

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS  
OF BLOOMINGTON RECREATION AND PARK DISTRICT  
AND RECORD OF ACTION**

August 6, 2024

**FROM**

**NOEL CASTILLO, Director, Department of Public Works – Special Districts**

**SUBJECT**

Amendment to Construction Contract for the Kessler Park Corridor Project

**RECOMMENDATION(S)**

Acting as the governing body of the Bloomington Recreation and Park District, approve **Amendment No. 1 to Contract No. 23-785** with Horizons Construction Co. Int'l, Inc. for necessary additional work due to certain constructability issues, plan omissions, and plan conflicts that were conditions unforeseen and could not have been anticipated at the time of contracting, increasing the contract amount by \$23,000, from \$2,089,418.10 to \$2,112,418.10, and extending the contract duration by 37 calendar days (Four votes required). (Presenter: Noel Castillo, Director, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Operate in a Fiscally-Responsible and Business-Like Manner.  
Ensure Development of a Well-Planned, Balanced, and Sustainable County.  
Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The \$2,112,418.10 revised Contract No. 23-78 (Contract) cost for the Kessler Park Corridor Project (Project) will be funded by a combined total Project allocation of \$2,132,237 from the Fifth District's Priorities Program Budget (\$1,950,000), and the Bloomington Community Benefit/Improvement Reserve (\$182,237), which was approved by the Board of Supervisors (Board) on July 25, 2023 (Item No. 70). Sufficient appropriation for Amendment No. 1 (Amendment) to the Contract is included in the Bloomington Recreation and Park District's (District) 2024-25 Capital Improvement Program budget, and will be included in future recommended budgets, as needed.

**BACKGROUND INFORMATION**

The District maintains two community parks (Ayala Park and Kessler Park), an equestrian arena, sports fields, and a community center that offer various recreational activities for the community of Bloomington. The Department of Public Works – Special Districts (Department), through its Operations Division, directly manages, operates and maintains the District, including Kessler Park.

The Project consists of demolishing the existing north/south Kessler Park corridor and constructing new concrete walkways between the four existing ball fields, improving the snack bar plaza area, installing picnic shade shelters, a perimeter wrought iron fence, and new

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landscaping to improve visual appeal, improve recreation access for children, improve site security, and reduce windblown dust impacts at Kessler Park.

On July 25, 2023 (Item No. 70), the Board approved the Contract with Horizons Construction Co. Int'l, Inc. (Horizons), in the amount of \$1,978,376, for the construction of the Project. The Board also authorized the Director of the Department to order any necessary changes or additions in the work being performed under the Contract for the total not to exceed amount of \$111,418, pursuant to Public Contract Code Section 20142.

On January 29, 2024, the Director of the Department approved Administrative Change Order No. 1 to the Contract in the amount of \$41,034.81, increasing the Contract amount from \$1,978,376 to \$2,019,410.81. Change Order No. 1 also increased the work calendar days from 120 days to 135 days.

On February 13, 2024, the Director of the Department approved Administrative Change Order No. 2 to the Contract in the amount of \$49,957.54, increasing the Contract amount from \$2,019,410.81 to \$2,069,368.35.

On May 29, 2024, the Director of the Department approved Administrative Change Order No. 3 to the Contract in the amount of \$20,049.75, increasing the Contract amount from \$2,069,368.35 to \$2,089,418.10.

Since then, additional changes to the Project work have been identified. The Amendment addresses the necessary additional work to certain constructability issues, plan omissions, and plan conflicts that were conditions unforeseen and could not have been anticipated at the time of contracting and so not included in the original bid documents. These changes include:

- Unanticipated extra excavation below parking lot footings
- Repairs to broken irrigation control wiring
- Repairs to broken Musco sports lighting electrical wiring
- Additional demolition of existing structures at the new trash enclosure
- Demolition and disposal of an unforeseen structure at the north planter
- Replacement of grass turf with decomposed granite
- Removal of Americans with Disabilities Act parking posts
- Demolition of existing Musco sports light footing concrete
- Installation of additional irrigation sprinkler devices
- Reimbursement to the District for the elimination of concrete mow curb at the perimeter fence
- Addition of concrete curb at sliding gates
- Reimbursement to the District for damaged Musco sports lighting
- Reimbursement to the District for the elimination of the 90-day landscape establishment/maintenance period

These changes are necessary for the completion and functionality of the Project.

Approval of the Amendment will increase the Contract amount by \$23,000, from \$2,089,418.10 to \$2,112,418.10, and will extend the Contract duration by 37 days, from 135 calendar days to 172 calendar days. Pursuant to Public Contract Code section 20137, the Board may authorize, upon a four-fifths vote, any change or alteration of a construction contract which may increase

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the cost not to exceed ten percent of the original contract amount. The Amendment is necessary to accommodate construction adjustments for the Project, which will compensate the contractor for the additional cost and time of the Project work.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on August 1, 2024; Finance (Jessica Trillo, 387-4222 and Stephanie Maldonado, 387-4378, Administrative Analysts), on July 22, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on July 22, 2024.

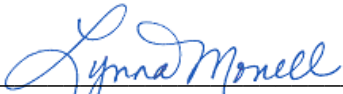
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Record of Action of the Board of Directors  
Bloomington Recreation and Park District

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, SECRETARY

BY   
DATED: August 6, 2024



cc: PW/SD - Aldana w/ agree  
Contractor c/o PW/SD w/ agree  
File w/ agree

JLL 08/7/2024