

**FILE NUMBER: 2025-124**

**DATE:** Friday, June 6, 2025

**SUBJECT: Harbor Park Upland Improvements Project**

**DESCRIPTION: Harbor Park Uplands Improvement**

**A. Resolution Approving the addition of the Harbor Park Upland Improvements project into the Balanced Capital Program (BCP) and allocating \$6,000,000 from the City of Chula Vista Subaccount toward the project.**

**B. Ordinance Amending the Fiscal Year 2026 Budget increasing the Balanced Capital Program appropriation by \$6,000,000 to be funded from the City of Chula Vista's Balanced Capital Program subaccount**

**C. Resolution Selecting and Authorizing a Progressive Design-Build Agreement with BNB Builders for Progressive Design-Build Services for Harbor Park Upland Improvements and Authorizing Staff to Complete the Design Development and Early Work/Procurement Package (If Applicable) for a Total Amount Not-To-Exceed \$4,000,000.**

**EXECUTIVE SUMMARY:**

Harbor Park is an integral part of the Chula Vista Bayfront development. Taking advantage of the value of the highly utilized existing Bayside Park, Harbor Park is envisioned as the expansion of Bayside Park to provide improved beach and bay access, environmental resiliency, and long-term benefits for the Chula Vista Bayfront and San Diego Bay. 100% Schematic Design plans were prepared and approved in 2020. This effort is proposed to continue with the design and construction support services initiated with the Schematic Design for the implementation of the construction of the Harbor Park vision via Progressive Design-Build project delivery.

The project aims to provide landscape architectural and engineering services for the Harbor Park Upland Improvements, as defined within design advancements for the Harbor Park Upland Improvements completed in October 2024 by KTU&A. This project will focus on permanent improvements at the perimeter of the Hotel and Convention Center site and other priority improvements for a project area of approximately 8 acres.

**RECOMMENDATION:**

Adopt a resolution approving the addition of the Harbor Park Upland Improvements project into the Balanced Capital Program (BCP) and allocating \$6,000,000 from the City of Chula Vista Subaccount toward the project.

Adopt an ordinance amending the Fiscal Year 2026 Budget increasing the BCP appropriation by \$6,000,000 to be funded from the City of Chula Vista's Balanced Capital Program subaccount.

Adopt a resolution selecting and authorizing a Progressive Design-Build agreement with BNB Builders for Progressive Design-Build Services for Harbor Park Upland Improvements and Authorizing Staff to complete the design development and early work/procurement package (If Applicable) for a total amount not-to-exceed \$4,000,000.

NOTE: Staff anticipate a subsequent Board Action in Fall 2025 to recommend the authorization of construction, transfer of additional funds, and establish a construction Guaranteed Maximum Price (GMP) for the Harbor Park Upland Improvements in accordance with the Progressive Design-Build Agreement.

**FISCAL IMPACT:**

Approval of this action will add the Harbor Park Upland Improvements project to the BCP and amend the Fiscal Year 2026 Budget increasing the Balanced Capital Program appropriation by \$6,000,000 to be funded from the City of Chula Vista’s Balanced Capital Program subaccount

FY2025 Expenditures are Budgeted. Funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of each fiscal year’s budget.

Upon Board approval, BNB Builders will begin Progressive Design-Build Services in July 2025 for a 24-month period, with design and construction target value of approximately \$12,000,000 within a total project budget of \$15,000,000.

Action A of this Agenda allocates \$6,000,000 from the Balanced Capital Program (BCP) City of Chula Vista Sub-Account to the project and Action B amends the FY 2026 Budget increasing the BCP by \$6,000,000 to be funded by the City of Chula Vista’s BCP subaccount.

Table A below shows the proposed Fiscal Allocations for the total project budget of \$15,000,000.

Table A

Funding Source	Amount	Timing
(OCP) Harbor Park Upland Improvements	\$3,600,000	Currently Programmed
(BCP) Chula Vista Sub-Account	\$6,000,000	Action A this Agenda
(TBD) Coastal Conservancy Grant	\$2,000,000	July or August 2025
(OCP) Wayfinding Signage at CVB (Surplus)	\$800,000	Fall 2025
(TBD) Funding Source to be Identified at a Future Date	\$2,600,000	Fall 2025
Total Proposed Project Budget	\$15,000,000	

**COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A Port that is a safe place to visit, work and play.

## **DISCUSSION:**

Upon the Board's approval, the design is slated to commence in July 2025, with the Harbor Park Upland Improvements project design scheduled for completion in September 2025.

The final cost to complete the project will be determined during the Progressive Design-Build process. When the design is finalized, the Guaranteed Maximum Price (GMP) will be brought before the Board for approval and to authorize construction commencement. Costs for design and construction are estimated to be up to \$12,000,000. The total project cost, including contingency and other soft costs, is projected to be \$15,000,000. Additional funding sources are anticipated to be available by Fall 2025, aligning with the anticipated commencement of construction.

### **Procurement Details:**

Staff considered and evaluated the most effective and practical approach for procuring design and construction services for the Harbor Park Uplands Improvements. Staff determined that a Progressive Design-Build (PDB) approach would be the most beneficial in providing flexibility in defining the Scope of Work achievable within the budget limitations, the ability to align with available funds, and allowing for construction commencement at the earliest practicable date.

The ability for the Port of San Diego to utilize PDB resulted from the passage of California Senate Bill 706 in October 2023 which amended the Public Contracts Code to provide progressive design build as an option for some projects. The Port Act, Section 37, refers to the Public Contract Code for the guidelines for District's projects. Additionally, Board Policy 110 already contains the conflict of interest terms required by Senate Bill 706.

Several agencies across the State have utilized the PDB approach for various types of projects and have found the benefits private entities have experienced with the approach to be applicable in the public agency arena as well.

The following is the description of the procurement selection process:

1. The RFQ was published on March 12, 2025, and closed on April 14, 2025, for an advertisement period of 33 days for firms to compile and submit their responses.
2. More than 20 potential responders were notified, fourteen (14) of these prospective bidders downloaded files, and a total of 55 firms downloaded files from Planetbids. The Request for Qualifications was published on the District's Planetbids site under the following categories: Landscape Design, Landscape Construction, and Consulting Services.
3. A total of seven (7) responses were received, and all seven were deemed responsive. Three PDB teams were short-listed and selected for in-person interviews.
4. The evaluation panel consisted of staff from the Engineering and Real Estate departments, who evaluated firms based on the following categories listed in the

solicitation documents: Experience of Proposed Staff, Approach to the Project, Capability to Perform, and the Firm's Relevant Experience.

5. This competitive selection process was based on the most qualified response, as the District sought a collaborative firm with the requisite experience that could provide a team with the right skills, knowledge, and certifications.
6. Feedback will be provided to all respondents upon request. The District will not conduct debrief sessions before the item has been presented and authorized by the Board.

In accordance with BPC Policy No. 110, the selection panel determined that BNB Builders provides the best value to the District, combining technical expertise, industry experience, and a cost-effective approach. Their proven track record and strategic methodology align with the District's goals.

Staff recommends the Board adopt a resolution selecting and authorizing a PDB Agreement with BNB Builders for Harbor Park Upland Improvements and Authorizing Staff to complete the Design Development and Early Work/Procurement Package (If Applicable) for a total amount not to exceed \$4,000,000. Funds required for future work packages will be budgeted as funding becomes available, subject to Board approval.

#### **General Counsel's Comments:**

The Office of the General Counsel has reviewed this agenda and proposed resolutions and ordinance, as presented, as to form and legality. The final resulting progressive design-build agreement will be reviewed and approved by the Office of the General Counsel prior to execution by the District.

#### **Environmental Review:**

The proposed Board actions, including without limitation, consist of a resolution approving an Amendment to the fiscal year 2026 balanced capital program to add the Harbor Park upland improvements and allocating \$6,000,000.00 from the City of Chula Vista subaccount toward the project and a resolution selecting and authorizing a progressive design-build agreement with BNB Builders for progressive design-build services related to Harbor Park upland improvements in the amount of \$2,000,000.00 for the design-development phase and authorizing staff to negotiate a guaranteed maximum price less than \$12,000,000.00. The proposed Board actions were previously analyzed in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562), certified by the District on May 18, 2010 (Resolution No. 2010-78) and the Third Addendum to the FEIR, which was adopted by the Board on December 8, 2020 (Resolution No. 2020-116). The proposed Board actions are not a separate "project" for CEQA purposes but are a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.) Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the FEIR and Addendums, the District finds that the proposed

Board actions do not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the FEIR and Addendums due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the FEIR and Addendums, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR and Addendum, or (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and 3) no changes to mitigation measures or alternatives have been identified or are required. Pursuant to CEQA Guidelines §15162(b), the District finds that no further analysis or environmental documentation is necessary. Accordingly, the proposed Board actions are merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

The proposed Board actions comply with Sections 21, 35, and 87 of the Port Act which allow for the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed actions are consistent with the Public Trust Doctrine.

The proposed Board actions were covered in the Coastal Development Permit (CDP) for the Harbor Park Project (CDP-2020-01; Clerk Document No. 72271) approved by the Board on December 8, 2020 (Resolution No. 2020-117). The proposed Board actions are consistent with the project in the CDP. No additional action under the California Coastal Act is required at this time.

**Diversity, Equity, and Inclusion Program:**

Due to limited subcontracting opportunities, no SBE goal was established for this opportunity.

**PREPARED BY:**

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