



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Community Services  
**Department No.:** 052  
**For Agenda Of:** January 28, 2020  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** 4/5ths

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**TO:** Board of Supervisors  
**FROM:** Department George Chapjian, Community Services Director (805) 568-2467  
Director:  
Contact Info: Jill Van Wie, Program & Project Business Leader (805) 568-2470  
**SUBJECT:** Lookout Park East End Renovation, Project #8655, Award of Construction Contract, First District

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve the plans and specifications on file in the Community Services Department for the Lookout Park East End Renovation, Project #8655 (“Project”);
- b) Consider the bid protest and the responses to the bid protest and reject the bid protest (Attachment A) and;
- c) Award, approve and authorize the Chair to execute a contract (Attachment B) in the amount of \$632,000 to the lowest responsible bidder, Christopher Scott Construction, for the Project, subject to the provisions of the documents and certifications as set forth in the plans and specifications applicable to the Project and as required by California law;
- d) Authorize the Director of Community Services, or designee, to order changes or additions in the work being performed for the Project via change orders in the amount not to exceed \$44,100 as authorized under California Public Contract Code Section 20142;
- e) Approve the attached Budget Revision Request (BJE No. 0006714) for completion of the Project (Attachment C)(4/5ths vote required); and
- f) Determine that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State Guidelines for the Implementation of CEQA which

consists of installation of small new equipment and new structures in an urbanized area that do not exceed 10,000 square feet and do not involve hazardous materials; and CEQA Guidelines Section 15304(a) which states the exemption applies if the project would grade on land with a slope of less than 10 percent, does not involve the removal of healthy, mature, scenic trees, is not within an Environmentally Sensitive Habitat Area (ESHA) and is not in a waterway, wetland, geologic hazard zone or Seismic Hazard Zone, and direct staff to file the CEQA Notice of Exemption on that basis (Attachment D).

**Summary Text:**

The Project renovates the east end of Lookout Park to increase recreational opportunities. Improvements include removal of remaining portions of an existing auxiliary shed, hardscape and abandoned underground utilities, and installation of decomposed granite trails, stone benches, picnic areas with BBQs, pergolas, site amenities including concrete ping pong tables and a bocce ball court, plantings, irrigation, a natural rock percolation drainage area, relocation of electric vehicle charging stations, and refurbishment of the parking lot.

The bidding process is complete with six (6) contractors having bid the project. Following the bid opening, a bid protest was filed by Tomar Construction claiming Christopher Scott Construction did not hold proper licensing to perform the work and must utilize an electrical subcontractor for the Project. The claim was found to be without merit as Christopher Scott Construction holds the proper and required general engineering A license to construct the Project in accordance with California Business and Professions Code, Division 3, Chapter 9, Section 7056 which states: "A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects:... parks, playgrounds and other recreational works;" The electrical work is part of and incidental to construction of the overall Project and is hence covered by the class A licensure.

Upon approval of the recommended actions a contract will be awarded to the lowest responsive and responsible bidder, Christopher Scott Construction, in the amount of \$632,000. Community Services anticipates completion of the Project by July 2020. The total cost of the project is estimated to be \$801,510, inclusive of soft costs.

**Background:**

Lookout Park is a 4.3 acre park in Summerland, an unincorporated community of the County, and is one of the only parks in the area that offers free beach access parking and contains an off-leash dog beach. The park serves over 330,000 visitors a year and, in addition to direct beach access, provides day use services such as grassy BBQ and picnic areas; coastal overlooks; a restroom; a dog wash station; and recreational activities such as horseshoes, a sand volleyball court, and a tot lot.

A park ranger residence and maintenance area were originally located at the east end of the park, but after elimination of the park ranger residence program at non-remote and non-camping County parks in 1995, the ranger residence building was removed in 2013. In 2018 a reduced-sized maintenance area was relocated to the west end of the park in order to screen the area from public views and open up the scenic east end of the park for improved public use. As such, the Lookout Park East End Renovation Project renovates the east end of Lookout Park in order to provide improvements to increase passive coastal recreational opportunities. The renovations will remove an existing auxiliary park shed and building pads, sections of existing asphalt, and the concrete drainage swale. Improvements will include installation of decomposed granite trails, natural stone benches, planting and irrigation systems, grassy and permeable paving picnic areas with BBQs, trellises, and recreational site amenities such as concrete ping pong tables and a bocce ball court. Additional site improvements include relocation of the existing

EV charging stations to allow for ADA access into the new park area, upgrading the concrete site drainage swale to natural rock percolation to deter erosion and reduce hardscape, and refurbishing the parking lot. The total cost of the Project is estimated to be \$801,510, inclusive of construction costs and soft costs.

On Thursday, November 12, 2019, six bids were received for the Project, with Christopher Scott Construction as the apparent low responsive and bidder. Following the bid opening, a bid protest was filed by the second low bidder, Tomar Construction, claiming Christopher Scott Construction, a general engineering A licensed contractor, did not hold proper licensing for the work; however, the bid protest was found to be without merit in accordance with:

- California Business and Professions Code, Division 3, Chapter 9, Section 7056: “A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including the following divisions or subjects: irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, docks and wharves, shipyards and ports, dams and hydroelectric projects, levees, river control and reclamation works, railroads, highways, streets and roads, tunnels, airports and airways, sewers and sewage disposal plants and systems, waste reduction plants, bridges, overpasses, underpasses and other similar works, pipelines and other systems for the transmission of petroleum and other liquid or gaseous substances, parks, playgrounds and other recreational works, refineries, chemical plants and similar industrial plants requiring specialized engineering knowledge and skill, powerhouses, power plants and other utility plants and installations, mines and metallurgical plants, land leveling and earthmoving projects, excavating, grading, trenching, paving and surfacing work and cement and concrete works in connection with the above mentioned fixed works”;
- Business and Professions Code, Division 3, Chapter 9, Section 7059(b): “awarding authority shall determine the license classification necessary to bid and perform the project”; and
- Public Contract Code, Division 2, General Provisions, Part 1, Chapter 4. Subletting and Contracting, Section 4106: “If a prime contractor fails to specify a subcontractor” for “work to be performed under the contract in excess of one-half of one percent of the prime contractor’s total bid, the prime contractor agrees that he or she is fully qualified to perform that portion himself or herself.” Christopher Scott Construction provided correspondence (included in Attachment A) on November 14, 2019 that they are qualified to perform as such.

As such, staff recommends that the contract be awarded to the lowest responsive and responsible bidder, Christopher Scott Construction. Upon Board approval of the recommendations the Project will commence in February 2020 with completion anticipated by July 2020.

**Risk:**

The Contract Documents for this award apply Community Services Capital Projects’ standard public works contract terms and conditions in accordance with the California Public Contract Code and other laws and regulations governing capital public projects in the State of California. The risk mitigation includes payment and performance bonds and insurance coverage appropriate for the level of risk involved as determined by Community Services in conjunction with the County Risk Manager.

**Fiscal and Facilities Maintenance Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Prior FY Cost:</b>	<b>Current FY Cost:</b>	<b>Total One-Time Project Cost</b>
California Resource Enhancement Fund			\$ 60,000.00
Parks Deferred Maintenance			\$ 50,000.00
AB1600 Fund 1404 South Coast East			\$ 203,273.00
Quimby Fund 1399 South Coast East			\$ 47.00
CSA 11			\$ 174,190.00
Parks Capital Fund			\$ 314,000.00
<b>Total</b>			<b>\$ 801,510.00</b>

The total cost of the Project is estimated to be \$801,510 inclusive of soft and hard costs. \$64,190 is currently budgeted under the Community Services Department Parks Division, Capital Fund pursuant to Board approvals for use CSA 11 funds in June 2017. With approval of Budget Revision No. 0006714, \$737,320 in appropriations will be added to the Community Services Department Parks Division, Capital Fund which is inclusive of \$203,320 in Development Impact Fees (\$203,273 in AB1600 Fund 1404 South Coast East and \$47 in Quimby Fund 1399 South Coast East), \$110,000 in CSA11 funds, \$60,000 in California Resource Enhancement Funds (CREF) approved for the Project by the Board in June 2019, \$50,000 in Parks Deferred Maintenance funds for parking lot refurbishment, and \$314,000 in Park Capital funds for completion of the Project. The Project is included on Page D-68 of the approved 2019-2024 Capital Improvement Program.

**Staffing Impacts:**

None

**Special Instructions:**

After Board action, please distribute as follows to Jill Van Wie, Community Services Department:

1. Minute Order
2. Construction Contract (two originals)

**Attachments:**

- A. Bid Protest Correspondence
- B. Construction Contract
- C. BJE No. 0006714
- D. CEQA Notice of Exemption