



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: November 20, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager;
Lynn Merrill, Director of Public Works

Department: Public Works

Subject: **Amendment No. 3 Agreement with RHA Landscape Architects – Planners Inc. for Nicholson Park Design (Ward 6)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve Amendment No. 3 to the Professional Design Services Agreement with RHA Landscape Architects – Planners Inc. in the amount of \$20,000 for Nicholson Park (Project); and
2. Authorize project contingencies in the total amount of \$5,000 for additional services for the Project; and
3. Authorize the City Manager or designee to execute all documents with RHA Landscape Architects – Planners Inc.; and
4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.
5. Extend the term of the agreement to December 30, 2025.

Executive Summary:

Amending the Agreement for Design Services for the Nicholson Park Project would lead to the construction of park amenities, returning the park to a safe and attractive condition. The amendment would allow RHA Landscape Architects – Planners Inc. (RHA) to complete additional work necessary for the design of the park improvements. Amendment No. 3 will include RHA's fee of \$20,000. Additional funds are recommended for contingencies in the amount of \$5,000. The total cost for the additional services including contingencies is \$25,000.

Background

Nicholson Neighborhood Park, located at 2737 West 2nd Street, is a City-owned 9.52 acre park facility that includes recreational amenities and a community center building. The recreational area of the park currently consists of two baseball diamonds with a concession/score keeper area (restroom included), a community garden, outdoor basketball court, picnic shelter, picnic tables, barbeque grills, a playground area, restrooms, and parking lot. While the park area continues to see some general community use, the community center building has been closed for programming for several years due to financial challenges.

Over the past several years, Nicholson Neighborhood Park has become a target for vandalism due to the lack of programmed activities at the site. Many of the supporting outbuildings, irrigation, and lighting systems have been damaged beyond repair. During the preparation of the FY 2020/21 Capital Improvement Plan (CIP), staff recommended rehabilitation of the park to return the property to a safe and attractive condition. Restoration of the park and its amenities will assist in drawing positive activities back to the area and restore recreation opportunities for the surrounding neighborhood.

On June 24, 2020, the Mayor and City Council approved Resolution No. 2020-128 adopting the City's Annual Operating Budget for Fiscal year 2020/21. The budget included CIP Project PR21-006 for Nicholson Neighborhood Park Improvements ("Project"). Funding to support the Project has been established in the amount of \$1,000,000 in Community Development Block Grant (CDBG) funding and \$150,000 in Meadowbrook Insurance Claim funds, for a total Project budget of \$1,150,000.

On March 3, 2021, the Mayor and City Council adopted Resolution No. 2021-037 approving award of a Design Services Agreement with RHA Landscape Architects – Planners, Inc. for the Nicholson Park Improvements in the amount of \$215,295.

On February 2, 2022, the Mayor and City Council adopted Resolution No. 2022-026 allocating \$8,850,000 in ARPA (American Rescue Plan Act) funds to complete the project.

On August 3, 2022, the Mayor and City Council approved Amendment No. 1 to the Professional Design Services Agreement with RHA Landscape Architects – Planners, Inc. adding extra design services in the amount of \$197,250 and increasing the purchase order to a total amount not-to-exceed \$412,545 for the preliminary design of Nicholson Park.

On August 2, 2023, the Mayor and City Council approved Amendment No. 2 to the Professional Design Services Agreement with RHA Landscape Architects – Planners, Inc. adding extra design services in the amount of \$47,300 and increasing the purchase order to a total amount not-to-exceed \$459,845.

On December 6, 2023, the Mayor and City Council approved the construction award to Urban Habitat in the total amount of \$9,437,197.56 for project construction, construction contingencies, and construction management costs.

On February 21, 2024, the Mayor and City Council approved an award for Construction Management and Construction Inspection Services to Z&K Consultants Inc. in the amount of \$471,876.00.

On April 17, 2024, the Mayor and City Council approved the proposed substantial amendment to fiscal years 2023-2024 and 2020-2021 annual action plan associated with CDBG funds.

On September 4, 2024, the Mayor and City Council approved to increase the construction contingency and construction management budget for this project from \$1,290,000 to the total amount of \$2,139,564.87.

On September 18, 2024, the Mayor and City Council received and filed an update on the City's American Rescue Plan Act (ARPA) projects, allocations, and spending to date and authorized the City Manager to obligate ARPA funds for City led projects per the US Department of Treasury Guidelines, by executing Inter-Agency agreements.

Discussion

Notice to Proceed was issued to Urban Habitat on April 29, 2024. As part of the construction process, Urban Habitat have submitted requests for information that are reviewed by RHA Landscape. Due to the complexity of the project, RHA Landscape have expended their construction support services budget.

RHA Landscape is requesting an authorization for additional work for construction support services necessary to complete construction for this Project. This additional support is to facilitate effective communication between RHA Landscape and the construction team. By allowing RHA Landscape to address any inquiries or clarifications regarding the project, we aim to ensure that all parties are aligned in their understanding of the project specifications and requirements. The fee for the additional services is \$20,000.

Staff recommends the inclusion of an additional \$5,000 for contingencies from unforeseen circumstances.

The total cost of the additional construction support services and contingencies is \$25,000.

Item	Amount
RHA Amendment No. 3 Request	\$20,000.00
Contingency	\$5,000.00
Total	\$25,000.00

The initial purchase order was set at \$215,295.00. This was followed by Amendment No. 1, which adjusted the amount by \$197,250.00. Subsequently, Amendment No. 2 added \$47,300.00 to the total. The not-to-exceed amount for the project was established at \$459,845.00. We are proposing Amendment No. 3 for an additional \$20,000.00 with \$5,000. for contingency. As a result, the new total for the purchase order now stands at \$484,845.00.

Previous Purchase Orders & Amendments

Initial Purchase Order	\$215,295.00
Amendment No. 1	\$197,250.00
Amendment No. 2	\$47,300.00
Not-To-Exceed Amount	\$459,845.00
Amendment No. 3	\$25,000.00
New Purchase Order Total	\$484,845.00

To address Amendment No. 3, staff recommend utilizing the contingency funds secured on September 4, 2024. The current contingency balance is \$745,127.48, and this Amendment will require \$25,000, leaving a remaining balance of \$720,127.48.

Measure S Contingency

Existing Budget	\$745,127.48
Additional Funding Support	\$25,000.00
Ending Balance	\$720,127.48

2021-2025 Strategic Targets and Goals

Authorizing the execution of this amendment aligns with Key Target No. 4: Economic Growth & Development. The additional amenities to Nicholson Neighborhood Park will improve community participation for new recreational activities.

Fiscal Impact

The fiscal impact is a reduction to the Measure S Contingency balance of \$25,000.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California:

1. Approve Amendment No. 3 to the Professional Design Services Agreement with RHA Landscape Architects – Planners Inc. in the amount of \$20,000 for Nicholson Park (Project); and
2. Authorize project contingencies in the total amount of \$5,000 for additional services for the Project; and
3. Authorize the City Manager or designee to execute all documents with RHA Landscape Architects – Planners Inc.; and

4. Authorize the City Manager or designee to expend the contingency fund, if necessary, to complete the project.
5. Extend the term of the agreement to December 30, 2025.

Attachments

Attachment 1	Amendment No. 3 To Agreement with RHA Landscape Architects – Planners Inc.
Attachment 2	Amendment No. 2 To Agreement with RHA Landscape Architects – Planners Inc.
Attachment 3	Amendment No. 1 To Agreement with RHA Landscape Architects - Planners Inc
Attachment 4	Agreement with RHA Landscape Architects – Planners Inc
Attachment 5	Location Map

Ward:
Sixth Ward

Synopsis of Previous Council Actions:

April 15, 2020	Mayor and City Council approved the City’s GY 2020/21 CDBG Action Plan
June 24, 2020	Mayor and City Council adopted Resolution No. 2020-128 approving Capital Improvement Program FY 2020/21.
March 3, 2021	Resolution No. 2021-37 adopted agreement with RHA Landscape Architects – Planners, Inc. to provide the design services for Nicholson Neighborhood Park
February 2, 2022	Mayor and City Council adopted Resolution No. 2022-26 assigning American Rescue Plan (ARP) funds in the amount of \$8,850.000 to the Nicholson Park Project in lieu of future grant funding
August 3, 2022	Amendment No. 1 to Agreement with RHA Landscape Architects – Planners, Inc. to provide additional design services for Nicholson Park Design (Ward 6)
August 2, 2023	Amendment No. 2 Agreement with RHA Landscape Architects – Planners, Inc. for Nicholson Park Design (Ward 6)
December 6, 2023	Award of Agreement for Construction of Nicholson Neighborhood Park Improvements (Ward 6)

- February 21, 2024 Award of Agreement for Construction Management and Inspection Services for the Nicholson Park Improvements (Ward 6)
- April 17, 2024 Proposed Substantial Amendment to Fiscal Years 2023-2024 and 2020-2021 Annual Action Plan Associated with Community Development Block Grant and Community Development Block Grant (All Wards)
- September 4, 2024 Recommendation to Increase the Construction Contingency and Construction Management Budget for Nicholson Park Improvements Project (Ward 6)
- September 18, 2024 American Rescue Plan Update (Fall 2024) (All Wards)