



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JULY 16, 2024

FROM: PARKS, RECREATION AND COMMUNITY SERVICE DEPARTMENT WARD: 3

SUBJECT: REJECT ALL BIDS FOR BID NO. 8064 FOR THE NICHOLS PARK PLAYGROUND, SHADE STRUCTURE, AND RESILIENT SURFACING INSTALLATION PROJECT AND AUTHORIZE STAFF TO RELEASE A REVISED BID SOLICITATION.

ISSUE:

Reject all bids for Bid No. 8064 for the Nichols Park Playground, Shade Structure, and Resilient Surfacing Installation Project due to lack of responsive proposals, as no participating Contractor possessed the required Landscape Structure Inc. (LSI) Installer Certification and authorize a revised bid solicitation.

RECOMMENDATION:

That the City Council:

1. Reject all bids for Bid No. 8064 for the Nichols Park Playground, Shade Structure, and Resilient Surfacing Installation Project; and
2. Authorize staff to release a revised bid solicitation.

LEGISLATIVE HISTORY:

On March 11, 2021, President Biden signed into law the American Rescue Plan Act to facilitate the recovery from the devastating economic and health effects of the COVID-19 pandemic. The American Rescue Plan Act established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which provides a combined \$350 billion in assistance to eligible state, local, territorial, and Tribal governments to assist in the economic and health recovery by providing resources to address impacts resulting from the crisis.

BACKGROUND:

In The American Rescue Plan Act (ARPA) established the Coronavirus Local Fiscal Recovery Fund to provide resources to support communities that are struggling with the impacts resulting

from the COVID-19 pandemic. The US Department of the Treasury (Treasury) first released the Interim Final Rule providing eligibility guidance as well as regularly updated Frequently Asked Questions (FAQ). The Interim Final Rule provided initial guidance and served to help communities develop proposals for funding.

On November 9, 2021, the City Council approved the ARPA funding Expenditure Category Plan for the first allocation in the amount of \$36,767,594 following the Interim Final Rule guidelines. Additionally, the City Council directed staff to return with an itemized list for Parks infrastructure needs during the second allocation of funding for consideration. The Final Rule was issued on January 6, 2022, and became effective on April 1, 2022.

On February 7, 2023, the City Council approved the ARPA expenditure plan for the second allocation of grant funds in the amount of \$36,767,594 and reallocated \$1,600,000 from the first plan to the Park Maintenance Project funding. These approvals allocated \$10 million for Parks Deferred Maintenance Projects and increased the Bordwell Gymnasium allocation by \$3 million to a total of \$8 million. The approval of the ARPA funding allows the City to make an initial investment towards addressing the City's deteriorating park infrastructure priority needs, including the replacement of HVAC systems, renovations of parking lots, flooring replacements and playground renovations equitably throughout all wards.

On June 21, 2023, the Parks and Recreation Commission received an update on the ARPA funding received and the planned projects.

DISCUSSION:

American Rescue Plan Act Expenditure Plan

The American Rescue Plan Act established the Coronavirus State and Local Fiscal Recovery Funds (Fiscal Recovery Funds) to aid eligible state, local, territorial, and Tribal governments. These funds may be used to respond to pandemic response needs including mitigation and prevention, support to communities and populations most impacted by the COVID-19 pandemic and fill revenue shortfalls. The City of Riverside received Fiscal Recovery Funds in two installments for a total amount of \$73,535,189. The city received the first allocation for \$36,767,594 in June 2021 and the second allocation for \$36,767,594 in June 2022.

Investing in our Community's Health and Wellbeing

Good health and well-being in a City is directly impacted by the health of a City's park system, and a healthy park system requires a reliable but moderated funding stream to replace deteriorating infrastructure. Parks enhance the quality of life because Parks Make Life Better.

As reported by the National Recreation Park Association, "The coronavirus disease 2019 (COVID-19) pandemic has shed an even bigger light on the essential role of local parks and recreation. In response to the COVID-19 pandemic, park and recreation professionals swiftly mobilized to keep parks, trails and green spaces open to support physical and mental health, while delivering vital services and programs to support the community. Park and recreation professionals are on the frontlines of the COVID-19 pandemic — and will continue to be in the months and years to come."

The Parks, Recreation, and Community Services Department (PRCSD) is responsible for programming, planning, development, operation, and maintenance of the City's public recreational resources, including 60 park properties, almost 3,000 acres of park land and approximately 350,000 square feet of building facilities. The City invested over \$100 million in renovating and building new park facilities in the Riverside Renaissance (2007-2012). Now, over a decade later, there is a wave of increased maintenance costs as a result of park infrastructure being used beyond its intended lifecycle. Fortunately, the City Council voiced their concern, support, and commitment last year by approving funding in the ARPA Expenditure Plan and future allocations through Measure Z to address the park deferred maintenance needs.

1. ARPA FUNDING:

- a. *The First ARPA Expenditure Plan* allocated an initial \$5,000,000 for the Bordwell Gymnasium Project, and \$1,800,000 for Tim Strack (formerly El Dorado) Park Improvements. Both projects are located in underserved communities. Additionally, City Council directed staff to return with an itemized list for Park's infrastructure needs during the second allocation of funding for consideration; and
- b. *The Second ARPA Expenditure Plan* allocated an additional \$3 million for the Bordwell Gymnasium Project and \$10 million for Park Deferred Maintenance Projects. These priority park projects focused on addressing safety concerns, compliance, and improving public health. This is an initial critical investment in restoring park infrastructure, with an initial cost estimate exceeding \$12 million. These priority deferred maintenance items include playground replacement, playground surfacing replacements, HVAC replacement, parking lot renovations, and flooring renovations that are distributed equitably throughout all wards.

Investing in our City's park infrastructure is an investment in our future and will play a key role of creating and maintaining resilient recreational resources and a health community.

Playground Equipment Installation

The PRCSD is committed to maintaining playgrounds at park sites to promote safety and recreational opportunities for children. Playgrounds are highly valued in the City of Riverside and often serve as the heart of a public neighborhood park and help Make Life Better. This investment will revitalize the parks and create a positive gathering space for new parents, grandparents, and children to build a strong community.

The PRCSD team evaluated city playgrounds and developed a list of nine parks with the most needed playground and surfacing replacement including Nichols Park Playground, and staff is excited to proceed with these repairs to make the play lots more welcoming and safer to use. Completion of the projects are anticipated to be as early as fall 2024, with the last play lot being completed around spring 2025.

Purchasing

On April 16, 2024, the City's Purchasing Division issued Bid No. 8064 on the City's Electronic Bidding System, PlanetBids Vendor Portal, and issued a public notice in the Riverside Press Enterprise newspaper seeking experienced and qualified contractors to bid for the Playgrounds Installation Project. PlanetBids notification was sent to 218 City of Riverside vendors and 500 external vendors. Bid No. 8064 closed on May 3, 2024, with a total of three (3) proposals received at the time of closing. However, upon review for responsiveness, the Purchasing Division determined that none of the participating Contractors possessed the Landscape Structures Inc

(LSI) Certification that was required by the Bid documents. The City Attorney's Office provided their opinion that the one Contractor listing an LSI Certified vendor as a subcontractor does not meet the bid requirements due to the specific wording of the requirement. As there are no responsive bids, Purchasing recommends rejecting the bids and releasing a revised bid solicitation.

Purchasing Resolution 24101 Section 507 states, "The Manager may in his/her discretion reject any and all Bids, or any segregable portions thereof, for any one or more type of Goods, Services or Construction included in the Specifications when the public interest is served thereby, provided specifically that any potential award does not otherwise require consideration by the Awarding Entity, in which case any rejection or award shall be made by the Awarding Entity. The Awarding Entity may also take any other action permitted by Section 1109 of the City Charter."

The Purchasing Manager concurs that the recommendation to reject all bids is in accordance with Purchasing Resolution No. 24101, Section 507.

STRATEGIC PLAN ALIGNMENT:

The playground renovation project contributes to **Strategic Priority 1 – Arts, Culture and Recreation**, which aims to provide diverse community experiences and personal enrichment opportunities for people of all ages.

This project supports **Goal 1.3**, to improve parks, recreational amenities, open space, and trail development, and fulfill critical lifecycle and facility maintenance needs and **Goal 1.4** to prioritize safety at parks, trails, arts, cultural and recreational facilities.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Playgrounds benefit the city's diverse population and contributes to the overall public good and quality of life.
2. **Equity** – With the increasing costs of recreational activities, playgrounds provide access to recreational opportunities to all and there is no cost for use.
3. **Fiscal Responsibility** – The competitive procurement of services for this project is in accordance with Purchasing Resolution No. 24101.
4. **Innovation** – Updating playground equipment and resilient safety surfacing ensures the PRCSD continues to meet the community's needs for free and fun recreation for Riverside's families.
5. **Sustainability & Resiliency** – Replacing playground equipment and resilient playground safety surfacing ensures the public will continue to have safe access to the playgrounds.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Prepared by: Ali Borujerdi, Project Manager
Approved by: Pamela M. Galera, Parks, Recreation and Community Services Director
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by: Kris Martinez, Assistant City Manager
Approved as to form: Phaedra A. Norton, City Attorney

Attachment: Bid Rejection Recommendation