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# **NEWPORT BEACH**

## **City Council Staff Report**

September 14, 2021  
Agenda Item No. 13

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

**FROM:** David A. Webb, Public Works Director - 949-644-3311,  
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**TITLE:** Grant Howald Park Rehabilitation – Notice of Completion for Contract  
No. 7476-2 (19P11)

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**ABSTRACT:**

On July 14, 2020, the City Council awarded Contract No. 7476-2, Grant Howald Park Rehabilitation, to Environmental Construction, Inc. (ECI) of Woodland Hills, California. The work is now complete and staff requests City Council acceptance and closeout of the contract.

**RECOMMENDATION:**

- a) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project;
- b) Authorize the City Clerk to release the Labor and Materials Bond 65 days after Notice of Completion has been recorded in accordance with applicable portions of the Civil Code; and
- c) Release the Faithful Performance Bond one year after acceptance by the City Council.

**BACKGROUND:**

Grant Howald Park is a 3.1-acre recreation site developed in 1954 by the Youth Center Board of Directors and conveyed to the City of Newport Beach in 1972. The park is generally bounded by Goldenrod Avenue, Fifth Avenue, Marguerite Avenue and Harbor View Elementary School (Attachment A). It includes a community building with two playgrounds (also known as the Community Youth Center or CYC), two tennis courts, a lighted sports field, a basketball court, and other related facilities.

On September 11, 2018, the City Council awarded a design contract for Landscape Architecture and Civil Engineering Services to RJM Design Group, Inc. (RJM). With assistance from City of Newport Beach (City) staff, the community, and the Parks, Beaches and Recreation (PB&R) Commission Ad Hoc committee, RJM developed a conceptual design that enhances the usability of the park, while maintaining the Corona del Mar neighborhood's charm.

On March 5, 2019, the PB&R Commission approved the park's conceptual design and City Council accepted the design on May 14, 2019.

### **DISCUSSION:**

On July 14, 2020, the City Council awarded the Grant Howald Park Rehabilitation Project to ECI and a Notice to Proceed was issued on August 26, 2020. The contract has now been completed to the satisfaction of the Public Works Department and the Recreation and Senior Services Department.

The work necessary for the completion of this contract consisted of replacing the existing play areas with new play equipment, poured-in-place rubber surfacing, shade structures and seating; converting the existing grass turf field to a multi-purpose synthetic turf field; installing new shaded team and picnic areas; updating the restroom building; replacing the surrounding fencing; converting the field lights to LED; undergrounding the existing utility poles along Fifth Avenue and Goldenrod Avenue; and installing a new sidewalk for improved park access.

### **Overall Contract Cost / Time Summary**

Award Contract Amount	Final Cost at Completion	Contingency Allowance	Actual Contract Change	% Due to Directed Change	% Due to Unforeseen Change
\$ 4,543,686.00	\$ 4,836,672.55	10% or less	6.4 %	2.4%	4.0%
Allowed Contract Time (days)		194	Actual Time Under (-) or Over (+)		+13

A summary of the contract cost is as follows:

Original Bid Amount	\$ 4,543,686.00
Actual Cost of Bid Items Constructed:	\$ 4,543,686.00
Total Change Orders:	\$ 292,986.55
<b>Final Contract Cost:</b>	<b>\$ 4,836,672.55</b>

The final construction cost was 6.4 percent over the original contract amount, resulting from 13 change orders issued to address unforeseen utilities undergrounding delays, landscaping modifications and miscellaneous City-directed changes.

Approximately 60 percent of the change order cost resulted from unforeseen undergrounding delays and other utilities-related items addressed during project construction. Costs were incurred for additional contractor mobilizations to accommodate the Harbor View Elementary School schedule and extending steel plate rentals along Goldenrod Avenue. The delay removing utility poles prompted a redesign at the corner of

Fifth and Iris Avenues. The redesign enabled the synthetic turf installation to proceed as scheduled.

The City was also notified by Southern California Edison (SCE) that an additional in-ground vault was required to fully convert the undergrounding work, resulting in additional costs and delays. Finally, the contractor encountered many utilities conflicts during the installation of new improvements, which resulted in rerouting electrical conduits, water services and gas lines, and relocating existing utility boxes.

Landscape changes included new plantings per the Fifth Avenue redesign; replacing additional sod around the playground area; constructing stacked planter walls where the final grades were greater than planned; placing mulch in surrounding planters; replanting in front of the CYC monument sign; replacing existing trees that were in declining health; and substituting tree species that were not locally available.

City-directed changes resulted in approximately 25 percent of the change orders. Work included replacing one field light foundation to address structural concerns as a result of removing an existing retaining wall; removing improvements that were noted as being protected-in-place, as a result of unforeseen field conditions; installing skate stoppers on low concrete walls; stucco finishing the large SCE vault retaining walls; and realigning field security lights to minimize impacts to residences. Additionally, the City took the opportunity to revitalize the adjacent areas including repainting red curbs at the CYC parking lot; replacing parking and park signage throughout the project site; repairing and repainting existing guard rails; and restoring the CYC building and monument signage.

The Grant Howald Park project was substantially completed 13 days past the contract completion date due to utilities delays throughout the project. Staff entered negotiations with the Contractor to address the matter, but the two parties could not reach an agreement. On August 5, 2021, ECI's general counsel submitted a claim to the City, demanding compensable delays. The claim is currently being reviewed by the City Attorney's Office and will be handled as a separate matter. A summary of the project schedule milestones is as follows:

Estimated Completion Date per 2021 Baseline Schedule	March 12, 2021
Actual Start of Construction per Notice to Proceed	August 26, 2020
Extended Contract Completion Date Inclusive of Extra Work	June 11, 2021
Actual Substantial Construction Completion Date:	June 30, 2021

#### **FISCAL IMPACT:**

The adopted budget included sufficient funding for this contract.

The construction was expensed from the following account within the budget:

<u>Account Description</u>	<u>Account Number</u>	<u>Amount</u>
Facilities Financing Plan (FFP)	56201-980000-19P11	\$ 4,836,672.55
		<b>\$ 4,836,672.55</b>



**ENVIRONMENTAL REVIEW:**

On May 14, 2019, City Council found this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301\_Class 1 (Existing Facilities) and 15302\_Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project involves the maintenance of existing facilities and will be reconstructing existing facilities on the same site as the facility replaced. The project will have substantially the same purpose as the facility replaced.

**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).

**ATTACHMENT:**

Attachment A – Location Map