



Honorable Mayor and Members of the Hermosa Beach City Council

AWARD OF CONSTRUCTION CONTRACT FOR CIP 502 GREENBELT PEDESTRIAN TRAIL, CIP 604 CITYWIDE AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS, AND CIP 194 ANNUAL STRIPING IMPROVEMENTS

CEQA: The Project is exempt under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).
(Public Works Director Joe SanClemente)

Recommendation:

Staff recommends City Council:

1. Award a construction contract for CIP 502 Greenbelt Pedestrian Trail, CIP 604 Citywide Americans with Disabilities Act (ADA) Improvements, and CIP 194 Annual Striping Improvements to SDC Engineering, Inc. in the amount of \$843,216.29 (**Attachment 1**);
2. Authorize the Director of Public Works to establish an approximately 20 percent contract contingency amount of \$170,000 and to approve contract change orders up to the amount of the approved contract contingency;
3. Adopt the attached resolution entitled “A Resolution of the City Council of the City of Hermosa Beach Approving the Construction of CIP 502 Greenbelt Pedestrian Trail, CIP 604 City Wide Americans with Disabilities Act (ADA) Improvements, and CIP 194 Annual Striping Improvements Pursuant to Government Code Section 830.6 and Establishing a Project Payment Account” (**Attachment 2**);
4. Authorize the Mayor to execute the construction contract and the City Clerk to attest, subject to approval by the City Attorney; and
5. Authorize the Director of Public Works to file a Notice of Completion following final completion of the project.

Executive Summary:

Capital Improvement Program (CIP) Project CIP 502 Greenbelt Pedestrian Trail, CIP 604 Citywide Americans with Disabilities Act (ADA), and CIP 194 Annual Striping Improvements include replacement of the woodchip trail with a decomposed granite trail to create an accessible pedestrian trail from Pier Avenue to 8th Street, redesign of adjacent curb ramps to current standards, striping improvements to adjacent ADA parking along Valley Drive, replacement of fitness equipment, and safety enhancements to the existing pedestrian crossing in front of Clark Building to include rectangular rapid-flashing beacons. Staff received six bids for the construction of the project and recommends City

Council award a construction contract to the lowest responsible and responsive bidder, SDC Engineering, Inc.

Background:

As part of the City’s ongoing effort to increase accessibility, City Council held an Americans with Disability Act (ADA) study session on March 31, 2022. At the study session, staff presented the feasibility study for an accessible trail along the Greenbelt as part of CIP 544 Greenbelt Accessible Path Assessment Study. The feasibility study found that it is technically feasible for the City to make all, or a portion, of the Greenbelt accessible provided that slope requirements are met, and the pathway material is firm, stable, and slip resistant to meet current ADA standards. The existing wood chip pathway does not meet these requirements.

The feasibility study recommended using a decomposed granite (DG) material, which resembles fine gravel or coarse sand and can be obtained in different colors to best match the surroundings, in order to maintain the natural look of the Greenbelt. The study also provided conceptual options with various alignments. After completing a thorough review, City Council selected the option that would retain the pathway in its current location and replace the woodchips with DG to create an accessible pedestrian trail from Pier Avenue to 8th Street as a pilot.

To further improve and increase accessibility, the project scope was expanded to include the redesign of adjacent curb ramps to current standards, improvements to adjacent ADA parking along Valley Drive, and safety enhancements to the existing pedestrian crossing in front of Clark Building to include a rectangular rapid flashing beacon (RRFB).

The design and construction of the project is funded through CIP 502 Greenbelt Pedestrian Trail and was later combined with CIP 604 Citywide ADA Improvements and CIP 194 Annual Striping Improvements, which were created in the Fiscal Year 2022–2023 Budget and Capital Improvement Program. On November 3, 2022, SWA Group was awarded an agreement, following a competitive request for proposals (RFP) process, to design and prepare plans and specifications for the project.

Past Council Actions

| Meeting Date | Description |
|--|--|
| <u>February 27, 2018</u> | Council directed staff to continue to work with Access Hermosa Working Group, Public Works Commission, and the City Attorney and return to the Council at a future meeting with recommendations to either (1) implement the proposed Greenbelt modifications consistent with current zoning requirements, or (2) provide the actions needed to place the issue of potential modifications to the Greenbelt as a ballot measure at a future election. Staff was further |

| Meeting Date | Description |
|----------------------------------|--|
| | directed to include, in the agenda item presented to the Public Works Commission, a report from a landscape architect with opinions on options within existing zoning requirements, making clear that the issue is to be brought back as time allows. |
| July 13, 2021 | As part of the Fiscal Year 2021–22 Budget, City Council directed staff to return for a study session focused on the City’s Americans with Disabilities Act (ADA) program including efforts to complete the incomplete 2015 Draft ADA Transition Plan. |
| March 2, 2022 | Public Works Commission received and filed the draft ADA Self-Evaluation and Transition Plan and the draft Feasibility Study for an Accessible Trail along the Greenbelt and recommended City Council approve the draft ADA Self-Evaluation and Transition with the incorporation of the Public Works Commission comments. |
| March 31, 2022 | City Council approved the option of removing the existing wood chip path and installing a DG accessible pedestrian trail on the Greenbelt from Pier Ave to 8th St. |
| November 3, 2022 | City Council awarded a design agreement to SWA Group to prepare the project plans and specifications. |

Analysis:

On April 30, 2024, the City issued Notice Inviting Bids 24-002 inviting experienced and highly 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.

On May 23, 2024, the City received a total of six bids, which were opened and read aloud by the City Clerk. The bid results are provided in **Attachment 3** and summarized below.

| BIDDER | BID AMOUNT |
|----------------------------------|----------------|
| SDC Engineering, Inc. | \$843,216.29 |
| Cook Development Group, Inc. | \$843,814.00 |
| Gentry General Engineering, Inc. | \$961,710.75 |
| Los Angeles Engineering, Inc. | \$997,700.00 |
| Best Contracting Services, Inc. | \$1,112,519.50 |
| HZS Engineering, Inc. | \$1,237,500.00 |

Staff reviewed the bid documents for the three apparent lowest bidders (**Attachment 4**) and found that both SDC Engineering, Inc. (SDC Engineering) and Cook Development

Group, Inc. (Cook Development) did not include a fully-executed Non-Collusion Declaration, with their bids. Staff consulted with the City Attorney and the City Attorney directed staff to request the form from both SDC Engineering and Cook Development and inform the other bidders of their omission. The City followed these directions on May 29, 2024 and received the fully-executed Non-Collusion Declarations from SDC Engineering and Cook Development on May 29, 2024 and May 30, 2024, respectively (**Attachment 5**).

On May 29, 2024, the City received a formal bid protest from the third apparent low bidder, Gentry General Engineering, Inc. (Gentry) (**Attachment 6**). The bid protest was filed on the basis that in the City's *Instruction to Bidders*, the bid documents required the Bidders to sign and submit a fully-executed Non-Collusion Declaration as part of their bid. The bid protest argued that since neither SDC Engineering nor Cook Development included a signed Non-Collusion Declaration in their bids, their bids should be rejected and that Gentry should be declared the lowest responsive and responsible bidder.

In accordance with the *Protest Procedures* outlined in Section III of the *Instruction to Bidders* in the Project Contract Documents, the bid protest was sent to all parties that may be affected by the outcome of the protest. A deadline of Thursday, June 6, 2024, at 5:00 pm was established for submitting a response to the bid protest. On June 4, 2024, SDC Engineering submitted their response to the bid protest to the City. Cook Development did not respond to the bid protest.

On June 12, 2024, the City released to all bidders its bid protest determination rejecting the protest (**Attachment 7**). The City found that compliance with applicable law is an implied term of every contract. A Non-Collusion Declaration merely certifies that the bidder did not submit an illegal, collusive bid. A bidder that fails to complete the declaration nonetheless represents that it did not submit an illegal, collusive bid. Because a bidder cannot withdraw its bid on the basis of such missing form, the irregularity is a defect that can be waived and staff determined SDC Engineering to be the lowest responsive and responsive bidder.

Staff confirmed SDC Engineering's contractor license is active and in good standing with the Contractor's State License Board. Staff contacted SDC's references and confirmed competency through completion of recent projects of similar type of work within the past five years. Overall, staff finds SDC Engineering to be a qualified contractor to complete the proposed work for the project and recommends City Council award the construction contract to SDC Engineering (**Attachment 1**). SDC Engineering's bid is approximately six percent lower than the engineer's estimate.

Staff would provide construction management and inspection services to oversee the work during construction. Staff anticipates construction to start as soon as August 2024, with an anticipated completion by end of 2024.

ADA Self-Evaluation and Transition Plan Consistency

The project is consistent with the goals of the adopted 2022 Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan as it advances the construction of improvements that remove physical barriers and facilitate access for all individuals.

Environmental Analysis

The Project is exempt under the California Environmental Quality Act (“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. No exceptions to the CEQA exemption apply.

General Plan Consistency:

PLAN Hermosa, the City’s General Plan, was adopted by the City Council in August 2017. These projects support several PLAN Hermosa goals and policies that are listed below.

Mobility Element

Goal 3. Public rights-of-way supporting a multimodal and people-oriented transportation system that provides diversity and flexibility on how users choose to be mobile.

Policies:

- **3.1 Enhance public right-of-way.** Where right-of-way clearance allows, enhance public right-of-way to improve connectivity for pedestrians, bicyclists, disabled persons, and public transit stops.
- **3.2 Complete pedestrian network.** Prioritize investment in designated priority sidewalks to ensure a complete network of sidewalks and pedestrian-friendly amenities that enhances pedestrian safety, access opportunities and connectivity to destinations.
- **3.10 Require ADA standards.** Require that all public rights-of-way be designed per Americans with Disabilities Act (ADA) standards by incorporating crosswalks, curb ramps, pedestrian signals, and other components to provide ease of access for disabled persons.

Parks + Open Space Element

Goal 1. First class, well maintained, and safe recreational facilities, parks, and open spaces.

Policies:

- **1.4 Low-maintenance design.** Promote environmentally sustainable and low maintenance design principles in the renovation, addition, or maintenance of parks and recreation facilities.

- **1.5 Evaluate community needs.** Conduct a periodic review of community park needs and interests to inform maintenance and investment priorities.

Goal 4. Direct and accessible routes and connections to parks, recreational facilities, and open space are provided.

Policy:

- **4.4 ADA accessible park access.** Install ADA and universally accessible amenities and equipment so that all parks, beach, and trail networks are accessible to all persons.

Fiscal Impact:

CIP 502 Greenbelt Pedestrian Trail, CIP 604 Citywide Americans with Disabilities Act (ADA) Improvements, and CIP 194 Annual Striping Improvements are budgeted in the FY 2024–25 Adopted Budget, Capital Improvement Fund. The lowest responsible and responsive bidder, SDC Engineering, submitted their bid at \$843,216.29, which is approximately six percent lower than the engineer’s estimate. Staff recommends establishing an approximately 20 percent contract contingency of \$170,000 to cover any unforeseen conditions or additional work required during construction, for a total construction contract budget not to exceed \$1,013,216.29. Sufficient funds are available to cover construction costs for the project.

| Agreement Request | | |
|--------------------------|--|------------------------------|
| Request Amount | FY 2024-25 Budget Dept. Account # | Total Contract Amount |
| \$1,013,216.29 | 147-8194-4201 122-8502-4201 301-8502-4201 301-8604-4201 | \$1,013,216.29 |

Attachments:

1. Draft Construction Agreement
2. Draft Resolution
3. Bid Opening Log
4. Bid Documents for the three apparent lowest bidders
5. SDC Engineering’s and Cook Development’s signed Non-Collusion Declarations
6. Gentry’s Bid Protest
7. The City’s Bid Protest Determination Letter
8. Project Plans and Specifications

Respectfully Submitted by: Andrew Nguyen, Associate Engineer

Concur: Brandon Araujo, Senior Engineer

Concur: Lucho Rodriguez, City Engineer

Concur: Joe SanClemente, Public Works Director

Noted for Fiscal Impact: Viki Copeland, Administrative Services Director

Legal Review: Patrick Donegan, City Attorney

Approved: Suja Lowenthal, City Manager