



## Legislation Text

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Report regarding a resolution approving a consulting services agreement for Construction Management Services with Swinerton Management & Consulting of San Francisco, California for the Orange Memorial Park Sports Field Renovation (Project No. pk1402) in an amount not to exceed \$377,690. (*Philip Vitale, Deputy Director of Capital Projects*)

### **RECOMMENDATION**

**It is recommended that the City Council adopt a resolution approving a consulting services agreement with SWINERTON MANAGEMENT & CONSULTING of San Francisco, California for the Orange Memorial Park Sports Field Project (Project No. pk1402) in an amount not to exceed \$377,690, authorizing the City Manager to execute the agreement, and authorizing a total budget of \$377,690.**

### **BACKGROUND/DISCUSSION**

The main baseball/softball field at Orange Memorial Park is the heart of the sports community in South San Francisco. While staff has dealt with long-standing maintenance challenges due to an aging infrastructure, the field has been regularly used for youth baseball, South San Francisco High School Varsity Baseball, and adult softball. For years, the sports community made requests for improvements both small and large to the field. In 2018, an opportunity for funding arose in the form of a storm water capture and cleaning project managed by the Department of Public Works. This opportunity inspired City staff to begin planning for the future of the Orange Memorial Park Sports Field.

Following community discussion in 2019 and early 2020, staff and the team from Verde Design developed Preliminary Design Documents for the Sports Field project. This included close coordination with Engineering and their consultant team to ensure the sports field and storm water capture projects align. The consultant team of Verde Design performed the above-mentioned preliminary design through an On-Call contract.

In November 2020, Council authorized the award of contract to Verde Design to develop construction documents for the Sports Field project. Construction documentation is currently 95% complete. The next step is to bring on board a construction manager to prepare the project to go out to bid for construction in December 2021, with construction of the Sports Field project to begin Spring 2022 as the Storm Water project completes construction.

### **Overview of City's Procurement Process**

The City's procurement process is governed by both state and local law. State law requires contracts for construction to be competitively bid pursuant to a set of specific, established rules. In particular, the City is required to award construction contracts to "lowest responsible bidder" after providing notice in accordance with law. (Pub. Contract Code §§ 20162, 20164.)

However, in awarding contracts for the purchase of professional services, equipment and supplies, the City has some latitude. State law requires the City to adopt regulations and policies to govern such service and supplies procurement, but otherwise provides the City flexibility in determining relevant requirements as long as they

are consistent with applicable state law. (Gov. Code § 54202.) Chapter 4.04 of the Municipal Code and the City's Purchasing Procedures (Administrative Instruction Section IV, No. 1) govern the City's purchasing policies and contract procurement processes.

The City's purchasing ordinance distinguishes between three primary types of procurement methods as follows:

### **1. Competitive Bidding for Construction Projects**

Public projects are specifically defined under the Public Contract Code, and generally involve any construction project that is paid with public funds or those projects involving improvements, demolition or other work on public property or facility. Public projects are required to be procured through competitive bidding and the City must award the contract to the lowest bidder whose bid complies with all of the City's solicitation requirements and demonstrates that the bidder is able to perform the work. Under the City's policy, different levels of competitive bidding are required depending on the dollar limit of the underlying project.

For these contracts, cost is generally the sole determining factor, and the lowest responsible bidder is awarded the project even if another bidder appears to be more skilled but is more expensive.

### **2. Open Market Procedures for Vendors (Supplies and Equipment)**

Open Market Procedures is the City's vendor selection process for purchase of goods, supplies, and professional services. These rules do not apply to, and may not be used for, public construction projects.

Contracts for the purchase of goods and services that exceed \$10,000 requires staff to utilize open market procedures. If the contract is \$25,000 or less, staff must obtain at least three quotes, which are informal offers to perform work at a stated price. If the contract is greater than \$25,000, staff will be required to solicit the project, such as issuing a Request for Proposals ("RFPs") and obtain at least three written responses.

Under this vendor selection process, cost can be only one factor in determining which vendor the City will ultimately select for services, equipment or supplies. This requirement is similarly reflected under SSFMC § 4.04.080.

Thus, when utilizing the open market vendor selection process, the City is focused on the skill, ability, and expertise of the entity or person to be able to provide the service, equipment or goods to the City. The selection is based on competence, professional qualifications, and overall value to the City with cost being only one factor in the determination of an award.

#### Federally Funded Procurements for Vendors (Supplies and Equipment)

Contracts that receive federal funding are required to incorporate and comply with additional terms and conditions. The City's Purchasing Procedures also provides guidance on procuring supplies and equipment contracts that are federally funded. Federally funded procurements also require a written procedure for conducting evaluations and for selecting recipients and awarding the contract to the responsible firm whose proposal is most advantageous to the City with price being only one factor. It is also important to note that federally funded procurements do not include state or local geographical

preferences unless specifically authorized by federal law. Each evaluation is a nondiscrimination and equal opportunity for all vendors.

### **3. Open Market Procedures for Architectural and Engineering (A&E) Professional Services**

For certain professional services such as architectural, engineering, environmental, land surveying, or construction project management, the Government Code also specifically requires that such services not be awarded solely based on price, but instead based on demonstrated competence. (Gov. Code § 4526.) Both the state law provision and the City's policy reflect the legislative view that when acquiring such services, the City does not necessarily receive the best value when it pays the lowest price. (See e.g. California Attorney General Op. No. 94-819 (February 9, 1995)).

#### General Request for Proposals (RFP) Review Process

RFPs are the City's primary method to procure equipment, materials, supplies, and professional services. Typically, this process consists of the City issuing the RFP for proposals from vendor candidates to demonstrate their qualifications and abilities to provide the City with desired services, equipment/supplies, or other goods.

The City's RFP contained evaluation and scoring criteria used to rank vendor candidates based on the strength of their proposals.

Typical factors include demonstrated knowledge, qualifications, industry reputation, implementation schedule, ease of implementation and cost. Factors not typically considered include the size of the firm and geographic location of the firm (i.e. whether the firm is local, in- or out-of-state), race, sex or gender. However, the City does have the discretion to include geography as one evaluation factor and to select local vendors where the quality and price are equal between local and non-local vendors and federal funds are not used.

The City assembles an evaluation panel comprised primarily of City staff and third-party consultants and personnel as necessary, to review and score the proposals, negotiate with the top-ranked candidate, and recommend the selection for City Council approval. Staff will also maintain records of the method of evaluation, final vendor selection and negotiations for a final contract.

Once candidates are ranked and a top-ranked candidate is identified, staff will negotiate terms of the contract with that candidate. The final award of the contract is subject to consideration and approval by the City Council. Staff will present the selection recommendation to the Council and prepare a resolution awarding the contract to the recommended candidate. If the Council does not support staff's recommendation, then it could elect not to take any action on the resolution or contract award, and may instead direct staff to either reconsider the other proposals selected or to re-issue the RFP which may include additional or different selection criteria and qualification requirements.

#### **Current Project: Sports Field Professional Services Procurement**

The current project falls under Procurement Type 3 - Open Market Procedures for Architectural and Engineering (A&E) Professional Services.

Staff issued a Request for Proposals (RFP) on the ProcureNow website on August 23, 2021. While this RFP was open to the general public, to generate interest in the project, staff notified all 5 construction management

firms from the City's On-Call List. Thirty-five firms downloaded the proposal packet. Proposals were due on September 15, 2021, with three firms submitting proposals: Cummings Management Group Inc., Macks Craig Inc., and Swinerton Management and Consulting. Fee proposals from these three firms are noted below.

<b><u>A&amp;E Professional Services</u></b>	<b><u>Base Fee</u></b>	<b><u>Total Cost</u></b>
Cummings Management Group	\$871,000	\$871,000
Macks Craig Inc.	\$747,820	\$747,820
Swinerton Management & Consulting	\$486,490	\$486,490

All three proposals were reviewed by a panel of four consisting of the Parks and Recreation Deputy Director, Parks Division Manager, Director of Capital Projects, and Deputy Director of Capital Projects.

Members of the panel rated the proposals in the following areas:

1. *Knowledge and Understanding* - Demonstrated understanding of the RFP objectives and work requirements. Identification of key issues, methods of approach, work plan, and experience with similar projects related to type of services.  
(35 points maximum)
2. *Management Approach and Staffing Plan* - Qualifications of project staff (particularly key personnel such as the Construction Manager and Resident Engineer), key personnel's level of involvement in performing related work, the team's experience with local procedures and City outreach and the team's experience in maintaining schedule.  
(25 points maximum)
3. *Qualifications of the Proposer Firm* - Experience with similar projects. Technical experience in performing work related to type of services; capabilities of developing innovative or advanced techniques; strength and stability of the firm; technical experience and strength and stability of proposed subconsultants; and demonstrated communications quality and success.  
(20 points maximum)
4. *Total cost and cost effectiveness, including hourly rates, reasonableness and appropriateness of preliminary task budget*  
(20 points maximum)

Proposals were scored by the panel as follows:

<b>Scoring Criteria</b>	<b>Cummings Management Group</b>	<b>Macks Craig Inc.</b>	<b>Swinerton Management &amp; Consulting</b>
Knowledge and Understanding (35)	16.0	30.7	32.7
Management Approach and Staffing Plan (25)	17.3	17.3	23.7
Qualifications of the Proposer Firm (20)	14.7	17.3	19.0
Total Cost and Cost Effectiveness (20)	8.0	12.3	18.7
<b>TOTAL</b>	<b>56.0</b>	<b>77.6</b>	<b>94.1</b>

Based on the scoring, and overall consensus of the panel, staff engaged Swinerton Management and Consulting to scale efforts to complexity of the project, resulting in a negotiated fee of \$377,690, down from the original proposed fee of \$486,490. This final fee of Swinerton Management and Consulting is 56.63% less than the Cummings Management Group proposed fee and 49.49% less than the Mack Craig, Inc. proposed fee. Moving forward with the Swinerton Management and Consulting team now allows staff to maintain the schedule for Sports Field project to dovetail with completion of the Stormwater project, which is scheduled to complete construction in Spring 2022.

#### FISCAL IMPACT

This project is included in the City of South San Francisco's Fiscal Year 2021-22 Capital Improvements Program (Project No. 1402) and is funded through Park In-Lieu Fees (Fund 209).

The City prepared a consulting services agreement for the consultant for an initial term of October 13, 2021, to April 30, 2023. This aligns with the anticipated schedule of completion for the project.

Storm Water Capture Construction (Field Closed)	Spring 2021 - March 2022
Sports Field Design	December 2020 - September 2021
Bidding	December 2021 - February 2022
Sports Field Construction	March 2022 - March 2023

#### RELATIONSHIP TO STRATEGIC PLAN

Approval of this action will contribute to the City's Strategic Plan. It aligns with Priority #2, which is focused on enhancing quality of life by building and maintaining a sustainable city, making our city a great place to live, learn and play.

#### CONCLUSION

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a consulting services agreement with Swinerton Management and Consulting based on their qualifications and experience.