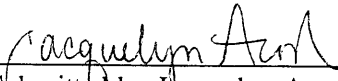


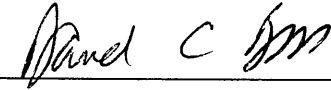


# City of Carson Report to Mayor and City Council

January 17, 2012  
New Business Consent

**SUBJECT: CONSIDER THE AWARD OF A PURCHASE CONTRACT FOR THE REPLACEMENT OF PLAYGROUND EQUIPMENT AT CARRIAGE CREST AND STEVENSON PARKS.**

  
Submitted by Jacquelyn Acosta  
Administrative Services General Manager

  
Approved by David C. Biggs  
City Manager

## I. SUMMARY

The Acting Purchasing Manager has received quotes for the replacement of playground equipment at Carriage Crest and Stevenson Parks. Since the cost of this equipment exceeds the amount that the City Manager may approve, the City Council is being asked to approve the award of the purchase contract.

## II. RECOMMENDATION

TAKE the following actions:

1. WAIVE the formal bid process defined by the Carson Municipal Code, Section 2607, as allowed by Section 2604 (d).
2. AUTHORIZE the City of Carson to piggy back off a competitively bid contract between the Palm Springs Unified School District and Miracle Playground Sales.
3. APPROVE the award of purchase contract for playground equipment to Miracle Playground Sales, for Carriage Crest Park in the amount of \$62,950.28, and Stevenson Park (south end) in the amount of \$72,584.46, for a combined total of \$135,534.74.

## III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

## IV. BACKGROUND

The playground equipment at Carriage Crest Park and Stevenson Park (south end) was installed in the 1980s. While both park playgrounds meet ADA compliance standards, they are non-compliant pursuant to Playground Equipment Standards. Of the city's twelve parks, the playground equipment at Carriage Crest and Stevenson (south end) are the last two playgrounds in need of replacement to be in compliance with Playground Equipment Standards. On March 3, 2010, the Palm Springs Unified School District of Riverside County received bids for the purchase of playground equipment, Bid #06-10. Eight bids

were received. An evaluation team consisting of members from the Purchasing Services, Risk Management, and Facilities Planning and Development Departments assessed the bids to determine if the District's requirements were met and to compare overall costs. Six of the eight bids received were considered deficient and/or non-responsive. The purchase contract was awarded and split between Miracle Playground Sales and Sun Country Systems. The bid submitted by Miracle Playground Sales offered an estimated 41% discount off catalog pricing for playground structures and granted the "Piggy Back" option to other public agencies (Exhibit No. 4). Miracle Playground Sales, located in Corona, California, is the only authorized dealer in California for the selected playground structures manufactured by Miracle Recreation Equipment. The original purchase contract between Miracle Playground Sales and the Palm Springs Unified School District was for one year, March 2010 through March 2011, with four additional year extensions, upon mutual consent of the District and the awarded vendor. The mutual extension between the District and Miracle Playground Sales has been confirmed. Staff does not believe that a lower cost would be realized by going out to bid. Additionally, by piggy backing off this competitively bid award, not only could the City take advantage of the deep discount offered, but would also save the administrative cost associated with the preparation of the bid, postage, advertising, and associated posting requirements.

The cost to replace the playground equipment at Carriage Crest Park is \$62,950.28 (Exhibit No. 2). The cost to replace the playground equipment at the south end of Stevenson Park is \$72,584.46 (Exhibit No. 3). Therefore, staff recommends the City Council waive the formal bid process defined by the Carson Municipal Code, Section 2607, as allowed by Section 2604 (d) (Exhibit No. 1).

The removal of the existing playground equipment and installation of the replacement playground equipment will be bid out for each park in the near future.

**V. FISCAL IMPACT**

Funds are available in the Capital Asset Replacement Fund for the replacement of playground equipment at Carriage Crest Park and Stevenson Park (south end).

**VI. EXHIBITS**

1. Carson Municipal Code, Section 2604 (d). (pg. 4)
2. Quote for Carriage Crest Park Playground Equipment. (pg. 5)
3. Quote for Stevenson Park Playground Equipment. (pg. 6)
4. Palm Springs Unified School District Bid No. 06-10. (pgs. 7 - 12)

TO:Rev102511

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

<b>Action taken by City Council</b>	
Date _____	Action _____

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**2604 Bidding.**

Unless CMC 2607 is applicable, the purchase of supplies and equipment shall be by open market procedures pursuant to CMC 2608. Bidding or proposals for services may be dispensed with only:

(a) When the City Manager finds, with the concurrence of the City Council, that such supplies or equipment are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one (1) source, or, if available from more than one (1) source, can be purchased from the manufacturer for a lower price; or

(b) When an emergency, as determined by the City Manager, requires that the purchase be completed within a period of time which will not permit normal bidding or quotation procedures; or

(c) When the amount of the purchase is less than \$1,000; or

(d) The City Council finds that due to the nature of the supplies or equipment, bidding is not likely to result in the lowest price. (Ord. 42, § 1; Ord. 80-507, § 1; Ord. 87-775, § 1; Ord. 88-829, § 1; Ord. 98-1134, § 1)

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EXHIBIT NO. 01





MIRACLE RECREATION EQUIPMENT CO.

Local address:  
 9106 Pulsar Ct #C  
 Corona, CA 92883  
 Phone # 800-264-7225 Fax # 877-215-3869

**Quote**

Date	Quote #
12/15/2011	8207

sales@miracleplayground.com  
 www.miracle-recreation.com

Name / Address
City of Carson

FOB	Rep	Project
factory	JJ	Carriage Crest Park

Item	Description	Qty	Rate	Total
MREC General	Custom Miracle Play Equipment #CD189616	1	53,729.23	53,729.23T
Freight	Commercial Freight	1	4,519.74	4,519.74
Exclusions	Unloading, storage, installation, permits, safety surfacing and site work are not included in this quote.		0.00	0.00T
PSUSD	Pricing based on Palm Springs USD Piggyback bid		0.00	0.00T

This quote is good for 30 days.

**Subtotal** \$58,248.97

This quote shall not become a binding contract until signed and delivered by both Customer and Miracle Recreation ("Miracle"). To submit this offer, please sign below and forward a complete signed copy of this quote via fax to 877-215-3869 or email sales@miracleplayground.com. Upon acceptance, Miracle will return a fully-signed copy of the quote to the Customer via fax or email.

**Sales Tax (8.75%)** \$4,701.31

**Total** \$62,950.28

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as materials alterations, and all such proposed terms shall be void. Customer authorizes Miracle to ship the equipment and agrees to pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via common carrier designated by Miracle. Payment terms are Net 30 days from invoice with approved credit and all charges are due and payable in full at 9020 Paysphere Circle, Chicago, IL 60674, unless notified otherwise by Miracle in writing. Customer agrees to pay all additional service charges for past due invoices. Customer must provide proper tax exemption certificates to Miracle, and shall promptly pay and discharge all otherwise applicable taxes, license fees, levies and other impositions on the equipment at its own expense. Purchase orders and payments should be made to the order of Miracle Recreation.





MIRACLE RECREATION EQUIPMENT CO.

Local address:  
 9106 Pulsar Ct #C  
 Corona, CA 92883  
 Phone # 800-264-7225 Fax # 877-215-3869

**Quote**

Date	Quote #
12/15/2011	8208

sales@miracleplayground.com  
 www.miracle-recreation.com

Name / Address
City of Carson

FOB	Rep	Project
factory	JJ	Stevenson Park

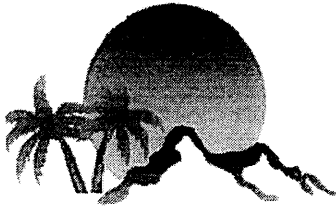
Item	Description	Qty	Rate	Total
MREC General	Custom Miracle Play Equipment #CD188903	1	61,944.33	61,944.33T
Freight	Commercial Freight	1	5,220.00	5,220.00
Exclusions	Unloading, storage, installation, permits, safety surfacing and site work are not included in this quote.		0.00	0.00T
PSUSD	Pricing based on Palm Springs USD Piggyback bid		0.00	0.00T

This quote is good for 30 days.	<b>Subtotal</b>	\$67,164.33
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This quote shall not become a binding contract until signed and delivered by both Customer and Miracle Recreation ("Miracle"). To submit this offer, please sign below and forward a complete signed copy of this quote via fax to 877-215-3869 or email sales@miracleplayground.com. Upon acceptance, Miracle will return a fully-signed copy of the quote to the Customer via fax or email.	<b>Sales Tax (8.75%)</b>	\$5,420.13
	<b>Total</b>	\$72,584.46

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. Miracle objects to any other terms proposed by the customer in writing or otherwise, as materials alterations, and all such proposed terms shall be void. Customer authorizes Miracle to ship the equipment and agrees to pay Miracle the total amount specified. Shipping terms are FOB the place of shipment via common carrier designated by Miracle. Payment terms are Net 30 days from invoice with approved credit and all charges are due and payable in full at 9020 Paysphere Circle, Chicago, IL 60674, unless notified otherwise by Miracle in writing. Customer agrees to pay all additional service charges for past due invoices. Customer must provide proper tax exemption certificates to Miracle, and shall promptly pay and discharge all otherwise applicable taxes, license fees, levies and other impositions on the equipment at its own expense. Purchase orders and payments should be made to the order of Miracle Recreation.





PALM SPRINGS UNIFIED SCHOOL  
DISTRICT

BID #06-10  
Playground Equipment  
FOR  
PALM SPRINGS UNIFIED SCHOOL DISTRICT

BID DUE: March 3<sup>rd</sup>, 2010 by 2:00 p.m.

LOCATION: Palm Springs Unified School District  
Purchasing Department  
980 East Tahquitz Canyon Way, Suite 103  
Palm Springs, CA 92262

TELEPHONE: 760.416.6212

# PALM SPRINGS UNIFIED SCHOOL DISTRICT

BOARD OF EDUCATION MEETING

AGENDA CATEGORY BUSINESS SERVICES

DATE MARCH 23, 2010

ITEM TITLE APPROVAL TO AWARD BID NO. 06-10;  
PLAYGROUND EQUIPMENT (OE-6.2)

BOARD ACTION  
 SUPERINTENDENT'S CONSENT  
 SEPARATE DOCUMENT

## BACKGROUND

Pursuant to Public Contract Code 20110, formal bids were solicited for Bid No. 06-10; Playground Equipment for District wide playground improvement projects. The Purchasing Department advertised in the Desert Sun on February 13, 2010 and February 20, 2010. Eight bids were received and opened at 2:00 p.m. on March 3, 2010 as follows:

Coast Recreation  
Dave Bang Associates  
Great Western Park & Playground  
Hanson Associates

Hertz Furniture Systems  
Miracle Playground Sales  
Pacific Design Concepts  
Sun Country Systems

An evaluation team consisting of members from the Purchasing, Risk Management and Facilities Planning and Development Departments assessed the bids to determine if the District's requirements were met on all line items submitted by the vendors.

During the review, it was determined that Pacific Design Concepts failed to submit the required documents on all the line items, Sun County Systems failed to submit the required documents for line item 5 and Great Western Park and Playground failed to bid all line items with shipping included. This results in Great Western Park and Playground and Pacific Design Concepts being non-responsive for all line items and Sun Country Systems being non-responsive for line item 5.

**-Continued**

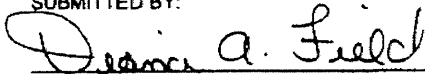
## FISCAL IMPLICATIONS

Measure E – site specific cost to be determined according to playground improvement design

## RECOMMENDATION

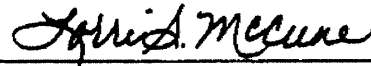
It is recommended the Governing Board Award Bid No. 06-10; Playground Equipment as presented.

SUBMITTED BY:



DIANA A. FIELD, DIRECTOR OF PURCHASING

RECOMMENDED TO THE BOARD FOR APPROVAL BY:



LORRI S. McCUNE, Ed.D., SUPERINTENDENT

PRESENTED FOR SUPERINTENDENT'S APPROVAL BY:

  
JAMES NOVAK, ASSISTANT SUPERINTENDENT  
BUSINESS SERVICES

When necessary, additional background material may follow this



**-Continued**

Determination of Meeting Line Item Bid Specifications

Hanson Associates, Dave Bang Associates and Coast Recreation all provided a lower bid for line item 5 with their proposed alternates as shown on the Bid Recap Sheet. Upon review of the technical literature and specifications by the evaluation team, it was determined the alternates submitted were not an acceptable substitution to the specifications listed in the Bid.

Hanson Associates provided the lowest bid for line item 6 with their proposed alternate as shown on the Bid Recap Sheet. Upon review of the technical literature and specifications by the evaluation team, it was determined the alternate submitted was not an acceptable substitution to the specifications listed in the Bid.

Determination of Bid Irregularities

The Bid Documents required ISO 9001 certification which is a quality management program. Sun Country Systems addressed this certification issue by outlining the manufacturer's in-house quality management program that is ISO 9001:2008 compliant. It is recommended to waive the actual certification form.

In order to further clarify the District's intent to award the bid to the low bidder meeting specifications or equal and allow the determination to rest at the sole discretion of the District as stated in the bid documents, it is requested to waive the use of the word "exact" in the "Requirements" section of the bid documents. This will allow all bids to be evaluated as referenced in the "Brand Names" and "Substitutions and Samples" sections of the bid.

Award Determination

The evaluation team is recommending award to Sun Country Systems as the most responsive and responsible low bidder meeting specifications for line items 1, 2 and 3. Further award is recommended to Miracle Playground Sales as the most responsive and responsible low bidder meeting specifications for line items 4a, 4b, 4c, 5, 6 and 7a, 7b. All pricing submitted for Bid No. 06-10; Playground Equipment is shown on the Bid Recap Sheet.

To allow for maximum flexibility in the selection of playground equipment that meets the diverse requirements throughout the District, bidders were to include a percentage discount on their manufacturer's entire equipment line in addition to the specific models of products listed in the bid. It is recommended the manufacturer's entire equipment line with the quoted discounts as shown on the Bid Recap Sheet be included in the award to Sun Country Systems and Miracle Playground Sales.

The Bid specifies orders will be placed only on an as needed basis and does not guarantee to the awarded vendors any orders will be placed in any amount. The pricing is valid for one calendar year with the option to renew up to four additional one-year periods upon mutual consent of the District and the awarded vendors.

The Bid specifications stipulated its use by other school districts through the "Piggyback" clause.

Summary

Authorization is requested to award Bid No. 06-10; Playground Equipment to Sun Country Systems and Miracle Playground Sales as specified in the Bid Recap Sheet, to deem Pacific Design Concepts and Great Western Park and Playground as non-responsive, to deem Sun Country Systems non-responsive for line item 5, and to waive the irregularity in the bid documents as presented.

Bid #06-10 Playground Equipment  
Bid Recap Sheet

Line	Item Description	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor	Vendor
		Coast Recreation*	Dave Bang*	Hanson Associates*	Hertz Furniture	Miracle Playground	Sun Country*	
1	Upper Primary Playground Component No. 1	31,185.00	21,093.40	19,608.21	25,811.50	19,777.56		18,527.00
2	Lower Primary Playground Component No. 2	47,786.00	33,010.60	34,560.42	39,604.40	32,482.19		30,064.00
3	Kindergarten Playground Component No. 3	33,453.00	29,671.40	25,070.92	31,202.60	24,421.95		21,276.00
4a	Ground Level Equip. No. 4a Arch Swing Frame - 8 Seat	5,800.00	3,152.78	3,221.59	3,397.90	2,994.30		4,063.00
4b	Ground Level Equip. No. 4b Arch Swing Frame - 6 Seat	4,500.00	2,452.18	2,539.29	2,718.10	2,308.80		3,198.00
4c	Ground Level Equip. No. 4c Arch Swing Frame - 4 Seat	3,200.00	1,750.77	1,856.02	1,984.40	1,675.94		2,335.00
5	Ground Level Equip. No. 5 Xccent X-Wave 2	5,400.00	4,264.92	4,030.40	No Bid	5,649.10		4,998.00
6	Ground Level Equip. No. 6 Xccent PlayMotion Rider	1,600.00	727.60	599.28	No Bid	723.90		1,044.15
7a	Ground Level Equip. No.7a Saddle Seat, Angled Post	800.00	459.48	599.28	No Bid	438.83		473.65
7b	Ground Level Equip. No.7b Saddle Seat, Straight Post	No Bid	459.48	599.28	No Bid	438.83		473.65
	Freight Included	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Catalog/List Discount %	20%	18%	12%	Range	10% Xccent	15%	15%
						18% Line 4, 7	41% Structures	
	Authorized Dir/Dist/Manuf.	Yes, Landscape	Yes, Playworld	Yes, Wow Struct	Yes, KidStuff	Yes, A/S	Yes, Playcraft	Yes
	Piggyback Option Granted	Yes	Yes	Yes	Yes	Yes	Yes	Yes

\*Alternate Manufacturer Submitted

Low Bid - As Specified

Did not meet Specifications



Free Standing Equipment Comparison

**Sun Country**

Equipment	BW	JC	KF	VDM	SS	Total	Price	Grand Total
8-Seat Swings	2	2	2	2	2	10	4063.00	\$40,630.00
4-Seat Swings	1	1	1	1	1	5	2335.00	\$11,675.00
X-Wave	1	1	1	1	1	5	4998.00	\$24,990.00
Surfboard	4	2	1	5	3	15	1044.15	\$15,662.25
Motion Rider	4	4	2	4	3	17	473.65	\$8,052.05
								\$101,009.30

**Miracle**

Equipment	BW	JC	KF	VDM	SS	Total	Price	Grand Total
8-Seat Swings	2	2	2	2	2	10	2994.30	\$29,943.00
4-Seat Swings	1	1	1	1	1	5	1675.94	\$8,379.70
X-Wave	1	1	1	1	1	5	5649.10	\$28,245.50
Surfboard	4	2	1	5	3	15	723.90	\$10,858.50
Motion Rider	4	4	2	4	3	17	438.83	\$7,460.11
								\$84,886.81

Created by: Martha Alvarado *MA*  
 Verified by: Kathy Bandli *KB*



Bid #06-10 Playground Equipment  
 Awarded Items for Miracle Playground Sales, Incorporated

Line Item	Item Description	Vendor
		Miracle Playground Sales
4a	Ground Level Equip. No. 4a Arch Swing Frame - 8 Seat	<b>2,994.30</b>
4b	Ground Level Equip. No. 4b Arch Swing Frame - 6 Seat	<b>2,308.80</b>
4c	Ground Level Equip. No. 4c Arch Swing Frame - 4 Seat	<b>1,675.94</b>
5	Ground Level Equip. No. 5 Xccent X-Wave 2	<b>5,649.10</b>
6	Ground Level Equip. No. 6 Xccent PlayMotion Rider	<b>723.90</b>
7a	Ground Level Equip. No.7a Saddle Seat, Angled Post	<b>438.83</b>
7b	Ground Level Equip. No.7b Saddle Seat, Straight Post	<b>438.83</b>
Freight Included		Yes
Catalog/List Discount %		<b>10% Xccent</b>
		<b>18% Line 4, 7</b>
		<b>41% Structures</b>
Piggyback Option Granted		Yes