



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: MISE PARK SPORTS FIELD
RENOVATION PROJECT

DATE: May 21, 2012

Approved

Date

5/24/12

COUNCIL DISTRICT: 1

RECOMMENDATION

Adopt a resolution:

- (a) Authorizing the Director of Public Works to do the following regarding bids for the Mise Park Sports Field Renovation Project:
 - i. To decide any timely bid protests, including issues of bidder responsiveness or responsibility; and
 - ii. To determine the lowest responsive and responsible bidder; and
 - iii. To decide whether to award any bid alternate; and
 - iv. To award a construction contract for the project to the lowest responsive and responsible bidder in an amount not to exceed \$2,915,000, contingent upon approval and execution of the Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use of John Mise Park, and financial contribution of up to \$375,000; and
- (b) Authorizing the Director of Public Works to reject all bids for any reason and, in the Director's discretion, rebid the project; and
- (c) Approving a contingency equal to five percent of the amount of the construction contract for the project if one is awarded by the Director of Public Works.

OUTCOME

Approval of this item will allow the City to award and execute the contract within the timeframes needed to complete the work. Approval of a five percent contingency will provide funding for any work necessary for the proper completion or construction of the project as contemplated in the construction contract.

BACKGROUND

The Community Sports Fields Study (Study), approved on December 2, 2008, by the City Council, provides a strategic framework to support future development and operations of the Citywide Sports Program. In response to the goals of the Study to increase the availability of sports fields for residents of the City, PRNS identified Mise Park as a viable premier sports field project within a specific planning area that should be studied.

Mise Park is an 11.7 acre park located in west San José. The attached map shows the location of the park. The existing park includes a turf softball field with high mast lighting for night use.

The scope of work for the proposed project consists of the demolition of the existing softball field and lighting. The project will construct a new 165 foot by 300 foot dual use synthetic turf soccer and softball field with lighting for night use. A perimeter fence of variable height and a 30 space parking lot will also be installed. The bid document include one add alternate to expand the sports field to 225 foot by 360 foot.

Construction is scheduled to begin in August 2012 with completion in March 2013.

On the May 22, 2012, the Council will hear a recommendation to adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Roman Catholic Welfare Association of San José, Inc., a non-profit corporation (Archbishop Mitty High School) for the funding, renovation, operation, maintenance, and joint use of John Mise Park.

ANALYSIS

Staff is asking Council to delegate authority to the Director of Public Works for the award of a construction contract for the project to the lowest responsive and responsible bidder in an amount not to exceed \$2,915,000. The delegation would include the authority for the Director to decide any bid protests as part of the determining which bidder is the lowest responsive and responsible bidder. The authority to award a construction contract for the project would be contingent on the City first executing an Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use of John Mise Park, and financial contribution of up to \$375,000.

The delegation also includes the authority for the Director to reject all bids as an alternative to awarding a construction contract and to re-bid the project if the Director determines that doing so is appropriate.

This recommendation is being made because the proposed construction schedule falls within a critical window designed to perform the construction phase of the park during the slower fall and winter seasons and have the field ready for use in the spring and summer 2013 seasons. The intent is to provide more flexibility to maintain that project schedule in the event Council does not award the project before the July recess. The strategy allows the City adequate time to negotiate and execute an agreement with Mitty to respond to bid protests while still meeting schedule goals, should either of these events cause a delay beyond the last Council meeting in June.

Council Policy provides for a standard contingency of five percent on a public works park project to provide funding for any unanticipated work necessary for the proper completion and construction of the project. The recommended resolution would include approval of a contingency in the amount of five percent of the construction contract if one is awarded by the Director.

EVALUATION AND FOLLOW-UP

No subsequent Council action on this issue is necessary. Staff will monitor the impact of this action and communicate any issues to Council through a staff report.

POLICY ALTERNATIVES

Alternative #1: Council could elect not to delegate authority to the Director of Public Works.

Pros: None.

Cons: The purpose of the delegated authority is to take advantage of the slower sports seasons for the construction phase of the project and maximize the ability for the fields to be open during the spring and summer 2013 seasons.

PUBLIC OUTREACH/INTEREST

- ✓ **Criterion 1:** Requires Council 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: Email 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 or a Community group that requires special outreach. **(Required: Email, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item meets Criterion 1 and will be published on the City's website for the June 5, 2012 Council agenda. To solicit contractors, this project was listed on Bidsync and advertised in the *San José Post Record*.

COORDINATION

This project and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Parks, Recreation and Neighborhood Services, the City Attorney's Office, and the City Manager's Budget Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with the Council approved Budget Strategy to continue with capital investments that spur construction spending in our local economy.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: **(Engineer's Estimate) \$2,850,000**

Project Delivery	\$439,000
Construction	2,850,000
Contingency	143,000
TOTAL PROJECT COSTS	\$3,432,000
Prior Year Expenditures	<u>(13,275)*</u>
REMAINING PROJECT COSTS	\$3,418,725

*A total of \$13,275 has been expended for Design Services.

2. SOURCE OF FUNDING: 375 – Subdivision Park Trust Fund

3. OPERATING COSTS: Contingent upon approval and execution of the Agreement with Archbishop Mitty High School for the Renovation, Operation, Maintenance, and Joint Use John Mise Park, the maintenance costs associated with this sports field will be at Mitty's cost.

BUDGET REFERENCE

Fund #	Appn #	Appn. Name	Total Appn	Amount for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
Available Project Funding						
377	7191	Mise Park Sports Field Development	\$1,563,000	\$1,563,000	V-336	10/18/11 28979
375	7191	Mise Park Sports Field Development	\$1,924,000*	\$1,287,000	V-524	10/18/11 28979
		TOTAL	\$3,487,000*	\$2,850,000		

* A total of \$13,000 was expended in the appropriation in the Park Trust Fund in 2010-2011, bringing the total funding allocated for this project to \$3,500,000 (of which \$1,937,000 is allocated in the Subdivision Park Trust Fund).

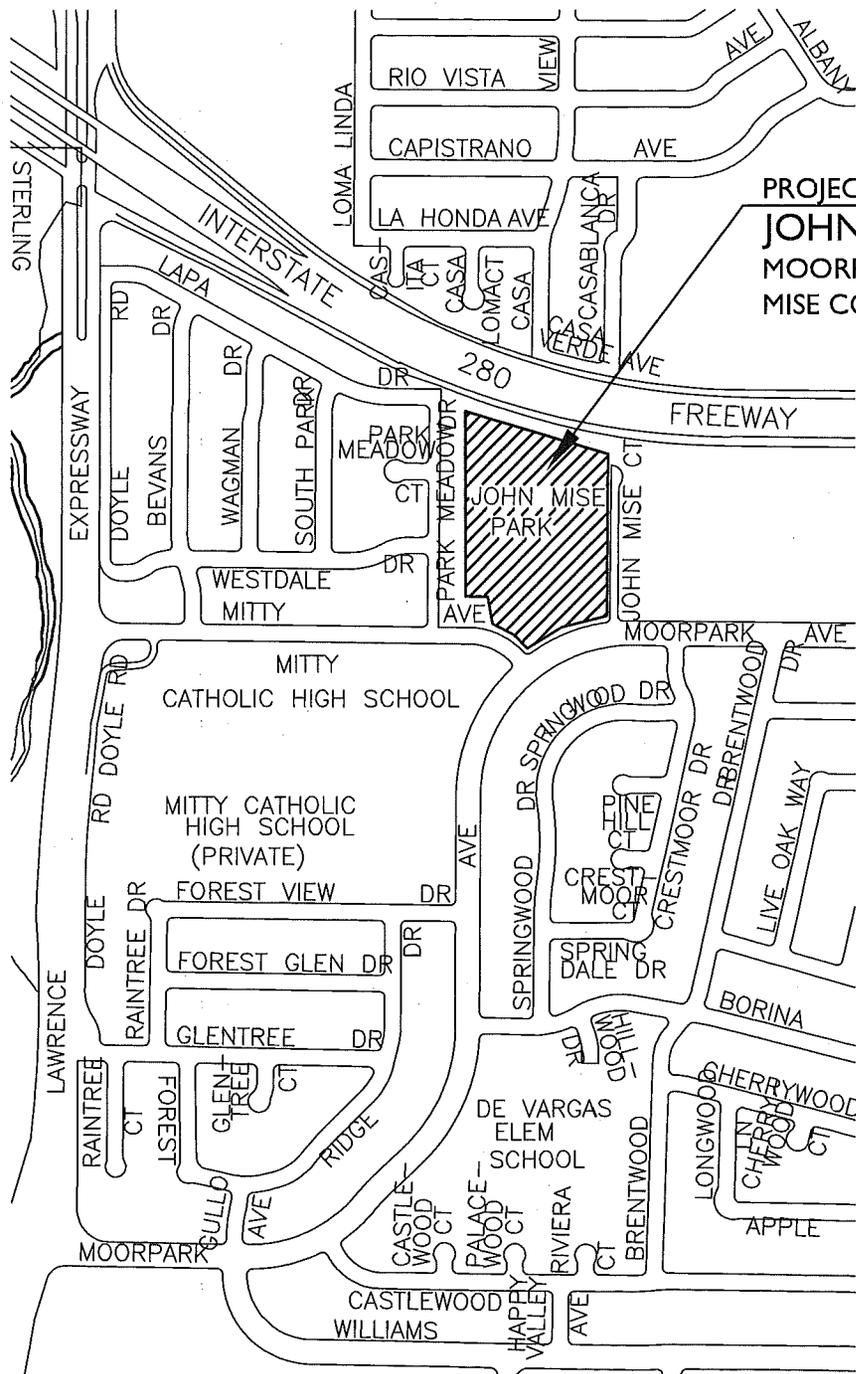
CEQA

CEQA: Categorically Exempt, File No, PP12-021.

/s/
DAVID SYKES
Director of Public Works

For questions please contact Harry Freitas, Assistant Director, Department of Public Works, at 408-535-8300.

Attachment
Mise Park Sports Field Renovation



PROJECT LOCATION
JOHN MISE PARK
 MOORPARK AVE AND JOHN
 MISE COURT

MISE PARK
 LOCATION MAP
 NOT TO SCALE

