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Title: CONSIDER APPROVING AMENDMENT NO. 1 TO PUBLIC WORKS AGREEMENT WITH MCWIL SPORTS SURFACES, INC. TO COMPLETE ADDITIONAL WORK TO BUILD PICKLEBALL COURTS AT HEMINGWAY PARK (CITY COUNCIL).

Sponsors: Community Services

Indexes:

Code sections:

Attachments: 1. McWil Contract Amendment (draft 9.28.23), 2. 2022-869 PW Contract to McWil Sports Surfaces, Inc. to convert Tennis Ball Courts to Pickleball Courts_CCM 10-18-22, 3. Additional Work Quote

Date	Ver.	Action By	Action	Result
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Report to Mayor and City Council

Tuesday, October 03, 2023

Consent

SUBJECT:

CONSIDER APPROVING AMENDMENT NO. 1 TO PUBLIC WORKS AGREEMENT WITH MCWIL SPORTS SURFACES, INC. TO COMPLETE ADDITIONAL WORK TO BUILD PICKLEBALL COURTS AT HEMINGWAY PARK (CITY COUNCIL).

I. SUMMARY

Upon prepping the conversion of the tennis courts to pickleball courts at Hemingway Park, it was discovered that additional concrete work and stripping of existing courts is required that was not part of the Scope of Work of the original Public Works Agreement with McWil Sports Surfaces, Inc. (“McWil”) for this project (Exhibit No. 2).

The cost of this additional work is beyond the authorized 10% contingency; therefore, the City Council is asked to the amend the agreement to include the additional work and increase the contract sum by \$14,600 to fund the additional work. This action will bring the contact amount to a not-to-exceed total of \$52,000, or a project total of \$57,200 with the inclusion of the revised 10% contingency.

II. RECOMMENDATION

TAKE all of the following actions:

1. APPROVE the proposed Amendment No. 1 to Public Works Agreement with McWil Sports Surfaces, Inc., to add to the scope of work and increase the Contract Sum by \$14,600 for a total Contract Sum of \$52,000 (Exhibit No. 1; "Amendment No. 1").
2. AUTHORIZE the expenditure of a construction contingency in the amount of \$5,200 (10% of amended Contract Sum), in lieu of the previously authorized amount of \$3,740, representing an increase of \$1,460, for any unforeseen construction work such as substructure conflicts, contaminated soil removal and disposal, material testing, and other work that may be necessary to complete the project.
3. AUTHORIZE Mayor to execute Amendment No. 1 following approval as to form by the City Attorney.

III. ALTERNATIVES

TAKE any other action the City Council deems appropriate, and consistent with the requirements of applicable law.

IV. BACKGROUND

At the September 6, 2022, City Council meeting, the Parks, Recreation, and Community Services Master Plan was presented to City Council. During that session, the City Council stated that many of their constituents expressed a desire to have dedicated pickleball courts in the city. The Master Plan reinforced that notion based on the documented public outreach efforts and summary reports presented within the Plan. Public Works was made aware of this desire, and the Hemingway Park was ultimately selected for the conversion of its two tennis courts into eight dedicated pickleball courts.

At its October 18, 2022, meeting, the City Council (Exhibit No. 2) awarded a contract to McWil for this project for a not-to-exceed contract total of \$37,400, plus a construction contingency of \$3,740.

To ensure the construction of quality pickleball courts, additional work quoted by McWil at \$14,600 is needed (Exhibit No. 3). The work includes stripping of the tennis courts' existing and old coatings and repair of the two large concrete areas within the existing courts' playing area that, as identified and agreed upon by the City's Project Manager and the Contractor's Principal, have disintegrated such that they are unable to hold court surfacing and/or have become dead spots which do not allow for quality play. The repair will involve removal and replacement of the existing concrete in these areas with new concrete prior to surfacing the courts.

The City Council is asked to amend the McWil agreement to add this work to the scope and authorize an increase of \$14,600 to the original \$37,400 contract sum, which would bring the not-to-exceed contact total to \$52,000. Council is also asked to authorize a corresponding increase in the contingency, from the previously authorized amount of \$3,740 to the revised amount of \$5,200, representing 10% of the proposed amended contract sum, for any unforeseen additional work. With the proposed contingency, the project total is \$57,200.

The proposed work is a Public Works project under the State bidding laws known as the Uniform Public Construction Cost Accounting Act ("UPCCAA") adopted by the City, and set

forth in Section 2612 of its Municipal Code. Under UPCCAA, public projects of \$60,000 or less do not have a bidding requirement. The total project amount with the proposed Amendment No. 1 remains under \$60,000. Additionally, as McWil is currently working on this sports courts resurfacing project for the City, its qualifications and background have already been vetted by staff, and McWil has been determined to possess the requisite ability to complete the pickleball project.

V. FISCAL IMPACT

The additional funding requested for the amended Contract Agreement is \$14,600, plus a 10% contingency of \$5,200, for a new project total of \$57,200. Funds to support this project are budgeted in the FY 2023/24 adopted budget in the following account numbers:

101-90-950-152-6004	\$16,060.00
101-80-840-102-6004	\$41,140.00

VI. EXHIBITS

1. Amendment No. 1 to Public Works Agreement with McWil Sports Surfaces, Inc. (pg. 4 - 8)
2. Staff Report No. 2022-869 (pg. 9 - 48)
3. Additional Work Quote (pg. 49)

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