



# Agenda Item

## City Council

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**Item #:** 3.13.

**6/10/2025**

**File #:** 25-0226

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Tom Kisela, City Manager

**FROM:** Leslie Hardy, Community and Library Services Director

### 1. SUBJECT

Award of Contract to Deark E&C, Inc. for Construction of Hart Park Pickleball and Fitness Circuit Site, Bid No. 24-25.05; approve a purchase order with Shade Systems, Inc.; and finding of CEQA Exemption.

### 2. SUMMARY

Award of a construction contract for the installation of pickleball courts and a fitness circuit at Hart Park and approve a purchase order for shade structures. The scope of work includes constructing 10 pickleball courts, installing outdoor fitness equipment, court and area lighting, an ADA-compliant sidewalk ramp, concrete and paver pathways, shade structures, bike rack, chilled water bottle-filling station, benches, trash receptacles, and landscaping.

### 3. RECOMMENDED ACTION

1. Approve the contract with Deark E&C, Inc. in the amount of \$2,351,800 for the Hart Park Pickleball and Fitness Circuit project (20315); and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Approve a purchase order in the amount of \$120,311.66 with Shade Systems, Inc. for purchase of two shade structures.
3. Authorize the appropriation of \$110,000 from the Park Acquisition (Infill) (510) unreserved fund balance to account 510.7021.56020.20315 - CIP - Hart Park Pickleball & Fitness Circuit project.
4. Find that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15332 (In-Fill Development).

### 4. FISCAL IMPACT

The expense for this contract is \$2,351,800 and will be funded through Park Acquisition (Infill) (510), Park Acquisition & Development (Quimby) (511), and Reimbursable Capital Projects (550) respectively. Upon approval of the recommended appropriation, the total project budget and funding will be apportioned as follows:

510.7021.56020.20315 - CIP - Hart Park Pickleball & Fitness Cir.      \$660,000.00

511.7021.56020.20315 - CIP - Hart Park Pickleball & Fitness Cir.	\$200,000.00
550.7021.56020.20315 - CIP - Hart Park Pickleball & Fitness Cir.	<u>\$2,000,000.00</u>
Total:	\$2,860,000.00

Upon approval of this appropriation, the estimated Park Acquisition (510) fund balance at June 30, 2025 will be \$9,077,992.

## 5. STRATEGIC PLAN GOALS

Goal 3: Enhance Public Communication Strategy and Quality of Life

Objective 3.7: Continue to offer high quality and efficient city led recreation programs

## 6. DISCUSSION AND BACKGROUND

W.O. Hart Memorial Park (Hart Park) is a 56-acre community park, located within the Old Towne Orange Historic District. Hart Park is home to several historic structures and architectural elements, an orange grove, and beautiful mature shade trees. Hart Park offers acres of passive and open space, as well as active amenities including two lighted softball/baseball fields, a lighted collegiate-level baseball field, soccer/football field, an aquatic facility, a bandshell, two lighted tennis courts, horseshoe pits, sand volleyball courts, walking paths, picnic areas, a playground, two restroom facilities, and an active bike path that runs through the south side of the park.

To fulfill the recreational needs of the surging pickleball community in Orange, as well as provide a space for outdoor exercise equipment, a Capital Improvement Project (CIP) titled Hart Park Pickleball and Fitness Circuit (20315) was approved for \$2,750,000. The new facilities will be located in the southwest portion of the park, adjacent to the existing orange grove and the 22 Freeway.

Facility amenities will include:

- 10 lighted pickleball courts, including fencing and windscreens
- Shaded outdoor fitness equipment
- Paved access to courts and amenities
- Area and pathway lighting
- Shaded spectator seating
- Benches, trash receptacles, drinking fountain, and bike racks

The City contracted with RHA Landscape Architects Planners, Inc. (RHA) to provide architectural and engineering services for design, project plans, cost estimates, and construction documents for the project. Design of the project is attached and includes input collected at a public outreach meeting conducted at the Sports Center at Grijalva Park and at a Park Planning and Community Events Commission meeting (Attachment 1). A request for construction bids (RFB No. 24-25.05) was issued in August 2024. The City received six bids:

1. Deark E&C, Inc., Fullerton, CA	\$2,168,000.00
2. Green Giant Landscape, Inc., La Habra, CA	\$2,492,000.00
3. Elegant Construction, Inc., Irvine, CA	\$2,542,500.00
4. C.S. Legacy Construction, Inc., Walnut, CA	\$2,563,107.54
5. Legion Contractors, Inc., Los Angeles, CA	\$2,827,838.00
6. Act 1 Construction, Inc., Norco, CA	\$2,873,627.00

The lowest responsive and responsible bid is from Deark E&C, Inc. (Deark) for \$2,168,000. Staff

verified the qualifications of the vendor with references provided for similar projects and received positive responses. The original bid included an alternate item for the use of concrete instead of asphalt for a portion of the work for an additional \$30,000. The use of concrete was not selected, as such, the recommended award amount was reduced by \$30,000 for a bid amount of \$2,138,000. The total amount for the proposed construction contract is \$2,351,800, which includes a 10 percent contingency of \$213,800 (Attachment 2).

The City will also be purchasing the equipment to complete construction of this project which includes bike racks, a drinking fountain, benches, a kiosk, trash and recycling receptacles, exercise equipment, and shade structures. The shade structures will be purchased from Shade Systems, Inc. by utilizing an existing cooperative agreement through the Houston-Galveston Area Council (HGAC) Procurement and Contracts Program. This HGAC agreement serves as competitive source justification and meets the City's purchasing requirements, and as such a purchase order can be utilized to fulfill the procurement of the equipment. The total cost for two shade structures is \$120,311.66 (Attachment 3), therefore staff are requesting City Council to authorize a purchase order in the same amount.

### **Project Funding**

This project was approved as part of Fiscal Year 2021-22 (FY22) CIP. As such, \$750,000 in local funding was approved for project design and environmental review. In FY22, Congressman Lou Correa secured \$2 million in federal Community Projects Funding for this project. This funding opportunity was made available through the U.S. Department of Housing and Urban Development (HUD)'s Economic Development Initiative Community Project Funding Grants, thus resulting in a budgeted total of \$2,750,000.

In order to accommodate the recommended actions, the project will require an additional appropriation of \$110,000 from the unreserved Park Acquisition (Infill) (510), bringing the project total to \$2,860,000. As a result of receiving federal grant funding, the City contracted with Michael Baker International (MBI) to provide contract support and management to ensure federal grant compliance. The additional appropriation is needed to account for MBI's services and increases in equipment and construction costs.

## **7. ENVIRONMENTAL REVIEW**

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15332 (In-Fill Development) because the project only involves a partial renovation of the current park. No exceptions to categorical exemptions outlined in CEQA Guidelines Section 15332 apply to the proposed project. No public review is required.

## **8. ATTACHMENTS**

- Attachment 1: Hart Park Pickleball and Fitness Circuit Design
- Attachment 2: Contract with Deark E&C, Inc
- Attachment 3: Sales Order with Shade Systems, Inc