



**Honorable Mayor and Members of the Hermosa Beach City Council**

**ADOPT A RESOLUTION AND APPROVE CONTRACTS FOR CIP 619 – KELLY COURTS IMPROVEMENTS**

**CEQA:** The Project is exempt under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15301 (Existing Facilities) and section 15302 (Replacement and Reconstruction)  
(Public Works Director Joe SanClemente)

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**Recommended Action:**

Staff recommends City Council:

1. Award a construction contract for Capital Improvement Program (CIP) Project 619–Kelly Courts Improvements to All-American Construction Solutions in the amount of \$825,999 (**Attachment 1**), ratifying City staff determination that lower bids were non-responsible (lowest-bid);
2. Authorize the Director of Public Works to establish a project contingency amount of \$124,000 and to approve contract change orders up to the amount of the approved project contingency;
3. Adopt the attached resolution entitled “A Resolution of the City Council of the City of Hermosa Beach Approving the Construction of CIP 619 Kelly Courts Improvements Pursuant to Government Code Section 830.6 and Establishing a Project Payment Account” (**Attachment 2**);
4. Authorize the Director of Public Works to file a Notice of Completion following final completion of the project and the City Clerk to record the document with Los Angeles County;
5. Approve the proposed fourth amendment to an agreement with NUVIS & Associates (**Attachment 3**) to provide on-call landscape architectural services extending the term to December 3, 2026;
6. Determine the project is exempt under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15301 (Existing Facilities) and section 15302 (Replacement and Reconstruction); and
7. Authorize the City Manager to execute the construction contract and proposed contract amendment, approve minor modifications if necessary, and execute all related documents, with the City Clerk attesting the agreements subject to approval by the City Attorney.

### **Executive Summary:**

CIP 619–Kelly Courts Improvements includes, but is not limited to, renovating the existing pickleball, tennis, and basketball courts, collectively identified as Kelly Courts. Staff received four bids for the construction of the project and recommends City Council award a construction contract to the lowest responsible and responsive bidder, All-American Construction Solutions.

At its December 17, 2019 meeting City Council awarded professional services agreement to NUVIS & Associates (NUVIS) to provide on-call landscape architectural design services. NUVIS was selected to design construction plans and prepare the bid documents for CIP 619 Kelly Courts Improvements. The term for this agreement is currently set to expire on December 3, 2025. Staff requests approval of the proposed amendment to extend the term of the agreement to December 3, 2026 to ensure completion of ongoing work efforts with NUVIS in support of the construction of CIP 619 Kelly Courts Improvements.

### **Background:**

#### **Summary**

Pickleball is a racquet sport that combines elements of tennis, badminton, and ping pong and has substantially grown in popularity continuously over the last decade. The sport has seen rapid growth over the past decade and is in high demand among Hermosa Beach residents.

Following extensive community engagement for over two years, the City Council approved converting one of the two Kelly Tennis Courts at the Clark Complex into four dedicated pickleball courts in March 2017. The Kelly Pickleball Courts opened to the public in May 2017.

However, community concerns about noise from the sport led to the development of a Pickleball Stakeholders Focus Group, culminating in a compromise that balanced court use hours with nearby residents' quality of life. Despite these efforts, two courts were closed in 2020 due to safety issues stemming from site constraints and deferred maintenance.

In response, staff developed CIP 619, which was approved in the FY 2022–23 budget as a resurfacing and reconfiguration project. The scope later expanded in FY 2023–24 to include lighting upgrades, ADA-compliant pathways, and modernization of all court types at the facility.

#### **Pickleball Stakeholders Focus Group Development and Outcomes (Change in Use Policy and Hours of Use)**

Following the opening of the Kelly Pickleball Courts, due to the nature of the sport and its use of equipment that produces a “popping” noise, staff received ongoing feedback from nearby residents on the noise impacts.

Staff and the former Department Use Policies Subcommittee (DUPS) of the Parks, Recreation, and Community Resources Advisory Commission performed extensive research and made several recommendations to the Commission on various noise mitigation solutions with no resolve for over three years.

Staff and DUPS formed a Pickleball Stakeholders Focus Group consisting of representatives from the local neighborhood and pickleball community. The purpose of the stakeholder group was to discuss viable solutions that would limit noise impacts to the nearby residents while providing use of the pickleball courts during preferred times by the pickleball community.

At its June 2, 2021, meeting, staff and DUPS recommended the Parks, Recreation, and Community Resources Advisory Commission recommend to City Council the approval of updated use policies and hours, formed with the Pickleball Stakeholders Focus Group. The Parks, Recreation, and Community Resources Advisory Commission recommended the City Council approve the updated use policies and hours with slight revisions.

At its July 13, 2021, meeting, the City Council approved the Parks, Recreation, and Community Resources Advisory Commission’s recommendation on the updated use policies but revised the hours, allowing for more hours for use of the courts than initially recommended by the Commission. The approved hours, which remain current to this day are:

- Sunday: closed
- Monday: closed
- Tuesday: 9:00 a.m. through 9:00 p.m.
- Wednesday: 9:00 a.m. through 4:00 p.m.
- Thursday: 9:00 a.m. through 9:00 p.m.
- Friday: 9:00 a.m. through 4:00 p.m.
- Saturday: 9:00 a.m. through 4:00 p.m.

The hours provided the pickleball community with access to the pickleball courts during the most desired times, and relief to the nearby residents two days a week, and several evenings. **Attachment 4** is the approved use policy, which also remains current to this day.

At its November 2, 2021, staff presented a report to the Parks, Recreation, and Community Resources Advisory Commission on the effectiveness of the adopted use policies and hours. Staff reported the feedback was limited to three members of the pickleball community sharing dissatisfaction with the use hours, one nearby resident

sharing gratitude for the use hours, and one nearby resident sharing reports of the courts being used outside of the use hours. The limited feedback following the implementation of the new use policies and hours in comparison to the level of feedback regarding noise impacts staff had received prior demonstrated the effectiveness of the consensus-building efforts of the Pickleball Stakeholder Group. The Parks, Recreation, and Community Resources Advisory Commission received and filed the report.

Since the staff's report at the November 2, 2021, meeting, staff has received feedback from members of the pickleball community demonstrating their dissatisfaction with the limited court use hours and the two temporarily closed pickleball courts. Staff continues to receive reports from one nearby resident of the pickleball courts being used outside of the adopted court use hours. Residents are encouraged to report incidents so they can be tracked and enforced. Staff has not directly received any additional feedback or concern about noise impacts.

Additionally, members of the pickleball community have expressed how difficult it is to secure play time at the two open courts. The courts are available for reservation by residents who obtain a pickleball membership at an annual rate, and reserved hours incur an hourly use fee. Without a reservation, the courts are available on a drop-in basis, free of charge. However, the courts are reserved 98% of the time, and obtaining a reservation is very difficult due to the high demand. There are currently 271 members of the Hermosa Beach Pickleball Membership Program.

### Current Conditions

The Kelly Courts, including pickleball, tennis, and basketball facilities, are currently worn, outdated, and do not meet recreational standards. Specific issues include:

- **Dimensional noncompliance:** Current layouts do not meet standards by USA Pickleball or the American Institute of Architects.
- **Surface degradation:**
  - Pickleball courts last resurfaced in 2017 (recommended every 5 years)
  - Tennis court last resurfaced in 2016 (recommended every 4–8 years)
  - Basketball court last resurfaced in 2018 (recommended every 5 years)
- **Two pickleball courts remain closed** due to safety concerns.

### CIP 619–Kelly Court Improvements

In the Summer of 2020, two of the four pickleball courts were temporarily closed and fenced off due to safety concerns. To address the concerns, staff recommended CIP 619–Kelly Court Pickleball Resurfacing to City Council at the Fiscal Year (FY) 2022–23 CIP Study Session on April 21, 2022. The project would include resurfacing and a design to determine the feasibility of reopening the two temporarily closed courts through reconfiguration. At its June 29, 2021, meeting, City Council approved the CIP as part of the FY 2022-23 Adopted Budget and CIP.

The project scope includes:

- Resurfacing and restriping all courts;
- Replacing walls and fencing;
- Installing windscreens;
- Upgrading lighting to meet current standards;
- Replacing basketball infrastructure; and
- Constructing an ADA-compliant path from the adjacent lot.

The completed project will provide a revitalized recreational hub with four pickleball courts, one tennis court, and two basketball courts—safe, accessible, and compliant with modern standards.

#### CIP–619 Workshopping at Both Commissions

Annually, staff provides the Parks, Recreation, and Community Resources Advisory Commission with an overview on established CIPs related to the purview of the Commission and the Community Resources Department (Department) before the upcoming FY budget is adopted. At its April 17, 2023, meeting, the Parks, Recreation, and Community Resources Advisory Commission provided input that it deemed the CIP 619–Kelly Court Pickleball Resurfacing a high-priority project.

Over time, the usage and exposure to environmental elements at not only the Kelly Pickleball Courts, but the adjacent tennis court and basketballs led to noticeable wear and tear on all the court surfaces and fencing. As part of the preliminary design for CIP 619–Kelly Court Pickleball Resurfacing, staff also identified other dimensional constraints within the facility that need to be resolved to alleviate safety concerns as well as lighting improvements to current standards, deferred maintenance needs, and compliance with current accessibility requirements. Therefore, staff presented to City Council a revised scope of work at the FY 2023–24 CIP Study Session on April 20, 2023, for CIP 619 to include the resurfacing and reconfiguration of all courts amongst several other upgrades. At its June 13, 2023, meeting, City Council approved the revised scope of work for the CIP, now titled CIP 619–Kelly Court Improvements. The project was also further described at the April 18, 2024, CIP Study Session including the detailed timeline for the final design phase that was planned to be completed and the project advertised for construction in FY 24-25 as part of the Tentative Estimated CIP Schedule.

At its November 12, 2024, meeting, City Council approved and adopted the 2024 Parks Master Plan which underwent a robust community engagement process, including participation by a Parks Master Plan Subcommittee consisting of four Commissioners, two from the Parks, Recreation, and Community Resources Advisory Commission and two from the Public Works Commission, community meetings, and a Joint Commission meeting held on October 29, 2024. The Parks Master Plan highlighted the growing demand for pickleball and the desire for additional facilities, while also acknowledging concern about noise and the need to balance the schedule for open play, reservations,

and programming. As part of the process, staff highlighted efforts to advance CIP 619–Kelly Court Improvement that would restore the use of all four courts as part of overall necessary improvements to the larger Kelly Courts facility.

Public Works dedicated engineering staff, in coordination with Community Resources, worked to complete the final design of the CIP in December 2024 and advertised the project for construction on December 12, 2024. On January 21, 2024, the City received bids from six contractors, and then staff worked to review the bids and make a recommendation to City Council.

At the February 25, 2025, City Council meeting, staff requested City Council approval to award a construction contract for CIP 619–Kelly Court Improvements, which would allow the City to re-open the two pickleball courts that had been temporarily closed following the completion of the project.

The City Council did not approve the award of the construction contract, rejecting all bids, and directed staff to provide an additional opportunity to the Parks, Recreation, and Community Resources Advisory Commission and Public Works Commission to review the project and provide feedback and then return to Council for formal direction on the project.

At the April 1, 2025, Parks, Recreation, and Community Resources Advisory Commission meeting, staff presented a report for CIP 619–Kelly Court Improvements for the Commission to review the project and provide feedback. The Commission unanimously agreed to move forward with the CIP 619–Kelly Court Improvements Project, as well as recommend to reprise the Pickleball Stakeholders Focus Group to discuss viable solutions that would limit noise impacts to the nearby residents while providing use of the pickleball courts during preferred times by the pickleball community, such that the Public Works Commission and City Council recommend the project be readvertised for construction and moves forward with the project as designed.

At its April 10, 2025, Public Works Commission meeting, staff presented a report for CIP 619–Kelly Court Improvements for the Commission to review the project and provide feedback. The Public Works Commission was notified of the results of the April 1, 2025, Parks, Recreation, and Community Resources Advisory Commission meeting and the Public Works Commission also unanimously agreed to move forward with the project.

At the April 22, 2025, City Council meeting, staff presented a report for CIP 619–Kelly Court Improvements for Council to review the project and feedback received from Parks, Recreation, and Community Resources Advisory Commission and Public Works Commission. Staff recommended Council authorize the readvertisement of the project for bids. Council unanimously agreed to move forward with the project.

**Past Commission and Council Actions**

<b>Meeting Date</b>	<b>Description</b>
<b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">December 2, 2014</a>	Staff presented to the Parks, Recreation, and Community Resources Advisory Commission three resident requests to convert the two Kelly Tennis Courts into dual-use courts allowing for tennis and pickleball play. The commission requested staff to advance consideration of the request through a public hearing at a future meeting.
<b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">February 3, 2015</a>	The Parks, Recreation, and Community Resources Advisory Commission, through a public hearing, requested staff researching alternate locations for dual-use tennis and pickleball courts and return to the Commission through a public hearing to present its findings.
<b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">August 2, 2016</a>	Staff presented to the Parks, Recreation, and Community Resources Advisory Commission two new resident requests to convert only one Kelly Tennis Court into a dual-use tennis and pickleball court. The Commission requested staff to return with the request through a public hearing at a future meeting.
<b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">November 1, 2016</a>	Through a public hearing, staff presented their findings to the Parks, Recreation, and Community Resources Advisory Commission on an alternate location that may be considered for dual-use tennis and pickleball courts, the Edith Roadway Park outdoor basketball court. However, the alternate location was not supported by the pickleball community due to the basketball court's surfacing and concern about the distance between the court's poles and the play area needed for pickleball. The Commission recommended City Council approve converting one of the Kelly Tennis Courts into a dual-use tennis and pickleball court.
<b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">January 3, 2017</a>	Through a public hearing, staff presented to the Parks, Recreation, and Community Resources Advisory Commission a revised request from the residents who had recently requested converting one Kelly Tennis Court into a dual-use tennis and pickleball court. The revised request was to convert one of the Kelly Tennis Courts for pickleball play only, allowing four pickleball courts. The Commission requested staff research and provided a recommendation on which location would be most ideal to convert a tennis court into four pickleball courts, the Kelly Tennis Courts or Community Center Tennis Courts.
<b><u>Parks, Recreation, and Community</u></b>	Staff presented their findings to the Parks, Recreation, and Community Resources Advisory Commission on which location would be most ideal to convert a tennis court into four pickleball

Meeting Date	Description
<p><b><u>Services Commission:</u></b> <a href="#">February 7, 2017</a></p>	<p>courts, the Kelly Tennis Courts or Community Center Tennis Courts. Staff determined the Community Center Tennis Courts had a higher usage rate and that distance from the nearest residence at the Kelly Tennis Courts was further, and likely any noise impacts would be greater at the Community Center Tennis Courts if one of the tennis courts were converted to a pickleball court. The Commission requested staff return with a public hearing for the Commission to consider a recommendation to City Council to convert the West Kelly Tennis Court to four pickleball courts.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">March 7, 2017</a></p>	<p>Through a public hearing, the Parks, Recreation, and Community Resources Advisory Commission recommended the City Council approve converting the West Kelly Tennis Court to four pickleball courts.</p>
<p><b><u>City Council:</u></b> <a href="#">March 28, 2017</a></p>	<p>City Council approved the Commission’s recommendation.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">January 2, 2018</a></p>	<p>Staff presented an update to the Commission on the usage of Kelly Pickleball Courts and the noise impacts on nearby residents. The Commission requested staff return to a future meeting to further discuss the noise impacts.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">June 5, 2018</a></p>	<p>Staff recommended the Parks, Recreation, and Community Resources Advisory Commission receive, and file information related to the noise impacts on nearby residents, which included:</p> <ul style="list-style-type: none"> <li>• A summary of the feedback received from the nearby residents;</li> <li>• Effectiveness of previously installed windscreens dampening the noise from the courts;</li> <li>• Types of equipment and different levels of noise produced from each type; and</li> <li>• Possible noise-dampening products that could be installed along the fences to help absorb the sound.</li> </ul> <p>The Commission requested staff return to the Commission with a draft Pickleball Court Use Policy for review and approval.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b> <a href="#">August 7, 2018</a></p>	<p>Staff presented a draft Pickleball Court Use Policy to the Parks, Recreation, and Community Resources Advisory Commission for review and approval that included policy items regarding preferred noise-dampening balls and paddles for pickleball play</p>

Meeting Date	Description
	and court etiquette. The Commission approved the Pickleball Court Use Policy.
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>October 2, 2018</u></a></p>	<p>Staff presented possible mitigation solutions to the Parks, Recreation, and Community Resources Advisory Commission, including:</p> <ul style="list-style-type: none"> <li>• Performing a sound study;</li> <li>• Installation of a noise-dampening product along the fences to help absorb the sound; or</li> <li>• Revision of the Pickleball Court Use Policy with an approved equipment list and limiting court use hours.</li> </ul> <p>The Commission requested staff return at a future meeting with a recommendation to limit the hours of pickleball play and allocate funds for a sound study of the Kelly Pickleball Courts.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>February 5, 2019</u></a></p>	<p>The Parks, Recreation, and Community Resources Advisory Commission approved staff’s recommendation to temporarily reduce the hours of the Kelly Tennis and Pickleball Courts to 9:00 am through 9:00 p.m. daily to reduce noise impacts on nearby residents. The hours were previously 8:00 a.m. through 10:00 p.m. daily.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>August 6, 2019</u></a></p>	<p>Acoustic Group, Inc (AGI) presented a sound study to the Parks, Recreation, and Community Resources Advisory Commission completed on April 11, 2019, with two recommendations for noise-dampening solutions:</p> <ul style="list-style-type: none"> <li>• The installation of a 12-foot-high wall made of concrete block, plexiglass, or acoustic blankets, on the north and east sides of the existing pickleball and tennis courts; or</li> <li>• The installation of a 12-foot-high noise-dampening product on all exterior fences surrounding the Kelly Tennis and Pickleball Courts.</li> </ul> <p>The Commission received and filed the sound study and requested AGI return to the Commission with a presentation on the costs for the recommended options.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>December 3, 2019</u></a></p>	<p>Staff recommended the Parks, Recreation, and Community Resources Advisory Commission:</p> <ul style="list-style-type: none"> <li>• Review the revised sound study from AGI, including costs associated with the two recommendations for noise-dampening products; and</li> <li>• Maintain the current hours of operations for the Kelly Tennis and Pickleball Courts until a formal decision has been made regarding the noise mitigation options.</li> </ul>

Meeting Date	Description
	<p>The Commission requested staff work alongside the since retired Department Use Policies Subcommittee (DUPS) to consider a recommendation on the noise-dampening products and limiting the court use hours and return to the Commission with a formal recommendation at a future meeting.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>July 7, 2020</u></a></p>	<p>Staff recommended the Parks, Recreation, and Community Resources Advisory Commission approve:</p> <ul style="list-style-type: none"> <li>• a temporary Pickleball Membership Program open to residents, with an annual membership fee, allowing residents to make reservations at an hourly cost; and</li> <li>• limiting the use hours to: <ul style="list-style-type: none"> <li>○ Sunday and Monday: closed;</li> <li>○ Tuesday to Thursday: 9:00 a.m. – 1:00 p.m., and</li> <li>○ Friday and Saturday: 10:00 a.m. – 6:00 p.m.</li> </ul> </li> </ul> <p>The recommendation came as a result of a Safer at Home Order for Los Angeles County due to COVID-19 the Kelly Courts were closed on March 16, 2020. On May 13, 2020, a revised order was issued allowing for the reopening of the courts. These times were determined to provide the nearby residents, many of whom were working from home during Los Angeles County’s Safer at Home Orders, relief in the afternoons and later evenings as well as two days free from noise emanating from pickleball play. The Commission approved the recommendation.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>June 2, 2021</u></a></p>	<p>Staff and DUPS recommended the Parks, Recreation, and Community Resources Advisory Commission recommend to City Council the approval of updated use policies and hours for the Kelly Pickleball Courts, formed with the Pickleball Stakeholders Focus Group consisting of representatives from the local neighborhood and pickleball community. The Commission recommended City Council approval of the updated use policies and hours with slight revisions.</p>
<p><b><u>City Council:</u></b>  <a href="#"><u>July 13, 2021</u></a></p>	<p>The City Council approved the Parks, Recreation, and Community Resources Advisory Commission’s recommendation on the updated use policies with revisions to the hours.</p>
<p><b><u>Parks, Recreation, and Community Services Commission:</u></b>  <a href="#"><u>November 2, 2021</u></a></p>	<p>Staff presented a report to the Parks, Recreation, and Community Resources Advisory Commission on the effectiveness of the adopted use policies and hours.</p>

Meeting Date	Description
<b>City Council:</b> <a href="#">April 21, 2022</a>	Staff recommended CIP 619–Kelly Court Pickleball Resurfacing to City Council.
<b>City Council:</b> <a href="#">June 14, 2022</a>	City Council approved CIP 619–Kelly Court Pickleball Resurfacing as part of the FY 2022-23 Adopted Budget and CIP.
<b>Parks, Recreation, and Community Services Commission:</b> <a href="#">April 17, 2023</a>	The Parks, Recreation, and Community Resources Advisory Commission provided input that it deemed the CIP 619–Kelly Court Pickleball Resurfacing a high-priority project.
<b>City Council:</b> <a href="#">April 20, 2023</a>	Staff proposed a revised scope of work for CIP 619–Kelly Court Pickleball Resurfacing to City Council.
<b>City Council:</b> <a href="#">June 13, 2023</a>	City Council approved CIP 619–Kelly Court Improvements as part of the FY 2023-24 Adopted Budget and CIP.
<b>City Council:</b> <a href="#">April 18, 2024</a>	City Council provided input on the FY 24-25 CIP including the Estimated CIP Project Schedule that detailed the conclusion of the final design for CIP 619–Kelly Court Improvements and advertisement of construction within FY 24-25. The CIP presentation also detailed plans to renovate Kelly Courts.
<b>Joint Commission:</b> <a href="#">October 29, 2024</a>	Joint Commission Parks Master Plan 2024 Study Session.
<b>City Council:</b> <a href="#">November 12, 2024</a>	City Council Approved and Adopted the 2024 Parks Master Plan.
<b>City Council:</b> <a href="#">February 25, 2025</a>	City Council did not approve the award of a construction contract for CIP 619–Kelly Court Improvements, rejecting all bids, and directed staff to have the Parks, Recreation, and Community Resources Advisory Commission and Public Works Commission review the project and provide feedback.
<b>Parks, Recreation, and Community Services Commission:</b> <a href="#">April 1, 2025</a>	Staff presented a report to the Parks, Recreation, and Community Resources Advisory Commission to review the project and provide feedback.
<b>Public Works:</b> <a href="#">April 9, 2025</a>	Staff presented a report to the Public Works Commission to review the project and provide feedback.
<b>City Council:</b> <a href="#">April 22, 2025</a>	Staff presented a report to City Council on the feedback received from the Parks, Recreation, and Community Resources Advisory Commission and Public Works Commission. Staff recommended City Council to authorize the readvertisement of the project for bids.

**Analysis:**

On July 24, 2025, staff issued Notice Inviting Bids 25-005 inviting experienced and qualified construction firms to submit a bid for construction of the project through a competitive process. The notice was advertised in the Easy Reader, on the City’s website, the City’s online bidding platform, PlanetBids, and in relevant construction trade journals. During the advertisement period, 67 prospective bidders downloaded the project documents from PlanetBids, including general contractors and subcontractors. Staff held a pre-bid site walk on August 12, 2025, attended by 11 participants.

On August 28, 2025, the City received a total of four bids, which were opened and read aloud by the City Clerk. The bid results are provided in **Attachment 5** and summarized below.

***Bid Results***

<b>BIDDER</b>	<b>BID AMOUNT</b>
Oppenheimer National	\$718,956.93
All American Construction Solutions	\$825,999.00
RGGeneral Engineering, Inc.	\$930,341.00
Simgel Co. Inc.	\$974,745.00

All four bids are within the available funding for the project identified in the Fiscal Year 2025–26 budget. Staff reviewed the bids received and found that the lowest bidder, Oppenheimer National, submitted a bid (**Attachment 6**) that failed to show that it has five (5) years’ experience. A letter was provided to all bidders (**Attachment 7**) as an update that Oppenheimer National was directed to show why its bid, which failed to show that it has five (5) years’ experience in the magnitude and the character of the work bid, should not be rejected as non-responsible, pursuant to section 1103 of the Public Contract Code.

Oppenheimer National provided a response on September 4, 2025 (**Attachment 8**), in contest stating that there was not a requirement for having five (5) years experience, and that they had provided experience within the past five (5) years. City staff issued a formal letter to all bidders (**Attachment 9**) outlining the reason for the rejection of Oppenheimer National’s bid for CIP 619 Kelly Courts Improvements as they did not demonstrate responsibility as outlined in section 1103 of the Public Contract Code. Sepcifically, Oppenheimer National did not meet the experience requirements stated in the Contract Documents that specify that the contractor shall have been in the business under the same name and California Contractor’s License for a minimum of five (5) continuous years prior to the bid opening date for this project. Oppenheimer National was not able to show why their bid failed to comply with requirements outlined in the Contract Documents, deeming this bid to be rejected as non-responsible, and their bid was disqualified.

Prior to receiving a response from Oppenheimer National regarding the letter to all bidders (**Attachment 7**), All-American Construction Solutions provided a Bid Protest

Letter on September 4, 2025 (**Attachment 10**), deeming the lowest bidder, Oppenheimer National, to be non-responsive due to not meeting the five (5) years required experience as outlined in the Contract Documents. Staff issued a response to All-American Construction Solutions indicating that the Bid Protest was denied as moot.

The second lowest bidder, All-American Construction Solutions, was found to be the lowest responsible and responsive bidder with a bid in the amount of \$825,999 (**Attachment 11**). Staff confirmed All-American Construction Solution's contractor license is active and in good standing with the Contractor's State License Board. Staff contacted All-American Construction Solutions references and confirmed their competency through completion of recent projects of similar scope of work within the past five years. Past clients include Helendale Unified School District, Los Angeles County Internal Services Division, and Thrive Santa Ana. All reviewed projects were completed on time and within budget. Overall, staff finds All-American Construction Solutions to be a qualified contractor to complete the proposed work for the subject project and recommends City Council award the construction contract to All-American Construction Solutions (**Attachment 1**).

If awarded, staff would provide construction management with additional inspection services provided by one of the City's on-call civil engineering firms during construction. Staff anticipates construction to start as soon as November 2025, with an anticipated completion date in February 2026. Additionally, as the current hours and use policies for the Kelly pickleball courts were formed during the temporary closure of two of the four pickleball courts, staff would form a stakeholder group consisting of representatives from the local neighborhood and members of the pickleball community to consider necessary use policy updates to accompany four pickleball courts to recommend to the Commission and Council.

Staff requests approval of the proposed fourth amendment to extend the term of the Professional Services Agreement with NUVIS to ensure continuity of construction support services during construction. Staff requires the services of NUVIS, the designer of record, to provide ongoing construction support services for Kelly Courts Improvements in the event there are requests for information (RFIs), for review of construction submittals requiring specialized assistance or other unanticipated issues identified during construction. The additional one-year time extension will be sufficient to complete CIP 619.

### **Environmental Analysis**

The Project is exempt under CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities). The proposed work is a minor alteration of existing public structures or facilities involving negligible or no expansion of existing use. Further the Project is exempt pursuant to CEQA Guidelines Section 15302 (Replacement and Reconstruction) as the proposed work consists of reconstruction of existing court structures where the new

courts will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. No exceptions to the CEQA exemption apply.

**Fiscal Impact:**

CIP 619–Kelly Court Improvements is budgeted in the FY 2025–26 Adopted Budget and funded at the Tyco Fund (122), Park/Rec Facility Tax Fund (125), and the Capital Improvement Fund (301) with a combined budget of \$1,175,149. The lowest responsible and responsive bidder, All American Construction Solutions, submitted its bid at \$825,999. Staff recommends establishing a contingency of \$124,000 to cover any unforeseen conditions or additional work required during construction for a total construction contract budget not to exceed \$949,999.

Sufficient funds are available in the Tyco Fund, Park/Rec Facility Tax Fund and the Capital Improvement Fund to cover construction costs for CIP–619 Kelly Courts Renovations. The funds would cover the full construction, as well as construction management and inspection services for the project. Any unused funds would be returned to the Capital Improvement Fund.

<b>Agreement Request</b>			
<b>Contract</b>	<b>Request Amount</b>	<b>FY 2025-26 Budget Dept. Account #</b>	<b>Total Contract Amount</b>
All-American Construction Solutions	\$825,999	122-8619-4201	\$250,000
		125-8619-4201	\$310,000
		301-8619-4201	\$265,999
20 Percent Project Contingency	\$124,000	301-8619-4201	\$124,000
<b>Total</b>	<b>\$949,999</b>		<b>\$949,999</b>

**Attachments:**

1. Draft Construction Agreement
2. Draft Resolution
3. Proposed Fourth Amendment to Agreement with NUVIS & Associates
4. Kelly Pickleball and Tennis Courts Use Policy
5. CIP 619 Bid Results
6. Bid Documents for Oppenheimer National (1<sup>st</sup> Lowest Bidder)
7. Bid Letter
8. Bid Letter Oppenheimer National Response
9. Bid Letter City Staff Response to Oppenheimer National
10. Bid Protest All-American Construction Solutions
11. Bid Documents for All-American Construction Solutions (2<sup>nd</sup> Lowest Bidder)
12. CIP 619–Kelly Court Improvements Project Plans
13. CIP 619 Project Specifications

**Respectfully Submitted by:** Laney Wilson, Associate Engineer

**Concur:** Saad Malim, City Engineer

**Concur:** Joe SanClemente, Public Works Director

**Noted for Fiscal Impact:** Henry Chao, Finance Manager

**Concur:** Brandon Walker, Administrative Services Director

**Legal Review:** Jason Baltimore, Interim City Attorney

**Approved:** Steve Napolitano, Interim City Manager