



London N. Breed, Mayor  
Philip A. Ginsburg, General Manager

**Date:** February 17, 2022  
**To:** Recreation and Park Commission  
**Through:** Philip A. Ginsburg, General Manager  
Stacy Bradley, Acting Director of Capital and Planning Division  
**From:** J. Marien Coss, Project Manager  
**Subject:** Fillmore Turk Mini Park - Construction Contract Termination

---

### **Agenda Wording**

Discussion and possible action to authorize staff to approve contract termination with Empire Landscaping Inc., Contract No. 1000023479 for the Fillmore Turk Mini Park Renovation [Rebid] (Project No. RP10032332).

### **Strategic Plan**

**Strategy 1: Inspire Public Space:** Keep today's parks safe, clean, and fun; promote our parks' historic and cultural heritage; and build the great parks of tomorrow.

Objective 1.2: Strengthen the quality of existing parks and facilities.

**Strategy 2: Inspire Play:** Promote active living, well-being and community for San Francisco's diverse and growing population.

Objective 2.2: Strengthen and promote the safety, health and well-being of San Francisco's youth and seniors.

**Strategy 3: Inspire Investment:** Through community engagement, advocacy, and partnerships, cultivate more financial resources to keep San Francisco's parks and programs accessible for all.

Objective 3.3: Cultivate increased philanthropic support.

### **Background Information**

Fillmore Turk Mini Park, a 10,000 square foot park located in the Western Addition neighborhood on Fillmore Street, is surrounded on three sides by a landmarked SFMTA sub-station, private housing and restaurant parking lot. A small oval stage sits at the end of the central lawn area which is surrounded by benches and chess tables.

The project renovation includes new drainage, new grading, replacing the lawn, new planters with seat walls, planting beds, trees, and improved access to the existing oval stage.



The Recreation and Park Commission has taken the following actions:

- 1) November 2016: Approved a Community Opportunity Fund (COF) Award for \$330,000 to improve landscaping, drainage, seating and other improvement to revitalize this park.
- 2) September 2019: Approved the conceptual design for Fillmore Turk Mini Park Renovation, a Community Opportunity Fund Project.

Commission approval was not required for Award of Contract of an informal bid, which this project was bid as informal bid.

### **Community Engagement**

Early in 2015, New Community Leadership Foundation, then called Friends of Fillmore Mini Park Committee, partnered with SF Beautiful to perform community outreach. They held four public meetings, multiple visitor interviews, conducted surveys, and hosted information tables that identified and prioritized the improvements needed to enrich the park experience for Fillmore neighbors. The committee reached over 200 local participants, providing valuable feedback. Some of the feedback included increasing the capacity for community gatherings, events, programming, and activities.

They then partnered with TS Studio, a landscape architecture firm, providing their design services to re-envision the space pro bono. In partnership with the SF Recreation and Park Department, the community groups hosted two additional community meetings for feedback on the design prior to Commission approval of the concept design in 2019.

SF Beautiful, the community's fiscal sponsor, received Community Challenge Grant funding for the project and continues to fundraise offering donor pavers on their website.

### **Bid/Award:**

In December 2020, this project was advertised as informal bid, under Micro Local Business Enterprise (LBE) program but not awarded because the bids received exceeded the project estimate amount. In May 2021, with the assistance of Public Works, the project was rebid again as a Micro-LBE Project. Of the seven bids received in June 2021, Empire Landscaping Inc. was identified as the lowest, responsive, and responsible bidder. The contract agreement was signed and awarded in September 2021 for \$575,000 (base bid, no alternates) and the duration was 182 days.

The Department issued Notice to Proceed (NTP) on January 3, 2022, and onsite mobilization was scheduled for February 7, 2022. On February 2, 2022, the project team received a letter from Empire Construction Inc. requesting to be relieved from the contract for the following reasons: 1) the contract delay in award, 2) the City's required construction paperwork, 3) material shortages and 4) unprecedented price increase since the bid opening. The contractor has struggled with submittals since bid opening and although the project team has provided administrative support, Empire continued to experience difficulty with the paperwork involved and prefers to terminate the contract at no cost to the City and County of San Francisco.

The ‘window’ to negotiate with the next lowest bidder has expired. If the contract termination is approved, staff will rebid the project as soon as possible.

### Sources & Uses of Funding

#### Sources

2012 Parks Bond Allocation, COF	\$500,000
Supervisor General Fund	\$150,000
Open Space Funds	\$595,261
TS Studio (pro bono services, donation)	\$200,000
Community Challenge Grant (awarded to SF Beautiful)	\$100,000
<b>Total Sources</b>	<b>\$1,545,261</b>

#### Uses

Hard Costs (includes contingency)	\$632,500
Soft Costs	\$912,761
<b>Total Uses</b>	<b>\$1,545,261</b>

### Project Schedule

<u>Phase</u>	<u>Start</u>	<u>Complete</u>
Planning Phase	August 2018	August 2019
Design Phase	Summer 2019	Fall 2020
Bid & Award Phase	Late 2020	Fall 2022
Construction Phase	Fall 2022	Fall 2023

### Environmental Review

The project received a Categorical Exemption (Cat Ex) under CEQA on August 27, 2019; number 2019-006534ENV. Both the SF Planning Department’s signed CEQA Determination and Preservation Team Review Form are attached.

The project required additional SF Planning submittals due to its proximity to San Francisco Landmark #105, Market Street Railway Substation, a 1902 brick building located on the corner, of Fillmore and Turk Streets. The current park boundary was once part of the substation operations and appears to have been an open space for many years before the Recreation and Park Department acquired the land.

### Staff Recommendation

Staff recommends that the Commission authorize staff to approve contract termination with Empire Landscaping Inc., Contract No. 1000023479 for the Fillmore Turk Mini Park Renovation [Rebid] (Project No. RP10032332).

## **Supported By**

Including Community Supporters from COF application:

- Mayor London N. Breed
- Dean Preston, District 5 Supervisor
- Majeid Crawford, New Community Leadership Foundation
- Darcy Brown, San Francisco Beautiful
- Captain Greg McEachern, Commanding Officer, SFPD
- Charles Melancon, Fillmore Neighborhood Association
- Jason Henderson, Hayes Valley Neighborhood Association
- Gus Hernandez, Alamo Square Neighborhood Association
- Denis Mosgofian, resident and former PROSAC (D5)
- J. Lee Stickles, TS Studio
- Dan Martin, Resident
- Bria Larson, Resident
- Sara Amaral, Resident
- Danielle Reed, Resident
- Jacqueline Marquez, Resident
- Abigail Granbery, Resident
- Vallie Brown, former District 5 Supervisor

## **Opposed By**

None known

## **Attachments**

- A. Tabulation of Bids
- B. Concept Design Package, September 4, 2019
- C. CEQA Categorical Exemption Determination August 27, 2019; Number 2019-006534ENV.
- D. SF Planning Department Preservation Team Review Form, August 26, 2019, Number 2019-006534ENV