



City of Culver City

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Staff Report

File #: 22-650, Version: 1

Item #: PH-1.

PUBLIC HEARING - CC- (1) FOUR-FIFTHS VOTE REQUIREMENT: Waiver of Formal Bid Procedures and Award of a Construction Contract to MMJ Contractors in the Amount of \$671,142 for the Downtown Outdoor Space Expansion Project; (2) Authorization to the City Manager to Negotiate and Approve the Final Terms of the Contract with MMJ Contractors; (3) Authorization to the Community Development Director to Approve Change Orders to the Contracts in an Aggregate Amount Not-to Exceed \$100,671 to cover Contingency Costs (15%); (4) Approve a Professional Services Agreement with RTI Consulting for Construction Administration and Inspection in an Amount Not-to-Exceed \$48,975; and (5) **FOUR-FIFTHS VOTE REQUIREMENT:** Approval of a Budget Amendment in the Amount of \$820,788 from the General Fund's Unassigned Fund Balance for the Construction of the Project.

Meeting Date: January 24, 2022

Contact Person/Dept: Elaine Warner / Community Development Department
Diana Szymanski/ Public Works Department

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Fiscal Impact: Yes ☒ No ☐

General Fund: Yes ☒ No ☐

Public Hearing: ☒ Action Item: ☐

Attachments: ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/20/2022); Downtown Business Association and Current Downtown TUP holders (01/18/2022); Posting on City Website; (01/13/2022); GovDelivery Email - City Agendas (01/13/2022)

Department Approval: Sol Blumenfeld, Community Development Director (01/18/2022); Yanni Demetri, Director of Public Works/City Engineer (01/18/2022)

RECOMMENDATION

Staff recommends the City Council (1) waive the formal bidding requirements and award a construction contract to MMJ Contractors in the amount of \$671,142 for the Downtown Outdoor Space Expansion Project, pursuant to Culver City Municipal Code (CCMC) Section 3.07.090.E (**requires a four-fifths vote**); (2) authorize the City Manager to negotiate and approve the final terms

of the contract with MMJ Contractors; (3) authorize the Community Development Director to approve change orders to the contract in an aggregate amount not-to-exceed \$100,671.00 to cover construction contingency costs (15%); (4) approve a professional services agreement with RTI Consulting for construction administration and inspection in an amount not-to-exceed \$48,975; and (5) approve a budget amendment in the amount of \$820,788.00 from the General Fund's Unassigned Fund Balance to fund project construction, contingency and inspection costs (**requires a four-fifths vote**).

PROCEDURE

1. Mayor seeks motion from City Council to receive and file the affidavits of publication and posting of notices and correspondence received in response to the public hearing notices; and,
2. Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired; and,
3. Mayor seeks a motion to open the public hearing; and
4. Mayor seeks a motion to close the public hearing after all public testimony has been presented; and,
5. The City Council discusses the item and arrives at its decision.

BACKGROUND

Since July 2020, the City has provided no-fee temporary outdoor dining space in Downtown Culver City to support economic recovery during the COVID-19 pandemic. In July 2021, SWA Group (SWA) was engaged to study and prepare schematic drawings to increase dining and retail opportunities along the sidewalks on the north side of Culver Boulevard, between Duquesne and Canfield Avenues, to provide permanent sidewalk expansion areas. (Attachment 1).

On November 8, 2021, the City Council approved an amendment with SWA to prepare design development drawings and specifications and directed staff to proceed with a Request for Qualifications (RFQ) process for contractors for the project.

Design Development Drawings

The Design Development Drawings provide details and specifications for the removal of large, in-ground planters, new paving treatments and upgraded furnishings. The project construction will consist of:

1. Demolishing 18 large in-ground planters (that do not contain trees) and installing grey-scaled pavers that complement the design utilized in the expanded Culver Steps / Expanded Town Plaza project;
2. Removing existing street furnishings that interfere with the expanded dining space and replacing those to remain with upgraded furnishings matching the streetscape at The Culver Steps Project; and,
3. Removing existing red brick paved areas in the sidewalks and installing 11 new paving

sections to create a cohesive design along the four-block area.

Project Timing and Bidding

To minimize disruption to businesses, it was recommended that project construction occur between the end of the holiday season and the beginning of spring due to cooler weather and slower business operations. Given the time frame for construction, staff conducted an RFQ process seeking contractors that have successfully worked with SWA or RTI Consulting on similar projects to streamline construction and administration. As part of the selection process, City staff required that none of the potential contractors were a source of income to either firm given their role in making a recommendation on the selected contractor and potentially assisting with administration of the work.

DISCUSSION

Pursuant to City Council's November 8th authorization, the City issued an RFQ on December 17, 2021 to four contractors to bid on the project and received two responsive and responsible bids from MMJ Contractors and Morillo Construction. Staff met with the contractors to clarify scope, approach and costs and requested that both firms provide a last and final bid proposal for the project. The proposed bids are as follows:

MMJ Contractors - \$671,142
Morillo Construction - \$898,000

Staff conducted reference checks and received positive feedback that MMJ Contractors has performed satisfactory work for other agencies and there are no claims against them for the past five years. Per their final bid, and experience constructing and delivering similar projects, staff recommends the City Council waive the formal bidding requirements pursuant to CCMC Section 3.07.090.E and award the construction contract to MMJ Contractors. Award of this contract requires a four-fifths vote, due to waiver of the formal bidding requirements.

Additionally, Staff solicited a construction inspection proposal from RTI Consulting. RTI Consultant is recommended for this project as best meeting the project requirements due to their involvement in managing the adjacent Culver Move Project. RTI Consulting is currently on the engineering on-call subconsultant list, and hourly rates are set per their master contract with the City.

RTI Consulting scope of work includes preconstruction services and construction services; consisting of reviewing and providing input on design drawings and project bid documents, participation in contractor interviews and contractor selection, review contractor submittals, field meetings for the duration of the construction project, coordinating site logistics, monitoring contractor compliance with design documentation, coordination between contractor and City staff, and coordinating contractor close-out documents and final project sign off.

Construction is anticipated to commence early February 2022 and anticipated to be substantially complete by April 2022. Construction work is proposed to be completed in segments, street block by street block, with overlapping construction tasks. Staff will coordinate with affected businesses relative to the proposed construction schedule and operational impacts.

FISCAL ANALYSIS

The total cost for the project, including construction, 15% construction contingency, and project inspection services is estimated at \$820,788.

Description	Cost
Construction Bid from MMJ Contractors	\$671,142
Construction Contingency (15%)	\$100,671
Construction Inspection Services (RTI Consulting)	\$48,975
Total Anticipated Project Cost	\$820,788

Staff is requesting a budget amendment from the General Fund's Unassigned Fund Balance in the amount of \$820,788 to fund the project construction. Funding will be appropriated in Account #10150120.619800 for this work. Approval of the budget amendment requires a four-fifths vote.

Note: As of June 2021, the General Fund's Unassigned Fund Balance was \$21.9M.

ATTACHMENTS

1. Downtown Culver City Outdoor Space Expansion Design Development Drawings

MOTIONS

That the City Council:

1. Waive formal competitive bidding procedures, pursuant to CCMC Section 3.07.090.E, and award a construction contract to MMJ Contractors in the amount of \$671,142 for the Downtown Outdoor Space Expansion Project **(requires a four-fifths vote)**;
2. Authorize the City Manager to negotiate and approve the final terms of the contract with MMJ Contractors;
3. Authorize the Community Development Director to approve change orders to the contracts in an aggregate amount not-to-exceed \$100,671.00 to cover contingency costs 15%);
4. Approve a professional services agreement with RTI Consulting for construction administration

and inspection in an amount not-to-exceed \$48,975;

5. Approve a budget amendment in the amount of \$820,788.00 from the General Fund's Unassigned Fund Balance to fund project construction, including contingency and construction administration **(requires a four-fifths vote)**;
6. Authorize the City Attorney to review/prepare the necessary documents; and
7. Authorize the City Manager to execute such documents on behalf of the City.