



## Legislation Text

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**File #:** 19-189, **Version:** 1

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Staff Report for a City of San Leandro City Council Resolution to Award a \$134,185 Construction Contract to Demolition Services and Grading, Incorporated for the Farrelly Pool Replacement - Demolition Phase, Project No. 2018.3420; to Authorize the City Manager to Negotiate and Approve Individual Change Orders Up to 5% of the Original Contract Amount; to Authorize the City Manager to Negotiate and Approve Change Orders Up to a Cumulative Value of 25% of the Original Contract Amount; and to Authorize the City Manager to Execute a Memorandum of Understanding Between the San Leandro Unified School District and the City of San Leandro for the Construction of the Farrelly Pool Replacement

### **SUMMARY AND RECOMMENDATIONS**

This contract provides for the demolition and removal of the existing Farrelly Pool facility.

Staff recommends the following actions:

- Award a construction contract to Demolition Services and Grading, Incorporated in the amount of \$134,185;
- Authorize the City Manager to negotiate and approve individual change orders up to 5%, or \$6,709, of the original contract amount; and
- Authorize the City Manager to negotiate and approve change orders up to a cumulative value not to exceed 25%, or \$33,546 of the original contract amount.
- Authorize the City Manager to execute a Memorandum of Understanding between the San Leandro Unified School District and the City of San Leandro for the construction of the Farrelly Pool Replacement

### **BACKGROUND**

The existing Farrelly Pool facility is on the campus of Roosevelt Elementary School, located at 864 Dutton Avenue, San Leandro. The City leases the pool property from the San Leandro Unified School District (SLUSD) and maintains and operates the facility. SLUSD does not provide swim education at this location and does not use this aquatic facility for educational purposes.

The facility has been a special place for San Leandro residents for many years. However, it is no longer functional as a community pool, especially for modern risk management purposes. The pool opened in the 1930s and operated seasonally through 2015. During its last operating season, Farrelly Pool hosted over 10,000 users, offered 230 swim lessons and held 17 private pool parties. Health and Safety codes have changed considerably over the life of Farrelly Pool and prior to the 2016 season the Alameda County Health Department determined that the wall separating the deep

and shallow water and its related combined water circulation system violated current codes. The pool's operating permit was not renewed for the 2016 season.

The existing 5,000 square foot pool measures 100' x 50', which is an unusual length for swimming laps. Consequently, one of the project goals is to reduce the pool length to a 75' standard length for lap swimming. In order to approximate the existing guest capacity the width of the new pool was increased from 50' to 62' to provide a new 4,650 square foot pool. The design consultant, Glass Architects (GA), determined that the required equipment for the new pool would not fit within the existing building equipment room. GA suggested either constructing an addition to the existing building, or constructing new buildings. The preliminary design found that expanding the existing building in combination with the new pool dimensions would create a cramped and inefficient site plan.

The City Council originally approved replacement of the pool; however, after preliminary design, the City Council Facilities and Transportation Committee directed investigation of an entirely new facility. The City adopted budget for Fiscal Year 2018 and 2019 of \$3.5 million contains funding for a new pool, associated equipment, as well as modifications to the restroom facilities to bring them up to code. In February 2019, staff presented to and discussed with the City Council Facilities and Transportation Committee options for the pool replacement. The Committee recommended that staff implement reconstruction of the entire site to implement a new facility for the pool.

Staff concurred with and proceeded based upon the Committee's recommendation. The City Council had the opportunity to review the Committee's recommendation. Additional funding for the project from the City Council to support the scope was requested in February 2019 as part of the proposed Capital Improvement Program budget process for Fiscal Year 2019-20; proposed funding will be presented to the City Council on May 20, 2019, with budget adoption scheduled for June 3, 2019. Construction drawings are now 50% complete, and the current cost estimate indicates that additional funding will potentially be required.

Reconstruction will provide significant additional benefits that would not have been possible if the existing buildings were reused. The original building faces school property and has exits that lead to school property; as such, patrons often called staff when they could not find the entrance. The new facility will be completely fenced off from the school property and will face and exit to Gill Lane, a public alley. The new pool will be oriented with a 2'-6" deep shallow end closest to the facility entry for safety and will have six lanes for lap swimming, four of which will have 6'-6" deep water which is deep enough for diving blocks. The public changing rooms and restrooms will be new and ADA compliant. The staff area will include a first aid station and space for trainings.

SLUSD requested that work begin in June 2019 in order to maximize the amount of work done when school is not in session. GA is working diligently on the design of the new facility but cannot have the design ready in time to bid and award the new facility work for a June start date. As a result, the demolition phase of the project was bid separately so that abatement and demolition could start in June to satisfy SLUSD's request. Construction of the new facility will begin immediately after the completion of the demolition work. A Master Agreement between SLUSD and the City for recreational use and maintenance of school sites is currently being prepared that will cover Farrelly Pool, Cherry Grove Park, Floresta Park and Burrell Field-Pacific Sports Complex. It will govern the use of the pool upon completion. The City Council will approve the Master Agreement in a separate action.

## **Analysis**

A total of four bids for demolition of the existing facility were received at the April 22, 2019 bid opening. The bids ranged from \$134,185 to \$298,500. The pre-bid engineer's estimate was \$132,500. Staff recommends award to the lowest responsive bidder: Demolition Services and Grading, Incorporated. Staff verified that the contractor has a valid license with the Contractor's State License Board and is registered with the California Department of Industrial Relations.

The City applied the Local Business Preference Policy to this competitive bid. Staff presented the requirements of the Local Business Preference Policy at the mandatory pre-bid meetings, responded to bidder questions, and provided contact information for free technical assistance. Bidders were also provided with a list of San Leandro contractors performing trades applicable to the project's construction that currently hold City business licenses.

None of the bidders have an office in San Leandro that would qualify them as a local business. Also, none of the bidders met the Local Business Participation Goal by subcontracting with San Leandro businesses for 25% of the contract value. The apparent low bidder, Demolition Services and Grading Incorporated of Manteca, CA, certified as part of its bid that it did or will complete good faith efforts to include local businesses in the project. Staff will work with the prime contractor on completing the good faith efforts and verification to establish compliance with the Local Business Participation Goal.

This project is also subject to the provisions of the Community Workforce Agreement (CWA). Each bidder was advised of the agreement in writing and verbally at the mandatory pre-bid meetings. Each contractor was given contact information for the Bay Area Business Roundtable, an organization hired by the City to provide free technical assistance to comply with the CWA. All of the responsive bidders signed the Community Workforce Agreement commitment form.

As is standard in the construction industry, staff balanced site investigation costs with the risk of finding unforeseen conditions during construction as well as the design costs with the level of detail on the plans. As a result, unforeseen conditions may be encountered during construction and plan details may need to be adjusted or clarified. In order to minimize delay to the project and ensure that the scope of work is adjusted as needed to provide the highest quality project for the City, staff requests that the City Council authorize the City Manager or his designee to negotiate and approve individual change orders up to 5% (\$6,709) of the original contract amount and cumulative change orders up to 25% (\$33,546) of the original contract amount. This will help to ensure efficient completion of the project on budget and on schedule.

A Memorandum of Understanding (MOU) between SLUSD and the City for the construction of Farrelly Pool is necessary to define responsibilities during the construction phase. The proposed MOU provides that the City is solely responsible for all project cost, the project is not subject to public school construction requirements, the City indemnifies the SLUSD during construction and the Contractor must maintain adequate insurance that names the SLUSD as an additional insured. The MOU term ends when the City Council has approved and accepted the completion of the Farrelly Pool project. These are typical and reasonable terms for work to be performed on property that is not owned by the City.

## **Current Agency Policies**

- Maintain and enhance San Leandro's infrastructure
- Support and implement programs, activities and strengthen communication that enhances the quality of life and wellness, celebrates the arts and diversity and promotes civic pride

### **Committee Review and Actions**

- On April 3, 2019 staff presented the 50% design plans to the City Council Facilities and Transportation Committee.

### **Applicable General Plan Policies**

- Policy OSC-1.2 Park Maintenance. Provide for the regular, systematic maintenance of San Leandro's parks and recreational facilities to prevent deterioration, ensure public safety, and permit continued public use and enjoyment.
- Policy OSC-1.4 Priority on Renovation. Where cost savings and equivalent benefits would be achieved, rehabilitate existing recreational facilities before building entirely new facilities. A priority should be placed on renovating athletic fields and swimming pools, improving energy efficiency, and replacing outdated facilities with new facilities that are safe, attractive, and more responsive to current needs.
- Policy OSC-4.1 Joint Use Agreements. Promote joint use agreements between the City and the San Leandro Unified School District and San Lorenzo School District to maximize public access to school recreational facilities and grounds during non-school hours.

### **Permits and/or Variances Granted**

A demolition permit from the City's Community Development Department will be obtained for this project phase.

### **Environmental Review**

This project was deemed Categorical Exempt per California Environmental Quality Act (CEQA) section 15310 Class 1 (d) for existing structures. A CEQA Notice of Exemption was recorded on February 4, 2019 with the Alameda County Recorder's Office.

### **Code Compliance Review**

A demolition permit from the City's Community Development Department will be obtained for this project phase.

### **Summary of Public Outreach Efforts**

- A public meeting / open house was held on Wednesday March 27, 2019 at Roosevelt School. Recreation and Human Services staff distributed flyers to nearby residents. The proposed project, including the pool size and depth, and the building area and footprint, was presented to the public. Staff was available to answer questions and the public was invited to submit comments or suggestions.

**Fiscal Impacts**

The cost of the demolition work is \$134,185 and is fully funded with current project appropriations.

The total expected cost of the pool replacement project, including design, construction, construction management, and contingency is \$6,250,000. Appropriation of additional funds will be requested at the time of award of a construction contract for the construction phase.

**Budget Authority**

This project is funded as follows:

*Farrelly Pool Replacement*

<u>Account No.</u>	<u>Resolution. Appropriation Date</u>	<u>Amount</u>
210-62-123	Res. 2017-072, June 5, 2017	\$2,300,000
210-62-131	Res. 2017-072, June 5, 2017	\$1,200,000
<b>Total Available Funding:</b>		<b>\$3,500,000</b>

**Attachment to Staff Report**

- Bid Summary

**Attachment to Related Legislative File**

- Memorandum of Understanding Between the San Leandro Unified School District and the City of San Leandro for the Construction of the Farrelly Pool Replacement

**PREPARED BY:** Mark Goralka, Associate Engineer, Engineering and Transportation Department