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# CITY OF POMONA COUNCIL REPORT

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December 16, 2024

To: Honorable Mayor and Members of the City Council

From: Anita D. Scott, City Manager

Submitted By: Mark J. Gluba, Assistant City Manager

**SUBJECT: A RESOLUTION TO AMEND THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET FOR “MEADOW VIEW DEMONSTRATION GARDEN,” PROJECT NO. 428-2590-XXXXX-71200 AND AWARD A CONSTRUCTION CONTRACT**

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## **RECOMMENDATION:**

It is recommended that the City Council approve the following actions:

- 1) **RESOLUTION NO. 2024-201 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA TO AMEND THE FY 2024-25 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY APPROPRIATING \$183,000 OF AVAILABLE CAPITAL IMPROVEMENT PROJECT FUND RESERVES TO “MEADOW VIEW DEMONSTRATION GARDEN,” PROJECT NO. 428-2590-XXXXX-71200;**
- 2) Accept the Bid Withdrawal Request from the apparent low bidder, Kormex Construction, Inc., and award a contract to the next apparent low bidder, Superb Engineering, Inc. in the amount of \$531,097 for the “Meadow View Demonstration Garden,” Project 428-2590-XXXXX-71200; and
- 3) Authorize the City Manager, or her designee, to execute the construction contract/agreement and related documents (amendments, etc.), and any memoranda of understanding with City Departments necessary to effectuate the same.

## **EXECUTIVE SUMMARY:**

This action will result in increasing the project budget and awarding a contract for the construction of “Meadow View Demonstration Garden,” Project 428-2590-XXXXX-71200 (Project), to Superb Engineering, Inc. in the total amount of \$531,097.

**SB1439/GOVERNMENT CODE §84308 APPLICABILITY:**

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

**FISCAL IMPACT:**

Approval of this action will adopt a resolution to increase the project budget (Attachment No. 1) and award a construction contract in the amount of \$531,097. The following table details the fiscal impacts associated with the recommended actions:

<b>Category</b>	<b>“Meadow View Demonstration Garden,” Project 428-2590-XXXXX-71200</b>
Beginning Budget	\$400,000
Appropriation of Capital Improvement Project Fund Reserves	\$183,000
<b>Revised Budget</b>	<b>\$583,000</b>
Expenditures/Encumbrances (as November 20, 2024)	(\$46,500)
Award Construction Contract	(\$531,096.56)
<b>Budget Remaining</b>	<b>\$5,403.44</b>

**PREVIOUS RELATED ACTION:**

On March 18, 2024, the City Council adopted a Resolution to create a new project, “Meadow View Demonstration Garden,” Project 428-2590-XXXXX-71200, and appropriated \$300,000 of District 5 Coronavirus State and Local Fiscal Recovery American Rescue Plan (ARP) funds and \$100,000 of Mayoral ARP Funding to the project.

**DISCUSSION:**

This project will create the Demonstration Garden on vacant residential lots along Meadow View Drive with plant palette, pathways, and seating/viewing areas. This demonstration garden will be the only one of its kind in the City of Pomona (City) and will be open and accessible to all in the City. The demonstration garden will alleviate public health issues through education and exercise, thus qualifying this project for the use of American Rescue Plan (ARP) Funds.

On November 4, 2024, the City issued an Invitation for Bids (IFB) No. 2024-66 “Pomona Demonstration Garden,” Project No. 428-2590-XXXXX-71200 via the City’s electronic bidding platform, Planet Bids. The solicitation was disseminated to 354 potential bidders, with 45

downloading the IFB, resulting in the City receiving four (4) proposals. Bids were due on November 25, 2024, and were thoroughly qualified. The apparent low bidder Kormex

Construction, Inc. sent in a letter dated, December 2, 2024, requesting to withdrawal their bid due to clerical errors. Per the Public Contract Code, Division 2; Part 1, Chapter 5 – 5101(b), an awarding authority for the state consents to relieve a bidder of a bid because of mistakes, the authority shall prepare a report in writing to document the facts establishing the existence of each element required by Section 5103.

It is the request of the City that the City Council award the construction contract for “Meadow View Demonstration Garden,” Project 428-2590-XXXXX-71200, to the second apparent low bidder in the amount of \$531,096.56, as shown in the table below:

	<b>Contractor</b>	<b>Total Base Bid A</b>
<b>1</b>	Kormex Construction, Inc.	\$456,280.46
<b>2</b>	Superb Engineering, Inc.	\$531,096.56
<b>3</b>	Southern California Landscape, Inc.	\$574,423.25
<b>4</b>	SGD Enterprises	\$579,143.91
	<b>Engineer’s Estimate</b>	<b>\$330,000.00</b>

**COUNCIL PRIORITIES & GOALS:**

*This item supports the 2021-22 City Council Priority 5: Goal O: Improve Parks facilities in the following general order of priority: 1) ensuring that existing amenities are functioning; 2) rehabilitating bathrooms and other park facilities and equipment; 5) adding new bathrooms; and 6) adding additional recreation and playground equipment.*

Prepared by:

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Program Assistant

Attachment No. 1 – Resolution No. 2024-201