



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Albert Balagso
Larry D. Lisenbee

SUBJECT: SEE BELOW

DATE: 05-14-07

Approved

Date

5/17/07

COUNCIL DISTRICT: 8

SUBJECT: REPORT ON BIDS AND AWARD OF THE CONSTRUCTION CONTRACT FOR THE YERBA BUENA ROAD/SAN FELIPE CORNER PARK IMPROVEMENT PROJECT (AKA JOHN J. MONTGOMERY MONUMENT AT YERBA BUENA) AND ADOPTION OF APPROPRIATION ORDINANCE AMENDMENTS IN THE CONSTRUCTION TAX AND PROPERTY CONVEYANCE TAX FUND: PARKS PURPOSES COUNCIL DISTRICT 8.

RECOMMENDATION

- a. Report on bids and award of contract for the Yerba Buena Road/San Felipe Corner Park Improvement project to the lowest bidder, Golden Bay Construction, Inc., for the base bid of \$195,268 and approval of a contingency in the amount of \$10,000.
- b. Adoption of the following Appropriation Ordinance Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 8 (Fund 386):
 1. Increase the Yerba Buena Road/San Felipe Corner Park Improvement appropriation to the Parks, Recreation and Neighborhood Services Department by \$65,000, and
 2. Decrease the Ending Fund Balance by \$65,000.

OUTCOME

1. Award of the construction contract to Golden Bay Construction, Inc. and approval of the Appropriation Ordinance Amendments will allow construction of the Yerba Buena Road/San Felipe Corner Park Improvement project to proceed with the scheduled completion in November of 2007.
2. Approval of a five percent contingency will provide funding for any unanticipated work necessary for the proper completion of the project.

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BACKGROUND

The proposed monument site is a 1/4 acre undeveloped area at the corner of Yerba Buena Road and San Felipe Road in the east San José Evergreen District (map attached). This site is near Montgomery Hill Park, which was the home to many of John J. Montgomery's experiments with glider flight early in the last century.

It was in the east San José foothills of the Evergreen District that he discovered the basic principles of flight, a building block for the evolution of aviation science. Today he is widely recognized for all of his major contributions to the world of modern aeronautics. However, acknowledgment for his work within the local community is limited. Currently, there are a few informational signs around Montgomery Hill and a California State Historic Landmark plaque is placed at the entrance to the Evergreen College campus.

The foremost request from the Council District 8 Office and the community was to provide recognition to John J. Montgomery's work through a commemorative public art installation in collaboration with the development of a formal plaza area at the corner of Yerba Buena Road and San Felipe Road. The chosen site at this intersection was already a priority for site development and it was considered a favorable location to provide the community with information on John J. Montgomery's achievements.

The base bid scope of work is to include site preparation, grading, installation of the irrigation system, concrete walkways, landscape planting, site furnishings, decomposed granite, monument installation (monument not in contract), sign walls, monument and sign wall lighting fixtures, and other miscellaneous site amenities. Scope of work also includes relocating the existing California State Historic Landmark plaque currently located at the Evergreen College entrance to its new location in the plaza area.

Several factors during the design and bid/award process resulted in the delay of the start of construction. Utility conflicts with the original plaza location, extensive coordination with the artist to include the foundation of the artwork, and a subsequent biotics study necessary due to the proximity of the improvements near Yerba Buena Creek all resulted in an adjustment to the bid opening date. Bid results were higher than anticipated which necessitated an appropriation action for additional funds at the time of award. This action required that the project be awarded by Council rather than the Director of Public Works which resulted in a further delay.

Construction is scheduled to begin in July with completion in November 2007.

ANALYSIS

Bids were opened on March 29, 2007 with the following results:

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<u>Contractor</u>	<u>Total Bid</u>	<u>Variance Amount</u>	<u>Over/(Under) Percent</u>
Blossom Valley Constr., Inc. (San José)	\$264,450	\$84,450	47
George Bianchi Constr. (San José)	245,341	65,341	36
Ranis Constr. & Electric, Inc. (San Francisco)	226,800	46,800	26
Suarez and Munoz Constr., Inc.. (Hayward)	226,149	46,149	25
Lone Star Landscape, Inc. (San Martin)	203,600	23,600	13
Sposeto Engineering, Inc. (Union City)	195,700	15,700	9
Golden Bay Constr., Inc. (Hayward)	195,268	15,268	8
Engineer's Estimate	180,000	---	---

The low bid submitted by Golden Bay Construction, Inc., in the amount of \$195,268 is eight percent over the Engineer's Estimate. This bid is considered acceptable for the work involved in this project. Council policy provides for a standard contingency of five percent on public works parks projects. Approval of the five percent contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the project.

This memorandum includes an appropriation action request totaling \$65,000 in the Council District 8 Construction and Conveyance Tax Fund. Additional funding is requested at this time due to project costs being higher than anticipated for several reasons including: a need for more extensive coordination with the artist than originally anticipated; adjustments to the design as a result of utility conflicts; and the need for a biotic study due to the proximity of improvements to Yerba Buena Creek.

PUBLIC OUTREACH

- Criterion 1:** Requires action on the use of public funds equal to \$1 million or greater **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council

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or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

As an integral part of the community outreach process, staff held a public meeting on March 8, 2006, wherein the community expressed support for the project. Subsequently, the Arts Commission approved the Public Art Committee's recommendation to have local artist Kent Roberts design the commemorative monument in Montgomery's memory. Community members and the Art Commission were actively involved in the review and evaluation of the artist's design proposals and worked collaboratively with the artist until a final design was chosen.

This project does not fall under any of the specific criteria as less than \$1 million is being added to the project as part of this action. However, this memorandum is posted to the City's website for the June 5, 2007 Council agenda.

COORDINATION

This proposed project and memorandum have been coordinated with the Planning, Building and Code Enforcement Department, the Office of Cultural Affairs, the City Attorney's Office, and the Council District 8 Office.

FISCAL/ POLICY ALIGNMENT

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy with the additional project program elements.

COST SUMMARY/ IMPLICATIONS

1.	AMOUNT OF RECOMMENDATION/COST OF PROJECT:	\$195,268
	Project Delivery	134,732
	Construction	195,268
	Construction Contingency	<u>10,000</u>
	TOTAL PROJECT COSTS	\$340,000
	Prior Year Expenditures*	<u>\$28,100</u>
	REMAINING PROJECT COSTS	\$311,900

* A total of \$28,100 was expended in 2004-2005 and 2005-2006 for project delivery costs.

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2. COST ELEMENTS OF AGREEMENT/CONTRACT:

Mobilization, Erosion Control, Utility Conflict	\$32,535
Site Preparation, Earthwork	25,166
Irrigation, Planting & Maintenance	28,577
Concrete, Miscellaneous Items	77,172
Electrical Work	31,818
TOTAL CONSTRUCTION CONTRACT	\$195,268

3. SOURCE OF FUNDING: 386 – Construction Tax and Property Conveyance
Tax Fund: Parks Purposes, Council District 8 Fund

4. OPERATING COSTS: The operating and maintenance costs for this facility are anticipated to be approximately \$4,000 annually, beginning in November 2007. This funding was allocated to the Parks, Recreation and Neighborhood Services budget as part of the 2006-2007 budget process.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2006-2007 Adopted Capital Budget (Page)	Last Budget Action (Date, Ord. No.)
Remaining Project Costs				\$311,900			
Current Funding Available							
386	5750	Yerba Buena Road/San Felipe Corner Park Improvement	137305	247,000	\$195,268	V-471	10/17/2006 Ord. No. 27888
Additional Funding Recommended							
386	5750	Yerba Buena Road/San Felipe Corner Park Improvement		65,000*			
Total Project Funding				\$312,000	\$195,268		

* Included in this memorandum is a request to decrease the Council District 8 Construction and Conveyance Tax Fund Ending Fund Balance by \$65,000 (Ending Fund Balance currently totals \$1,770,130) and increase the appropriation for the Yerba Buena Road/San Felipe Corner Park Improvement project to ensure sufficient funding to award this contract.

HONORABLE MAYOR AND CITY COUNCIL

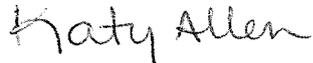
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CEQA

CEQA: Exempt, PP06-068.



KATY ALLEN
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for ALBERT BALAGSO
Director, Parks, Recreation and
Neighborhood Services Department



LARRY D. LISENBEE
Budget Director

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, PUBLIC WORKS DEPARTMENT, (408) 535-8300.

