

RESOLUTION NO. 2024-175

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, APPROVING THE AWARD OF AN AGREEMENT WITH BILBRO CONSTRUCTION COMPANY INC. IN THE AMOUNT OF \$2,915,258.44 FOR THE CONSTRUCTION FOR SPEICHER PARK BALLFIELDS IMPROVEMENTS (PROJECT); AND APPROVING TASK ORDER NUMBER 001 WITH TKE ENGINEERING, INC., IN THE AMOUNT OF \$415,019 FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE PROJECT; AND AUTHORIZE THE PROJECT CONSTRUCTION CONTINGENCIES, PROFESSIONAL SERVICES CONTINGENCIES, AND ADMINISTRATIVE COSTS IN THE AMOUNT OF \$744,981 FOR CONSTRUCTION OF THE PROJECT; AND AUTHORIZING THE DIRECTOR OF FINANCE AND MANAGEMENT SERVICES TO AMEND THE FY 2024/25 CIP BUDGET BY \$2,574,670.02 USING THE CULTURAL DEVELOPMENT FUND BALANCE TO BRING THE CURRENT PROJECT BUDGET TO \$4,075,258.44. AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL DOCUMENTS WITH BILBRO CONSTRUCTION COMPANY INC., AND TKE ENGINEERING, INC. NECESSARY TO CARRY OUT THE PROJECT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXPEND THE CONTINGENCY FUND, IF NECESSARY, TO COMPLETE THE PROJECT.

WHEREAS, the City desires to improve the Speicher Park Ballfield amenities to improve community engagement, physical activity, and social interaction (the “Project”); and

WHEREAS, on June 1, 2022, the Mayor, and City Council adopted Resolution No. 2022-102 approving the FY 2023 and 2024 Operating Budget and Capital Improvement Program FY 2023-2027; and

WHEREAS, on November 2, 2022, the Mayor, and City Council awarded a Design Services Agreement with New Line Skate Parks FL, Inc. for Skate Park design at Speicher Park; and

WHEREAS, on November 16, 2022, the Mayor, and City Council awarded five-year On-Call Professional Services Agreements with various engineering firms.

WHEREAS, on March 1, 2023, the Mayor, and City Council adopted Resolution 2023-036, rejecting construction bids for the Project since the City received only one construction bid and the received bid amount was significantly above the Engineer's overall estimate; and

WHEREAS, as a result, Public Works staff recommended that the City Council reject the bid submitted for the subject project and allow staff to re-evaluate the project, coordinating with the Parks and Recreation Department to revise the scope of work to stay within the available budget.

WHEREAS, on June 21, 2023, the Mayor, and City Council awarded a Design Services Agreement with IDS Group, Inc. for the Project. The revised scope of work included, but is not limited to, lighting, ADA accessibility, parking lot rehabilitation, new restrooms, and improvements to Huckabaa, Mason, and Montgomery Baseball Fields; and

WHEREAS, on March 6, 2024, the Mayor, and City Council Amendment No. 1 to the Design Services Agreement with IDS Group, Inc. for the Project in order to further revise the scope of work and increase the not-to-exceed compensation amount; and

WHEREAS, the Project was advertised for public bidding on June 6, 2024, on PlanetBids with the City receiving two sealed bids; and

WHEREAS, City staff reviewed all bid packages and determined that Bilbro Construction Company, Inc. was the lowest responsible and responsive bidder.

WHEREAS, the City desires to utilize TKE Engineering, Inc. to perform construction management and inspection work for the Project; and

WHEREAS, TKE Engineering, Inc. is on the City's approved on-call engineering consultants list;

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The Mayor and City Council hereby authorize the City Manager to approve the award of an Agreement with Bilbro Construction Company, Inc. in the amount of \$2,915,258.44 for Speicher Park Ballfields Improvements (Project).

SECTION 3. The Mayor and City Council hereby authorize the City Manager to approve Task Order Number 001 with TKE Engineering, Inc. in the amount of \$415,019 for the Project.

SECTION 4. The Mayor and City Council hereby authorize the construction contingencies, professional services contingencies, and administrative costs in the amount of \$744,981 for construction of the Project.

SECTION 5. The Mayor and City Council hereby authorize the Director of Finance and Management Services to amend the FY 2024/25 CIP Budget by \$2,574,670.02 using the Cultural Development fund balance to bring the current project budget to \$4,075,258.44.

SECTION 6. The Mayor and City Council hereby authorize the City Manager or designee to execute all documents with Bilbro Construction Company, Inc. and TKE Engineering, Inc. in order to carry out the Project

SECTION 7. The Mayor and City Council hereby authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.

SECTION 8. The Mayor and City Council finds this Resolution is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15302, Replacement or Reconstruction (“Class 2”). The Class 2 exemptions allows for the replacement or reconstruction of existing structures or facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Here, the Project involves reconstructing the previously fire-damaged skate park with new structures located on the same site that will serve as the new skate park. The City has also considered whether the proposed Project is subject to any exception to the Class 2 exemption, as set forth in State CEQA Guidelines section 15300.2. No exception applies for the following reasons:

- a) The location exception only applies to Class 3, 4, 5, 6, and 11 exemptions, none of which are being utilized here.
- b) The proposed Project would not result in any significant cumulative impacts on the environment. The cumulative impacts exception does not apply because the Project has no incrementally significant impacts on the environment.
- c) A categorical exemption may be subject to an exception where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. The proposed Project does not involve any unusual circumstances and has no potential to result in a significant impact on the environment.
- d) Under the “scenic highways” exception, a categorical exemption may be subject to an exception where the project may result in damage to scenic resources within a highway officially designated as a state scenic highway. The exception does not apply here as the Project would not damage any scenic resources within a state scenic highway.
- e) The Project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f) The Project site does not contain a historical resource.

SECTION 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 10. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of _____ 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-____, adopted at a regular meeting held on the ____ day of _____ 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2024.

Genoveva Rocha, CMC, City Clerk