



Folsom City Council Staff Report

MEETING DATE:	7/25/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11079 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Golden Bay Fence Plus Iron Works, Inc. for the Folsom Zoo Perimeter Fence Project And Appropriation of Funds
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

The Parks and Recreation Department recommend that the City Council pass and adopt Resolution No. 11079– A Resolution Authorizing the City Manager to Execute a Construction Agreement with Golden Bay Fence Plus Iron Works, Inc. for the Folsom Zoo Perimeter Fence Project And Appropriation of Funds.

BACKGROUND / ISSUE

The Folsom Zoo Sanctuary (Zoo) encompasses 6.7 acres. The perimeter of the Zoo has an existing fence that has a main purpose of containing animals should they escape from their enclosures. Fencing around the Zoo also provides additional security by precluding unwanted trespassing of people and/or other animals that may attempt to enter the Zoo. The perimeter fence includes four gates that allow for maintenance vehicle access. There is also the main entry which provides a control point for guest entry/exit into the Zoo.

The United States Department of Agriculture (USDA) is responsible for enforcing the Animal Welfare Act (AWA), which was passed by the United States Congress in 1966. The AWA sets general standards for humane care and treatment of animals exhibited to the public. The USDA also issues licenses which allow zoos to operate. The USDA issued license for the Zoo is renewed every year.

In November of 2022, an inspector visited the Zoo and conducted a perimeter walk of the facility. The inspector gave a verbal notice to Jocelyn Smeltzer, the Zoo Manager, that the perimeter fence did not meet the height requirement and necessary tree and shrub clearance from perimeter fence zone requirements. The existing perimeter fence is as low as 6' in many locations, including near the front entry. It was stated that the required height of the perimeter fencing should be 8' and that all trees and shrubs within three feet of the fence must be removed or trimmed per the requirement. The verbal notice was provided, and the inspector indicated that an extremely thorough inspection would occur in early 2024 to assess whether compliance had been achieved. If the perimeter fence is not changed to 8' feet high around the entire facility, a written notice of failure to comply would be issued.

Once the first inspection occurs, USDA provides up to two (2) additional inspections within a 60- day period. If the Zoo is still not in compliance, the License will not be issued, and a penalty of \$10,000 will be levied for each day of non-compliance. In addition, a cease-and-desist order will be issued, which means the Zoo would be required to close its doors and not be open to the public. Even though the Zoo would be shut down, the penalty fee would still be applied since animals are still housed in the Zoo.

USDA has launched a new 3-year licensing cycle. Based on the cohort the Zoo is in, the upcoming 2024 inspection is now treated as an extremely strict pre-license inspection.

There is an appeal process, which would allow the Zoo to contest the inspection findings. The appeal process, in the non-compliant perimeter fence case, is not applicable since the fence, in fact, does not physically meet the requirements.

The perimeter fence requirement for the Zoo is a USDA mandate, and therefore, a responsibility of the City to meet the requirement.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by City Council.

ANALYSIS

The initial rough order of magnitude cost estimate for the perimeter fence, prepared in December 2022, was \$1,200,000. At the January 24, 2023 City Council meeting, the City Council directed staff to reserve the \$507,700 of remaining American Rescue Plan Act (ARPA) money for the Zoo Perimeter Fence Project. There was also discussion from the City Council for staff to discuss this project with the Parks & Recreation Commission. This discussion was to include how best to proceed with the project and to review potential funding sources to cover the unidentified project funding balance of \$692,300.

Staff worked diligently since January and modified the project scope and corresponding design to meet USDA requirements, and more importantly, bring the estimated cost down to \$710,000.

Parks & Recreation Department staff prepared the bid package and solicited bids via the City website and www.CIPLIST.com. Staff notified contractors, who previously completed fencing projects successfully for the City, that the project was out to bid and available to download on the aforementioned sites. The project was issued for bid on June 6, 2023. A total of six bids were received on June 29, 2023. Two of the bids were considered non-responsive, i.e., bid package was incomplete or bidder lacks the ability to satisfactorily perform the work. The remaining four bids with add alternates are identified below. Add alternates are portions of the project which are bid separately. This allows staff to manage costs in case costs come in higher than expected.

As described in the “Notice to Contractors” section of the bid package, the Contract will be awarded to the lowest responsive responsible Bidder based on any combination of Base Bid and Alternates as determined by the City. The responsive responsible bidders are as follows:

Contractor	Base Bid	Add Alt #1	Add Alt #2	Add Alt #3	Total
Golden Bay Fence Plus Ironworks, Inc.	\$563,841.00	\$7,317.00	\$9,063.00	\$10,070.00	\$590,291.00
Arrow Creative Solutions	\$556,897.84	\$17,179.77	\$24,970.74	\$27,665.07	\$626,713.42
North State General Engineering	\$586,183.00	\$33,840.00	\$43,560.00	\$29,400.00	\$692,983.00
Crusader Fence	\$863,622.85	\$13,480.00	\$26,960.00	\$29,956.00	\$934,018.85

Staff reviewed the submittal from Golden Bay Fence Plus Ironworks, Inc. and found their bid to be responsive to the Request for Bids. The Engineer’s estimate for this project was \$710,000. The Parks & Recreation Department has found the bid and submittal to be in order and recommends that the contract, including base bid and all three add alternates be awarded to the responsive low-bidder, Golden Bay Fence Plus Ironworks, Inc. Staff will use the City’s standard agreement in a form acceptable to the City Attorney.

FINANCIAL IMPACT

At the January 24, 2023 City Council meeting, the City Council directed staff to reserve the \$507,700 of remaining American Rescue Plan Act (ARPA) money for the Zoo Perimeter Fence Project. There is also an additional \$123,982 available in funding from other Parks and

Recreation ARPA-funded projects that came in under budget. The total funding available in ARPA funds for this project is \$631,682.

The total project budget, including a 10% contingency of \$59,029, brings the total project to \$649,320. Funds are available in the general fund to cover the additional \$17,638 for the contingency and will be appropriated to this project.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act, the proposed project is Categorically Exempt per Article 19, 1500.1 - Relation to Ministerial Projects.

ATTACHMENT

Resolution No. 11079 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Golden Bay Fence Plus Iron Works, Inc. for the Folsom Zoo Perimeter Fence Project And Appropriation of Funds.

Submitted,

Kelly Gonzalez, PARKS AND RECREATION DIRECTOR

RESOLUTION NO. 11079

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH GOLDEN BAY FENCE PLUS IRON WORKS, INC. FOR THE FOLSOM ZOO PERIMETER FENCE PROJECT AND APPROPRIATION OF FUNDS

WHEREAS, the City of Folsom desires to replace the perimeter fence of the Folsom Zoo Sanctuary to be in compliance with United States Department of Agriculture requirements; and

WHEREAS, Parks & Recreation Staff prepared the bid package, solicited sealed bids, and received five bids on June 29, 2023, with Golden Bay Fence Plus Ironworks, Inc. being the lowest responsive and responsible bidder; and

WHEREAS, \$631,682 is currently available in American Rescue Plan Act (ARPA) funding; and

WHEREAS, an additional appropriation in the amount of \$17,638 is needed, for a revised project budget of \$649,320; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an Agreement with Golden Bay Fence Plus Ironworks, Inc. for the Folsom Zoo Perimeter Fence Project in the amount of \$590,291; and

BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate \$17,231, for a total project budget of \$649,320.

PASSED AND ADOPTED this 25th day of July 2023, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE