs budget for the Wilson Park Community Garden Project (budget unit 420-99-083) is \$300,000. Project funding also includes \$80,000 from the Americans with Disabilities Act (ADA) improvements (budget unit 420-99-007) to cover components of the project that address existing ADA deficiencies. This funding is no longer adequate to implement the project due to overall increases in the cost of goods and services since the project was initiated. An additional appropriation of funds of \$90,000 is being requested. The additional appropriations are to be funded by the Capital Reserve Fund through a transfer out of funds from (budget unit 420-90-001) and a transfer in to (budget unit 420-99-083.) If approved, the total project budget will be \$470,000 and the balance of the Capital Reserve is estimated at \$9.5 million.

Prepared by: John Raaymakers, Senior Project Manager

Reviewed by: Susan Michael, Capital Improvement Programs Manager

Reviewed by: Matt Morley, Director of Public Works Department

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Contract

B – Draft Resolution

C – Project Manual

D – Project Drawings

E – Addendum 1