



# NEWPORT BEACH

## City Council Staff Report

March 25, 2025  
Agenda Item No. 5

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** David A. Webb, Public Works Director - 949-644-3311,  
dawebb@newportbeachca.gov

**PREPARED BY:** Kevin Pekar, Public Works Superintendent - 949-644-3069,  
kpekar@newportbeachca.gov

**TITLE:** Irrigation Controller Replacement Phase 2 – Award of Contract  
No. 9735-1

---

### **ABSTRACT:**

The City of Newport Beach received construction bids for Phase 2 of the Irrigation Controller Replacement project. Staff requests City Council approval to award the construction contract to EMTS, Inc. (EMTS) of Clovis. This project replaces and upgrades 37 outdated controllers at the Civic Center and various parks and right-of-way locations.

### **RECOMMENDATIONS:**

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
- b) Award Contract No. 9735-1 to EMTS for the total bid price of \$480,202.74 for the replacement of 37 irrigation controllers, and authorize the Mayor and City Clerk to execute the agreement; and
- c) Establish a contingency of \$24,000 (approximately 5% of total bid) to cover the cost of unforeseen work not included in the original contract.

### **DISCUSSION:**

The City's Fiscal Year 2024-25 Park Maintenance Master Plan (PMMP) includes Phase 2 of updating the City's irrigation controllers. This project replaces 37 outdated controllers at various locations and continues the City's conversion to a cloud-based system that allows staff to monitor and control irrigation and its programming from any location via computer, tablet or cell phone.

The Public Works Department issued the Request for Bids (RFB) for replacement of 37 irrigation controllers through the City's electronic bidding portal.

One hundred fifty-nine vendors were notified and at 2 p.m. on February 12, 2025, the City Clerk opened and read the bids for this project.

|      | <u>BIDDER</u>                        | <u>BID AMOUNT</u> |
|------|--------------------------------------|-------------------|
| Low  | The Davey Tree Expert Company        | \$472,186.08      |
| 2nd  | EMTS, Inc.                           | \$480,202.74      |
| 3rd  | Superb Engineering                   | \$494,533.00      |
| 4th  | Greenfield Landscaping & Maintenance | \$495,888.00      |
| 5th  | American Landscape, Inc.             | \$549,512.00      |
| 6th  | Merchants Landscape, Inc.            | \$577,532.56      |
| 7th  | SGD Enterprises                      | \$593,000.00      |
| 8th  | Environmental Construction, Inc.     | \$650,360.00      |
| 9th  | Nakae & Associates, Inc.             | \$655,055.00      |
| 10th | Kormex Construction, Inc.            | \$788,000.00      |

The City received 10 bids for these services. The Davey Tree Expert Company was determined non-responsive for not providing its bid bond sealed and delivered prior to the bid opening. The lowest responsible bidder, EMTS, possesses a California State Contractor's License Classification C-27, as required by the project specifications, and a review of its references shows satisfactory completion of similar projects.

After the bid opening, the City received a bid protest claiming deficiencies in the apparent low bidder's responsiveness and ability to perform the work. Public Works Department and City Attorney's Office staff reviewed and considered the bid protest, relevant provisions of State law, and the bid responses, and concluded that EMTS is the lowest responsible bidder and has the capacity and experience to satisfactorily perform the work for this project. The protest letter is included as an attachment to this report.

Pursuant to the contract specifications, the contractor will have 120 consecutive working days to complete the work. Work is scheduled to start in April 2025.

### **FISCAL IMPACT:**

The adopted Capital Improvement Program budget includes sufficient funding for this contract. It will be expensed to the PMMP account in the Public Works Department, 57001-980000-25P02. The following funds will be expended:

| <u>Account Description</u> | <u>Account Number</u> | <u>Amount</u>               |
|----------------------------|-----------------------|-----------------------------|
| PMMP                       | 57001-980000-25P02    | \$ 504,202.74               |
|                            | <b>Total:</b>         | <b>\$ <u>504,202.74</u></b> |

Proposed fund uses are as follows:

| <u>Vendor</u> | <u>Purpose</u>           | <u>Amount</u>               |
|---------------|--------------------------|-----------------------------|
| EMTS          | Construction Contract    | \$ 480,202.74               |
| EMTS          | Construction Contingency | \$ 24,000.00                |
|               | <b>Total:</b>            | <b>\$ <u>504,202.74</u></b> |

Staff recommends including \$24,000 (approximately 5% of total bid) for contingency purposes and unforeseen conditions associated with construction.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENTS:**

Attachment A – Contract

Attachment B – Protest Letter