



## Legislation Details (With Text)

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**Title:** Award Consultant Contract for design services for 5 Learner Pool Health Code Upgrades and approve a professional consultant agreement in an amount not to exceed \$250,000 with O'Dell Engineering, to prepare comprehensive design plans for upgrading learner pools located at Quigley (District 1), Pinedale (District 2), Fink-White (District 3), Romain (District 7) and Einstein (District 7) Neighborhood Parks.

**Sponsors:** Parks, After School, Recreation and Community Serv

**Indexes:**

**Code sections:**

**Attachments:** 1. Agreement for Consultant Service O'Dell Engineering.pdf

Date	Ver.	Action By	Action	Result
2/14/2019	1	City Council	approved	

## REPORT TO THE CITY COUNCIL

**February 14, 2019**

**FROM:** PARVIN NELOMS, JR, Director  
Parks, After School, Recreation and Community Services Department

**BY:** KRISTINA CHAMBERLIN, Assistant Director  
Parks, After School, Recreation and Community Services Department

## SUBJECT

Award Consultant Contract for design services for 5 Learner Pool Health Code Upgrades and approve a professional consultant agreement in an amount not to exceed \$250,000 with O'Dell Engineering, to prepare comprehensive design plans for upgrading learner pools located at Quigley (District 1), Pinedale (District 2), Fink-White (District 3), Romain (District 7) and Einstein (District 7) Neighborhood Parks.

## RECOMMENDATION

Staff recommends Council approve the consultant agreement with O'Dell Engineering for the purpose of preparing comprehensive design plans for the upgrades of 5 Learner Pools located at various park sites for a fee not to exceed \$250,000 and authorize the PARCS Director or designee to sign all related documents.

## EXECUTIVE SUMMARY

In 2015, the County of Fresno Environmental Health Department conducted an inspection of the City's 5 Learner Pools and determined improvements were required to bring them in compliance with current health code standards. The City hired Architecture Engineering Consultant, Jones & Madhavan to prepare a comprehensive assessment of each pool to determine feasibility of renovation versus replacement. In their report, dated February 2016, their analysis concluded that renovation and upgrades were appropriate and economical. The engineer's estimate for all 5 pools was just over \$366,000.

The City identified a combination of Community Development Block Grant (CDBG) and other funding sources for the work, and initiated a design-build formal procurement. Unfortunately, only one (1) bid was received. CDBG procurement requires a minimum of two bids to be eligible to use CDBG funding. In addition, the bid amount was more than twice the engineer's estimate provided in Jones & Madhavan's assessment. Therefore, the City Council rejected the bid and provided authorization to re-solicit the project.

The project was re-solicited as design service only with the intent of attracting more interest and multiple bids, as well as an attempt to reduce the overall cost of the project. This approach resulted once again, with receipt of only one (1) bid. However, through the revised efforts, the City was able to demonstrate due diligence with compliance to CDBG procurement.

## BACKGROUND

The learner pools located at Einstein Park, Fink-White Park, Pinedale Center, Quigley Park and Romain Park were all built between the 1940s and 1970s. All pools are operated in the summer months only and are drained for the winter. Romain has averaged around 2,000 participants over the last three years, and the remaining sites, averaged around 1,500. The Learner Pools are geared toward youth ages 5-12 and operate 7-days a week during the summer season at no cost to the participants. The Department also offers "family swim" during this same period, however with restricted days/hours, again at no cost to participants. The pools offer a much needed respite from the hot summer days while providing a physical activity alternative to traditional recreational activities.

The County of Fresno Environmental Health Department inspected the pools in October of 2015 and submitted requirements for various improvements to bring the pools in compliance with current health code standards.

Architecture Engineering Consultant, Jones & Madhavan, conducted a comprehensive assessment of each pool and prepared a report dated February 8, 2016. The analysis of each pool was used to determine the feasibility of renovating the aging facilities to bring them into compliance with current building and health codes, as well as identify strategies for improving their overall operation and reducing maintenance costs. Their analysis, along with an engineer's estimate of \$366,100 indicated renovation of the existing sites would be less costly than pool replacement.

A request for proposal for design-build services was prepared in October 2017 and advertised on the City's Website Planet Bids, The Business Journal and several Builders' Exchanges throughout California. In addition, extensive outreach was conducted to generate bidder interest, but only one bid was received. The one (1) sealed bid proposal was received and opened in a public bid opening on November 10, 2017, with a bid amount of \$889,000 for the Total Net Base Bid. The bid calculated

to be 142.8% above the engineer's estimate for this scope of work. After review of the bid, and given the CDBG requirements to receive a minimum of two bids to meet funding criteria, Council rejected the bid and authorized staff to re-solicit the RFP and amend the project specifications to allow the separation of design from construction.

In early 2018 an RFP for design services was solicited following the City's procurement process as stated above, i.e., advertised on City's Planet Bids, in the Business Journal, et al. Once again, we only received one (1) bid. The bid amount was \$251,420 from O'Dell Engineering.

While only one (1) bid has been received, the City's requirements for competitive procurement have been met and we have determined O'Dell Engineer's bid to be responsive. In review of the Federal procurement requirement with respect to CDBG funding, as well as, communication received by the City's HUD SFO CPD Representative, the project can be awarded as we have met the HUD criteria associated with their procurement process. Specifically, we have demonstrated that we have conducted a full and competitive procurement, the proposed cost has been found reasonable through a process acceptable by HUD, and the City's procurement policy allows for award if only one (1) bid is received (provided we follow the City's procurement process and deem the bidder to be responsive).

City staff has met with O'Dell Engineering to refine the scope of work and have agreed to the terms outlined in the attached consultant agreement. Therefore, staff recommends Council to award and approve entering into an agreement with O'Dell Engineering, in an amount not to exceed \$250,000, for design service relating to the 5 Learner pools referenced above.

## **ENVIRONMENTAL FINDINGS**

Approval of this agreement is not a project as defined by the California Environmental Quality Act.

## **LOCAL PREFERENCE**

Local preference was not implemented, as we only received one (1) bid. However, O'Dell Engineering meets the criteria.

## **FISCAL IMPACT**

There is no General Fund impact. Parks Special Projects Fund 24017 will fund an amount not to exceed \$50,000 and the remaining \$200,000 will be funded through CDBG grant.

Attachment:

Consultant Agreement O'Dell Engineering