

DATE: December 15, 2019
TO: Mayor and City Council Members
FROM: Parks and Recreation Department
SUBJECT: **RESOLUTION NO. 10376 - A RESOLUTION REJECTING ALL SUBMITTED BIDS FOR THE NISENAN PARK COURT RESURFACING PROJECT**

BACKGROUND/ISSUE

In November of 2018, a vandalism event occurred on the basketball court at Nisenan Park. A vehicle drove from the parking lot onto the turf and entered the basketball court. The vehicle did intentional spin-outs on the full court basketball area causing tire friction damage to the color coated surface and the striped court lines. The individual that perpetrated this crime was caught by the Folsom Police Department and subsequently convicted of the crime. The City of Folsom and the Sacramento County District Attorney's office have been working with the defendant and the public defender to pay the court ordered restitution as part of the sentencing agreement.

City staff tried to remove the tire marks with a pressure washer and a light detergent, as well as other cleaning products but was unsuccessful. Any further attempts at removing the black marks would have resulted in additional damage to the court surface. The only option left was to resurface the court. In an effort to come up with a fair and equitable restitution amount that would put the basketball court surface back into the condition it was prior to the vandalism event, the Parks and Recreation Department publicly noticed bid documents to secure a price from a contractor to resurface the basketball court on June 12, 2019. The bids received were from Flexground Surfaces Inc. in the amount of \$18,936.30 and Miracle Play systems in the amount of \$29,478.63.

When these bid amounts were submitted to the defendant, they sought out another court resurfacing contractor, to possibly lower their restitution obligation. The defendant contacted First Serve Productions Inc. (FSPI) and they provided the defendant with a resurfacing cost of \$2,500. FSPI is a reputable court resurfacing contractor and has previously performed court resurfacing projects in an acceptable and satisfactory manner for the City of Folsom. FSPI was previously asked to bid on the Nisenan Park Basketball Court Acrylic Resurfacing Project by the City of Folsom; however, they did not submit a bid. When the Park and Recreation Department staff contacted FSPI to ask why they did not originally respond to the bid request they did not have an answer; however, they are willing to perform the work to City specifications for \$2,500.

POLICY/RULE

Section 2.36.180, Cancellation of Invitations for Bids or Requests for Proposals of the Folsom Municipal Code states, in part, that the City Council may reject any or all bids or proposals when it is for good cause and in the best interests of the City.

ANALYSIS

The City of Folsom Attorney's office, Parks and Recreation Department, Sacramento County District Attorney, and the Sacramento County public defender's office representing the defendant in this case, are in agreement that this case can be resolved and the Nisenan Park basketball court returned to its original condition prior to the vandalism event in November 2018

by entering into a contract agreement with First Serve Productions, Inc. to provide basketball acrylic resurfacing and restriping in the amount of \$2,500. This contract agreement will be entered into the court record and approved by the Sacramento County Superior Court Judge presiding over the case upon adoption of the attached resolution by the City Council. The contract agreement stipulates the contractor (FSPI) will follow all the City of Folsom conditions in regards to paying prevailing wage, meeting insurance requirements and performance standards as established by the City of Folsom standard contract language. However, all bids previously received for the same project must be rejected before the City can enter into a contract with FSPI.

In this case, good cause exists to reject all bids and doing so is in the best interests of the City because FSPI will perform the necessary work for a significant cost savings. Under the circumstances, this cost savings actually makes the defendant's payment of restitution costs (and the City's recovery of the cost to resurface the basketball court) much more likely than it would have been if the City proceeded with either of the higher priced proposals received for this project.

ATTACHMENT

Resolution No. 10376 – A Resolution Rejecting all Submitted Bids for the Nisenan Park Basketball Court Resurfacing Project

RECOMMENDATION/CITY COUNCIL ACTION

Staff recommends City Council approval of Resolution No. 10376 - A Resolution Rejecting all Submitted Bids for the Nisenan Park Basketball Court Resurfacing Project.

Respectfully submitted,



Lorraine Poggione, Parks and Recreation Director

RESOLUTION NO. 10376

A RESOLUTION REJECTING ALL SUBMITTED BIDS FOR THE NISENAN PARK BASKETBALL COURT RESURFACING PROJECT

WHEREAS, the City Council of the City of Folsom desires to maintain an outstanding parks and recreation system responsive to the recreation needs of the residents, and fiscally responsible to the funding sources reasonably available; and

WHEREAS, the Parks and Recreation Department published a Notice to Contractors for bidding of the Nisenan Park Basketball Court Resurfacing project on June 12, 2019; and

WHEREAS, bids were opened on June 28, 2019, and two responsive and responsible bids were received from Flexground Surfaces Inc. in the amount of \$18,936.30 and Miracle Play Systems in the amount of \$29,478.63; and

WHEREAS, in accordance with Folsom Municipal Code Section 2.36.180, the City Council may reject any or all bids or proposals when it is for good cause and in the best interests of the City; and

WHEREAS, First Serve Productions, Inc. will provide acrylic resurfacing and restriping on the Nisenan Park basketball court in the amount of \$2,500 as per all City of Folsom specifications.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom rejects all bids received through the public bid process for the Nisenan Park Basketball Court Resurfacing Project.

PASSED AND ADOPTED this 14th day of January 2020, by the following roll-call vote:

AYES: Council Member(s)
NOES: Council Member(s)
ABSENT: Council Member(s)
ABSTAIN: Council Member(s)

ATTEST:

Sarah Aquino, MAYOR

Christa Freemantle, CITY CLERK

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