



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Matt Loesch
Jon Cicirelli

SUBJECT: SEE BELOW

DATE: February 5, 2024

Approved

Date

2/8/24

COUNCIL DISTRICT: 10

**SUBJECT: ACTIONS RELATED TO THE 10248 – PARK: ALL-INCLUSIVE
PLAYGROUND – ALMADEN LAKE PARK PROJECT**

RECOMMENDATION

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10248 – PARK: All-Inclusive Playground – Almaden Lake Park Project to the lowest responsive, responsible bidder in an amount not to exceed \$1,800,000;
- (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

SUMMARY AND OUTCOME

The 10248 – PARK: All-Inclusive Playground – Almaden Lake Park Project (Project) is partially funded by the County of Santa Clara's All-Inclusive Playground Grant Program, in the amount of \$671,250. The grant deadline to submit all expenditures is February 23, 2025. To secure the grant reimbursement, all closeout documentation must be submitted by the specified date.

Approval of the resolution authorizing the Director of Public Works to award and execute a contract will expedite the contract award process and the construction start for the Project to meet the grant expenditure submittal deadline and obtain the grant reimbursement. With the expedited process, staff anticipates construction to start in May 2024 and Project completion by February 2025.

Approval of a 10% contingency provides funding for any unanticipated work necessary for the proper completion or construction of the Project.

BACKGROUND

The Project is located at the intersection of Almaden Expressway and Coleman Road , within Almaden Lake Park (**Attachment:** Location Map 10248 – PARK: All-Inclusive Playground – Almaden Lake Park). This renovation project will transform an existing 20,229 square foot playground into an all-inclusive playground.

The Project scope incorporates a diverse range of play equipment strategically selected to ensure inclusive use by park users of all abilities and ages. The play area will also include resilient rubber surfacing, concrete paths, benches, landscaping, fences, and concrete seating walls. The Project also addresses the enhancement of the path of travel from the parking lot to the playground, including the addition of necessary accessible parking spots. The adjacent restroom building will also be upgraded to meet current accessibility and building code requirements.

Grant and Funding

The project was approved as part of the fiscal year 2019-2020 budget in the amount of \$1,343,000. The County of Santa Clara awarded a \$671,250 grant with a 50% City match under the All-Inclusive Playground Grant Program. In June 2021, the Mayor’s June Budget Message for fiscal year 2021-2022 appropriated an additional \$268,000 to install resilient rubber surfacing and upgrade the restroom building. Within this allocation, the City Manager was directed to allocate \$38,000 from the Park Trust Fund and \$230,000 from the Citywide Construction Tax and Property Conveyance Tax Fund for resilient surfacing improvements at the playground and restroom improvements—making it accessible to all. In April 2022, the City Council granted approval for a donation totaling \$162,000 from Almaden Valley Rotary Club Endowment to support the Project development.

Grant Extension

The County of Santa Clara’s All-Inclusive Playground Grant Program mandates that the Project be completed by the April 23, 2025 deadline. Since the City already received a 24-month extension, only an additional 12 months can be granted, necessitating the submission of all closeout documentation by February 2025.

ANALYSIS

To ensure timely completion of the Project in alignment with the grant deadline, staff devised a strategy to reduce play equipment lead time. The Department of Parks, Recreation, and Neighborhood Services will separately acquire the play equipment while the construction procurement is conducted. The department staff is working with the Finance Department’s

Purchasing Division to issue one-time purchase orders utilizing two existing cooperative purchasing contracts under the California Multiple Award Schedule and Buy Board, reducing approximately 10 weeks of lead time during construction. The cooperative purchase of play equipment will cost approximately \$253,000, budgeted under the All-Inclusive Playground – Almaden Lake Park appropriation.

Authorizing the Director of Public Works to award and execute the construction contract will further reduce the schedule by six to eight weeks, providing the necessary flexibility for the Project team to accommodate potential delays, such as those caused by inclement weather and unforeseen site conditions, to meet the grant deadline.

Contingency

San José Municipal Code Section 27.04.050 provides for a standard contingency of 10% on all public works contracts except those involving the renovation of a building or buildings. The standard 10% contingency is appropriate for this Project.

Wage Theft Prevention Policy Check

The Office of Equality Assurance will review bidders for compliance with the City's Wage Theft Prevention Policy before awarding the project.

Project Labor Agreement Applicability

The City's Project Labor Agreement is not applicable to this project because the Engineer's Estimate is under \$1.22 million.

EVALUATION AND FOLLOW-UP

No additional follow-up action with City Council is expected at this time.

COST SUMMARY/IMPLICATIONS

The Project is consistent with the City Council-approved Budget Strategy to provide an all-inclusive playground and an accessible restroom to park users of all abilities and ages. Total project budget is \$2,558,892, of that, \$2,387,000 comes from the Department of Parks, Recreation, and Neighborhood Services capital funds of which \$1,567,000 is from the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10, \$596,000 is from the Construction Tax and Property Conveyance Tax Fund - City-wide Parks Purposes, and \$224,000 is from the Subdivision Park Trust Fund. And, \$171,892 comes from the Department of Parks, Recreation, and Neighborhood Services operating Gift Trust Fund, of which \$162,000 was an original gift from the Almaden Valley Rotary Club Endowment and an

additional \$9,892 from gift trust interest and prior minor donations. The contract will cover the Project delivery and construction costs. The County of Santa Clara awarded a \$671,250 grant with a 50% City match under the All-Inclusive Playground Grant Program. The grant was fronted by the City in the amount of \$1,343,000 (\$900,000 is from the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10, \$366,000 is from the Construction Tax and Property Conveyance Tax Fund - City-wide Parks Purposes, and \$77,000 is from the Subdivision Park Trust Fund). Maintenance costs associated with this new facility are already captured in the Department of Parks, Recreation, and Neighborhood Services Base Budget.

1. TOTAL COST OF PROJECT:

Project Delivery*	\$979,660
Play Equipment Purchase via Co-op Agreement	\$253,000
Construction (Engineer's Estimate)	\$1,203,000
Contingency	\$120,300
TOTAL PROJECT COSTS INCLUDING PRIOR PROJECT DELIVERY	\$2,555,960
Prior Years' Expenditures and Encumbrances	\$474,210
TOTAL REMAINING PROJECT COSTS	\$2,081,750

* Project delivery includes \$422,681 for design services, \$451,012 for construction management and inspection services, and \$105,967 for planning and conceptual design that was done before restart date August 2022.

2. COST ELEMENTS OF CONTRACT:

Mobilization, Storm Water Controls	\$82,000
Civil Work and Utility Installation	\$308,400
Site Furnishings, Restrooms, and Hardscape	\$630,600
Landscaping and Misc. Site Work	\$182,000
TOTAL ENGINEER'S ESTIMATE	\$1,203,000

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining Project costs, including Project delivery, construction, and contingency costs.

Fund #	Appn #	Appn Name	Total Appn	Amt. for Contract	2023-2024 Adopted Capital & Operating Budget Page	Last Budget Action (Date, Ord. No.)
389	412G	All-Inclusive Playground - Almaden Lake Park	\$1,319,000	\$519,119	550	10/17/2023, 30966
391	412G	All-Inclusive Playground - Almaden Lake Park	\$366,000	\$366,000	550	06/20/2023, 30933
391	425F	Almaden Lake Park Playground and Restroom Improvement	\$230,000	\$165,000	597	06/20/2023, 30933
375	412G	All-Inclusive Playground - Almaden Lake Park	\$166,000	\$150,196	550	10/17/2023, 30966
139	3476	Almaden Lake Park	\$2,685	\$2,685	1013	10/17/2023, 30966

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, the Finance Department, and the Department of Planning, Building, and Code Enforcement.

PUBLIC OUTREACH

A community meeting was held on June 16, 2022, to gather input on the Project's final conceptual plan, budget, and final next steps.

In addition, this memorandum will be posted on the City's Council Agenda website for the February 27, 2024 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Categorically Exempt, File No. PP19-001. CEQA Guidelines Section 15301, Existing Facilities.

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Page 6

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
MATT LOESCH
Director of Public Works

/s/
JON CICIRELLI
Director of Parks, Recreation, and
Neighborhood Services

For questions, please contact Sal Kumar, Interim Deputy Director, Public Works, at Sal.Kumar@sanjoseca.gov or (408) 793-5307.

ATTACHMENT: Location Map - 10248 – All-Inclusive Playground – Almaden Lake Park

Attachment: Location Map

10248 – PARK: All-Inclusive Playground – Almaden Lake Park Project

