



Public Works and Parks Recreation & Community Services Agencies
www.santa-ana.org/pw
Item # 12

City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
November 2, 2021

TOPIC: Santa Ana Zoo Giant River Otter and Primate Trails

AGENDA TITLE

Approve Appropriation Adjustment and Award a Construction Contract to HYM Engineering in the Amount of \$5,289,238 for the Santa Ana Zoo Giant River Otter and Primate Trails FY 2021-22 Project with an Estimated Project Delivery Cost of \$6,600,000 (Project No. 16-2658) (Non-General Fund)

RECOMMENDED ACTION

1. Award a contract and authorize the City Manager to execute a construction contract with HYM Engineering, the lowest responsible bidder, in accordance with the base bid in the amount of \$5,289,238, for the term beginning upon execution of the contract and ending upon project completion, for construction of the Santa Ana Zoo Giant River Otter and Primate Trails project, subject to non-substantive changes approved by the City Manager and the City Attorney.
2. Approve an appropriation adjustment to recognize \$600,000 in donations from Friends of the Santa Ana Zoo into the PRCSA Fee & Donation, Gifts & Donations revenue account and appropriate the same amount into the PRCSA Fee & Donation, Improvements Other than Building expenditure account for the Santa Ana Zoo Giant River Otter and Primate Trails project. *(Requires five affirmative votes)*
3. Approve an appropriation adjustment to recognize \$3,108,060.79 from prior-year fund balance in the Residential Development District 3, Acquisition & Development, Prior-Year Carry Forward revenue account and appropriate the same amount into the Residential Development District 3, Acquisition & Development expenditure account for the Santa Ana Zoo Giant River Otter and Primate Trails project. *(Requires five affirmative votes)*
4. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include in construction funds, \$600,000 from the PRCSA Fees & Donation Fund, and \$3,108,060.79 from the Residential Development District 3, Acquisition & Development Fund, for the Santa Ana Zoo Giant River Otter and Primate Trails project (No. 16-2658), for and total project budget increase of \$3,708,060.79.

DISCUSSION

The existing “Amazon’s Edge” exhibit, built in 1990, needs a complete renovation of its water filtration system, moat, and visitor observation area. In addition, the Association of Zoos and Aquariums (AZA) indicated the Santa Ana Zoo needs to modernize primate habitats to regain accreditations. The Santa Ana Zoo Giant River Otter and Primate Trails project will respond to all of these needs by encompassing an extensive transformation that will include redesign and reconstruction of existing facilities, installation of an underwater viewing area, and incorporation of an elevated primate trail system that opens up to large mesh habitats. Once completed, the exhibit will be a multi-species habitat that is home to Giant River Otters and large primates. The location of this project can be found on the attached location map (Exhibit 1).

Public Outreach and Contractor Participation

To provide an opportunity for local vendors to submit bids, the City notified a total of three regional vendors via PlanetBids, none of which are Santa Ana-based. Three vendors requested bidding documents, and a total of three bids were received. Bids were not received from any Santa Ana contractors.

As legally required, a Notice Inviting Bids was advertised in the Orange County Register newspaper on May 11 and May 18, 2021. The project was also advertised in PlanetBids from July 19, 2021, through August 17, 2021. All Bids were received electronically via PlanetBids on August 17, 2021.

Bid Results Summary

RANK	BIDDER’S NAME	LOCATION	BASE BID
1	HYM Engineering Inc.	Fullerton	\$5,289,238.00
2	Kazoni Construction	Costa Mesa	\$5,828,567.00
3	Metro Builders & Engineers Group	Newport Beach	\$6,756,206.00

A total of three bids were received, and all were deemed responsive. HYM Engineering submitted the lowest responsive base bid, in the amount of \$5,289,238 (Exhibit 2). As specified in the bid documents, the lowest bid shall be determined on the basis of the Base Bid. Based on the bid analysis and a contractor’s reference check, staff recommends awarding the construction contract to HYM Engineering in the amount of the base bid totaling \$5,289,238 (Exhibit 3).

Project Delivery

To deliver a complete project, in addition to the construction contract, the estimated total project delivery cost includes construction administration, inspection, and testing, along with an allowance for contingencies to account for unexpected or unforeseen conditions.

Construction administration and inspection includes construction management; implementation of the City's Community Workforce Agreement requirements; inspection of the Contractor's work to ensure contract compliance, workmanship, and quality; and materials testing. As indicated in the Cost Analysis (Exhibit 4) and as summarized in the table below, the estimated total construction delivery cost of the project is \$6,600,000.

Project Item	Total
Construction Contract	\$5,289,238.00
Construction Administration, Inspection, Testing	\$781,838.20
Contingencies	\$528,923.80
TOTAL CONSTRUCTION DELIVERY COST	\$6,600,000.00

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act, the proposed project is exempt from future review. Categorical Exemption Environmental Review No. 2018-18 was for the project. In addition, a Certification of Categorical Exclusion and Statutory Worksheet have been prepared in accordance with the National Environmental Policy Act.

FISCAL IMPACT

As indicated in the Cost Analysis, the estimated total construction delivery cost of the project is \$6,600,000, which includes construction, contract administration, inspection, testing, and an authorized contingency.

Approval of the requested Appropriation Adjustments will provide the following funding:

1. Recognize \$600,000 in donations from FOSAZ into the PRCSA Fee & Donation, Gifts & Donations revenue account (No. 02213002-57081) and appropriate the same amount into the PRCSA Fee & Donation, Improvements Other than Building expenditure account (No. 02213200-66220).
2. Recognize \$3,108,060.79 from prior year fund balance in the Residential Development District 3, Acquisition & Development, Prior Year Carry Forward revenue account (No. 31313002-50001) and appropriate the same amount into the Residential Development District 3, Acquisition & Development expenditure account (No. 31313260-66220).

With the approval of the \$3,708,060.79 amendment to the Fiscal Year 2021-22 Capital Improvement Program (Exhibit 5) and corresponding appropriation adjustments, the additional funding for this project will be available for expenditure in Fiscal Year 2021-22.

The following table summarizes the funds budgeted and available for expenditure to deliver construction of this project. Any remaining balances not expended at the end of the fiscal year will be carried forward into FY 2022-23 for expenditure.

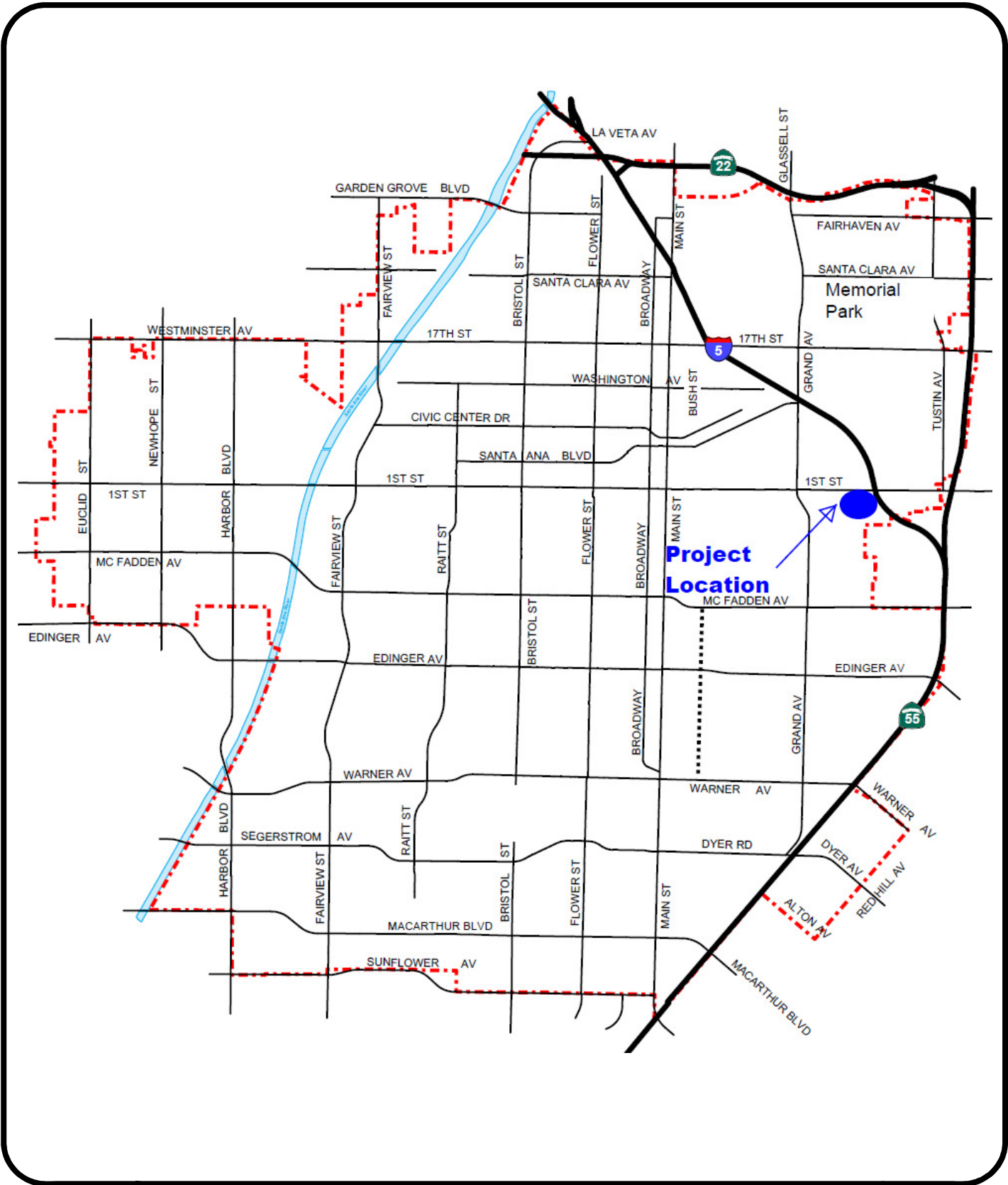
Fiscal Year	Accounting Unit-Account #	Fund Description	Accounting Unit, Account Description	Amount
APROPRIATION ADJUSTMENTS				
2021-22	02213200-66220	PRCSA Fees & Donation	PRCSA Fee & Donation, Improvements Other Than Building	\$600,000.00
2021-22	31313260-66220	Residential Development District 3	PRCSA-Acquisition & Development, Improvements Other Than Building	\$3,108,060.79
EXISTING PROJECT BUDGET				
2021-22	31313261-66220 (Proj. 16-2658)	Residential Development District 3	PRCSA-Acquisition & Development In Lieu, Improvements Other Than Building	\$1,044,223.00
2021-22	31313260-66220 (Proj. 16-2658)	Residential Development District 3	PRCSA-Acquisition & Development, Improvements Other Than Building	\$1,847,716.21
Total				\$6,600,000.00

EXHIBIT(S)

1. Location Map
2. Bid Results
3. Construction Contract
4. Cost Analysis
5. CIP worksheet

Submitted By: Nabil Saba, P.E., Executive Director – Public Works Agency and Lisa Rudloff, Executive Director, Parks, Recreation & Community Services Agency

Approved By: Kristine Ridge, City Manager



**Project No. 16-2658:
SA Zoo Giant River Otter
Habitat**



Bid Results

Bidder Details

Vendor Name	HYM Engineering, Inc.
Address	1559 W Commonwealth Ave Fullerton, California 92833 United States
Respondee	Abraham Jeon
Respondee Title	President
Phone	714-523-2372
Email	ajeon@hymengineering.com
Vendor Type	CADIR, VSBE
License #	918130

Bid Detail

Bid Format	Electronic
Submitted	08/17/2021 1:34 PM (PDT)
Delivery Method	
Bid Responsive	
Bid Status	Submitted
Confirmation #	263726

Respondee Comment

Buyer Comment

Attachments

File Title

Proposal - Scanned.pdf

File Name

Proposal - Scanned.pdf

File Ty

Gener

Line Items

Discount Terms No Discount

Item #	Item Code	Type	Item Description	UOM	QTY	Unit Price	Line
Bid Proposal Form							\$5,289,238.00
1			Giant River Otter and Primate Trails	LS	1	\$5,289,238.0000	\$5,289,238.00

Line Item Subtotals

Section Title	Line
Bid Proposal Form	
Grand Total	

CITY OF SANTA ANA
CONSTRUCTION CONTRACT AGREEMENT

EXHIBIT 3

PROJECT NO.: 16-2658
Santa Ana Zoo Giant River Otter & Primate Trails

This CONSTRUCTION CONTRACT is made and entered into this 2nd day of November, 2021 by and between the City of Santa Ana, California, a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California (hereinafter "CITY"), and HYM Engineering (hereinafter "CONTRACTOR").

WITNESSETH:

The CITY and the CONTRACTOR, for the consideration hereinafter named, mutually agree as follows:

1. CONTRACTOR agrees to perform all the work and furnish all the materials at its own cost and expense necessary to construct and complete in a good and workmanlike manner and to the satisfaction of the City Engineer of the CITY, the Santa Ana Zoo Giant River Otter & Primate Trails (hereinafter referred to as the "WORK OF IMPROVEMENT") identified in and in accordance with the Contracts Documents prepared by the City's Public Works Agency and approved by the City Council.
2. The complete Construction Contract consists of the "Contract Documents" as defined by the Standard Specifications for Public Works Construction and which include the following:
 - Notice Inviting Bids
 - Information to Bidders
 - Bid Proposal
 - Bid Bond
 - Contract Form
 - Contract Bonds
 - General Provisions
 - Special Provisions
 - Technical Provisions and Project Plans
 - Community Workforce Agreement
 - Appendices

In case of conflict between the Contract Documents, the precedence of documents shall be as established in the Standard Specifications for Public Works Construction.

3. CITY agrees to pay and CONTRACTOR agrees to accept in full payment to complete the WORK OF IMPROVEMENT the sum total amount not to exceed Five Million Two Hundred Eighty-Nine Thousand Two Hundred Thirty-Eight and No Cents (\$5,289,238), as set forth and identified in the BID PROPOSAL, which is attached hereto and incorporated herein as "Exhibit A."

The BID PROPOSAL contains a schedule of unit price(s) or lump sum(s) based on approximate quantities only, and the City does not expressly or by implication agree that the actual amount of work will correspond therewith, but reserves the right to increase or decrease the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or advisable.

CITY OF SANTA ANA
CONSTRUCTION CONTRACT AGREEMENT

PROJECT NO.: 16-2658
Santa Ana Zoo Giant River Otter & Primate Trails

4. CONTRACTOR agrees to complete the WORK OF IMPROVEMENT within the time specified in the Time for Completion of Improvements section of the BID PROPOSAL (Exhibit "A") including commencing construction within the timeframe therein specified after issuance of a Notice to Proceed.
5. The CONTRACTOR will pay, and will require all subcontractors to pay, all employees on the WORK OF IMPROVEMENT a salary or wage at least equal to the prevailing salary or wage established for such work as set forth in the wage determinations for this work in accordance with applicable State and Federal law.
6. If applicable, the CONTRACTOR shall adhere to the CITY'S Community Workforce Agreement (CWA), a pre-hire collective bargaining agreement, which establishes the labor relations policies and procedures for CONTRACTOR to follow in the crafts persons employed to complete the WORK OF IMPROVEMENT as more fully described in the CWA. The CWA may be found on the City's website at:

<http://www.santa-ana.org/pwa/documents/CWA.pdf>

7. CONTRACTOR shall, after award of this Contract, furnish two bonds to be approved by the CITY, one in the amount of One Hundred Percent (100%) of the Contract price, to guarantee the faithful performance of the work (Performance Bond), and one in the amount of One Hundred Percent (100%) of the Contract price to guarantee payment of all claims for labor and materials furnished (Payment Bond). This Contract shall not become effective until such bonds are supplied to and approved by the CITY.
8. CONTRACTOR shall, prior to the release of the performance and payment bonds or the retention payment, furnish a warranty performance and payment bond (Warranty Bond). Said Warranty Bond shall also be required as a condition of project acceptance. For projects up to Five Hundred Thousand Dollars (\$500,000), the Warranty Bond amount shall be the greater of Ten Thousand Dollars (\$10,000) or Twenty Percent (20%) of the final contract price. For projects above Five Hundred Thousand Dollars (\$500,000), the Warranty Bond amount shall be the greater of One Hundred Thousand Dollars (\$100,000) or Ten Percent (10%) of the final contract price.
9. CONTRACTOR shall, after award of this Contract, furnish Certificates of Liability Insurance and Worker's Compensation Insurance as outlined in the General Provisions, to be approved by the CITY.

10. INDEMNIFICATION.

To the fullest extent allowed by law, CONTRACTOR and its Subcontractors hereby agree to defend, indemnify, and hold harmless CITY, its City Council, boards and commissions, officers, agents, employees, representatives and volunteers (hereinafter collectively referred to as "Indemnitees"), through legal counsel acceptable to CITY, from and against any liability, claims, actions, costs, damages or losses, including reasonable costs and attorney's fees, for injury, including death to any person or damage to any property, arising directly or indirectly from, or in any manner relating to, any of the following:

- (i) Performance or nonperformance of the Work of Improvement by CONTRACTOR or its Subcontractors of any lower tier;
- (ii) Performance or nonperformance by CONTRACTOR or its Subcontractors of any lower tier,

CITY OF SANTA ANA
CONSTRUCTION CONTRACT AGREEMENT
PROJECT NO.: 16-2658
Santa Ana Zoo Giant River Otter & Primate Trails

of any of the obligations under the Contract Documents;

- (iii) The construction activities of CONTRACTOR or its Subcontractors of any lower tier, either on the project site or on other properties;
- (iv) The payment or nonpayment by CONTRACTOR of any of its Subcontractors of any lower tier, for Work of Improvement performed on or off the project site; and
- (v) Any personal injury, property damage or economic loss to third persons related to and arising from the performance or nonperformance by CONTRACTOR or its Subcontractors of any lower tier, of the Work of Improvement.
- (vi) The indemnity obligations of Subcontractors provided by this Section shall be included in all subcontract documents issued by CONTRACTOR.

Nothing in the Contract Documents shall be construed to give rise to any implied right of indemnity in favor of CONTRACTOR against CITY or any other Indemnitee.

IN WITNESS WHEREOF, the parties hereto have executed this Construction Contract on the day and year first above written.

ATTEST:

CITY OF SANTA ANA

DAISY GOMEZ
Clerk of the Council


KRISTINE RIDGE
City Manager

APPROVED AS TO FORM:

SONIA R. CARVALHO
City Attorney

CONTRACTOR: HYM Engineering, Inc.
Company:

By: Laura A. Rossini
LAURA A. ROSSINI
Chief Assistant City Attorney


NAME: Abraham Jeon
Title: president

RECOMMENDED FOR APPROVAL:

NABIL SABA, PE
Executive Director
Public Works Agency

COST ANALYSIS**CONSTRUCTION OF PROJECT NO. 16-2658: Santa Ana Zoo Giant River Otter
and Primate Trails**

Construction Contract	\$ 5,289,238.00
Contract Administration, Inspection and Testing	\$ 781,838.20
Contingencies	\$ 528,923.80
TOTAL ESTIMATED CONSTRUCTION COSTS	\$ 6,600,000.00

**CITY OF SANTA ANA FY21/22CIP
CAPITAL IMPROVEMENT PROJECT WORKSHEET**

EXHIBIT 5

PROJECT TITLE:

Santa Ana Zoo Giant River Otter Habitat

PROJECT CATEGORY:

*Park Facility Improvements
Park Facility*

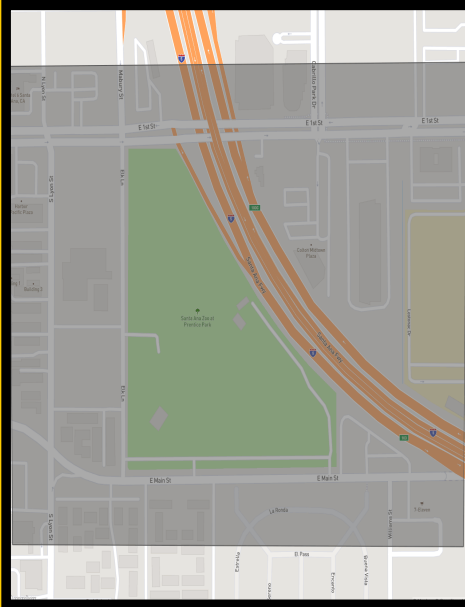
PROJECT DESCRIPTION:

Renovate the existing Amazon Edge Exhibit into a new Giant River Otter Exhibit.

PROJECT NEED:

The existing Amazon Edge Exhibit needs complete renovation to its water circulation and pumping system. In addition, AZA indicated the SA Zoo needs updated exhibits to regain accreditations. The old Amazon Edge Exhibit will be completely redesigned into a new Giant River Otter Habitat with an underwater viewing area. The improvements will also include a monkey highway through the trees and landscape to bring the animals closer to the viewer.

LOCATION MAP



PROJECT COSTS

	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Construction	3,708,061	-	-	-	-	-	-
TOTAL	3,708,061	-	-	-	-	-	-

SOURCE OF FUNDS

	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
A & D District 3	3,108,061	-	-	-	-	-	-
PRCSA F&D	600,000	-	-	-	-	-	-
TOTAL	3,708,061	-	-	-	-	-	-

AGENCY:

Parks, Rec. & Community Services

DIVISION:

Administration

CONTACT:

Ron Ono, Administrative Services Manager

DATE:

13-Oct-2021