



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
December 9, 2008

Honorable Mayor and
Members of the City Council

Title: Change Order: Fort Natomas at South Natomas Community Park (L19156200)

Location/Council District: 2921 Truxel Road, Council District 1

Recommendation: Adopt a **Resolution** ratifying and authorizing Change Order #1 to Contract #2008-220 with Biundo Landscape Construction in the amount of \$76,259.50.

Contact: Jonathan Rewers, Parks and Recreation Analyst, 808-7590

Presenters: Not Applicable

Department: Parks and Recreation

Division: Office of the Director

Organization No: 19001411

Description/Analysis

Issue: On August 19, 2008, the City Council adopted a resolution (2008-586) that relocated the Fort Natomas Playground to South Natomas Community Park. In addition, the City Council authorized the City Manager to execute construction contracts in an amount not to exceed \$750,000 per single contract for the construction of the Fort Natomas Playground at South Natomas Community Park. The City Manager then executed Contract #2008-220 with Biundo Landscape Construction in an amount not to exceed \$449,234.

On November 21, 2008, the City Manager executed Change Order #1 to Contract #2008-220 with Biundo Landscape Construction in the amount of \$76,259.50 consistent with City Code Section 3.60.210(D) in order to prevent interruption of the work which would result in a substantial increase in cost to the city. In such a case, the City Manager shall report to the city council regarding any such action as soon as reasonably possible but in no event more than thirty (30) days. The change order was necessary to add safety improvements to the Fort Natomas Playground before its grand opening in early December 2008.

Staff is recommending that the City Council ratify and authorize the City Manager's execution of Change Order #1, which exceeded the City Manager's change order authority set in City Code Section 3.60.210(B) or 10% of the original contract amount.

Policy Considerations: The City Council on August 19, 2008 adopted Resolution 2008-586, which suspended competitive bidding in the best interests of the City for all contracts and agreements related to the design and construction of the Fort Natomas at South Natomas Community Park project consistent with Code Sections 3.56.230 and 3.60.170, which states that the City Council by a 2/3rd vote may suspend competitive bidding in the best interests of the City.

City Code Section 3.60.210(D) allows the City Manager to execute change orders in such sums as may reasonably be necessary to:

- Prevent interruption of the work which would result in a substantial increase in cost to the city; or
- Protect the work or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work, from substantial and immediate danger of injury; or
- Protect, where damage or injury has occurred, the work, or equipment or materials to be used in the work, or human safety or the environment at or near the site of the work from further or additional damage or injury or deterioration caused by man, nature or other source;

Staff's recommendation implements the Best Management Practices in the City Council adopted *Parks and Recreation Safety Implementation Plan* (Best Management Practices 1.1 and 1.5).

Staff's recommendation is also consistent with policies in the City Council adopted *2005-2010 Parks and Recreation Master Plan* (Policy 1.6, 13.22, 13.32 and 13.37).

Providing Parks and Recreation facilities is consistent with the City's strategic plan to achieve sustainability and livability throughout the City.

Committee/Commission Action: Not Applicable.

Environmental Considerations:

California Environmental Quality Act (CEQA): On August 19, 2008, the City Council found that this project was exempt from the California Environmental Quality Act (CEQA) under the CEQA Guidelines (Title 14 California Code Regulations §15000 et seq.) section 15303. Section 15303 consists of construction of limited numbers of new, small facilities and structures.

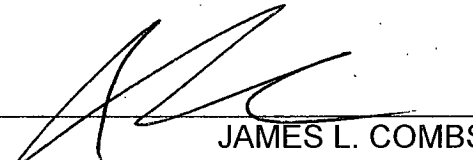
Sustainability Considerations: The Fort Natomas Playground at South Natomas Community Park project has been reviewed for consistency with the goals, policies and targets of the Sustainability Master Plan (SMP). Staff's recommendation will advance the SMP's goals, policies and targets by improving the wellness of residents through access to a diverse mix of recreational activities.

Rationale for Recommendation: Change Order #1 was necessary to address and increase in the contract amount which was due to the addition of a camera and lighting system to the new Fort Natomas Playground before the grand opening in early December 2008. With only a 45-day construction window, the construction documents for these items were not complete at the time of the original contract award. With Biundo Landscape Construction already on-site and mobilized, upon completion of the construction documents it was in the best interests of the City to execute Change Order #1 to prevent interruption of work which would result in a substantial increase in cost to the City.

Financial Considerations: There were sufficient funds in L19156200 to execute Change Order #1. The total funding for this project is \$1,027,000 of South Natomas Community Improvement Funds (Fund 2021).

Emerging Small Business Development (ESBD): Even though the City Council suspended competitive bidding for the project, the selection of contractors for this project followed City established guidelines for inclusion of ESBD firms. At an SBE/EBE percentage total of 67.7% (SBE percentage is based on the base bid only), Biundo Landscape and its subcontractors are above meeting the City's required 20% ESBD rate.

Respectfully Submitted by:



JAMES L. COMBS
Director of Parks and Recreation

Recommendation Approved:



for RAY KERRIDGE
City Manager

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ATTACHMENT 1

Background:

On May 26, 2008, Fort Natomas at Jefferson Park was destroyed due to an illegally started fire. This was the second time that the playground was destroyed due to fire in the past two years.

A community meeting was held on May 29, 2008, at Jefferson Park to discuss the response by the City of Sacramento. At that meeting, the Department of Parks and Recreation, in partnership with the Fire Department and Police Department, committed to support the community to replace this signature playground facility and to recommend enhancements to ensure its long term protection.

After an extensive analysis of the existing site, public safety, and recreational issues, staff recommended on August 19, 2008, that Fort Natomas be relocated to the South Natomas Community Park.

The 2008 rebuild of Fort Natomas at the South Natomas Community Park required the new construction of infrastructure on-site before the community build date of November 4 – 9. With only approximately 45 working days available, staff utilized alternate delivery methods to ensure that the contractor's work would be complete prior to volunteers mobilizing on site for construction of the new Fort Natomas. With such an aggressive schedule, the City Council, on August 19, 2008, suspended competitive bidding and authorized the City Manager to execute a construction contract within days of completion of construction documents and receipt of quotes from construction contractors. To ensure transparency in the process, the City Council directed staff to return on quoted prices for the project as well as which contractor was selected.

Selection of contractors was based on the lowest estimated price for the project, as well as the ability of the contractor to complete all of the infrastructure work no later than October 30, 2008. Based on the quotes for construction of the infrastructure received Biundo Landscaping was selected and awarded a construction contract of \$449,234.

Staff is recommending that the City Council ratify and authorize the City Manager's execution of Change Order #1, which was exceeded the City Manager's change order authority set in City Code Section 3.60.210(B) or 10% of the original contract amount. Change Order #1 was necessary to address and increase in the contract amount which was due to the addition of a camera and lighting system to the new Fort Natomas Playground before the grand opening in early December 2008. With only a 45-day construction window, the construction documents for these items were not complete at the time of the original contract award. With Biundo Landscape Construction already on-site and mobilized, upon completion of the construction documents it was in the best interests of the City to execute Change Order #1 to prevent interruption of work which would result in a substantial increase in cost to the City.

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

December 9, 2008

**RATIFYING AND AUTHORIZING CHANGE ORDER #1:
FORT NATOMAS AT SOUTH NATOMS COMMUNITY PARK (L19156200)**

BACKGROUND

- A. The City Council on August 19, 2008 adopted Resolution 2008-586, which suspended competitive bidding in the best interests of the City for all contracts and agreements related to the design and construction of the Fort Natomas at South Natomas Community Park and authorized the City Manager to execute construction contracts in an amount not to exceed \$750,000 per single contract.
- B. On September 12, 2008, the City Manager executed Contract #2008-220 with Biundo Landscape Construction in an amount not to exceed \$449,234.
- C. On November 21, 2008, the City Manager executed Change Order #1 to Contract #2008-220 with Biundo Landscape Construction in the amount of \$76,259.50 consistent with City Code Section 3:60.210(D) in order to prevent interruption of the work which would result in a substantial increase in cost to the city.
- D. There are sufficient funds in the Fort Natomas at South Natomas Community Park Project, L19156200 for the City Manager to execute Change Order #1.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. Change Order #1 to Contract #2008-220 with Biundo Landscape Construction in the amount of \$76,259.50 is ratified and authorized.