

## The Town of Upper Marlboro

RESOLUTION: 2022-09  
SESSION: Regular Town Meeting  
DATE: March 22, 2022

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF THE TOWN CHARTER AND AWARDING PHASES 2 & 3 OF THE TOWN PLAYGROUND PROJECT TO SPARKS @ PLAY LLC**

WHEREAS, the Board of Town Commissioners finds that there are currently no public playgrounds within the corporate limits of the Town of Upper Marlboro (the “Town”), and that an Upper Marlboro Community Playground will not only serve Town residents, but also the greater Upper Marlboro area and become the first step in the Town’s effort to bring recreational amenities to the growing Town; and

WHEREAS, the Town has submitted an application to the Department of Natural Resources (“DNR”), Program Open Space, which administers the Community Parks and Playgrounds Program, whereby the Town’s grant application was evaluated by Program Open Space staff and recommended for a grant selection by the Secretary of DNR as included in the Governor's FY 2023 Capital Budget; and

WHEREAS, The Town has been awarded \$199,000 in FY22 and \$192,000 in FY23 from the DNR Community Playground Grant program, and a \$275,000 Bond Bill in FY23, for which the Town is matching \$60,000 that will be reflected in the Town's FY23 Budget; and

WHEREAS, the Board under “Grants” Category in said Budget has appropriated \$130,000 as an expenditure in FY ’22 pursuant to Line Item 6530.2022.04 (Community Open Space); and

WHEREAS, pursuant to Section 82–56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board further finds that located near the newly constructed Upper Marlboro Town Hall, the proposed Playground and Recreation Area will be located on a Town-owned vacant lot adjacent to the Sasser Athletic Fields regularly used by the Marlboro Boys & Girls Club, and this playground will be built around the existing mature tree canopy to provide shade to the play structures and seating areas; and

WHEREAS, Sparks @ Play, LLC, a company in good standing with the State, which after successfully completing Phase 1 of the playground, has offered a proposal based on an updated master or concept plan including two phases consisting of a Train (Phase #2, 2-5 Years) and a Splash Pad (Phase #3, all ages) , and the Town Board has selected to initially pursue Phase #2 & #3 at this time which scope includes: (i) Site Work to Level Area, (ii) Poured-in-Place Surfacing and Stone Base, (iii) Installing Depot Playground Materials, (iv) Wood Borders and (v) 4’ Tall Fence and Gate.

# The Town of Upper Marlboro

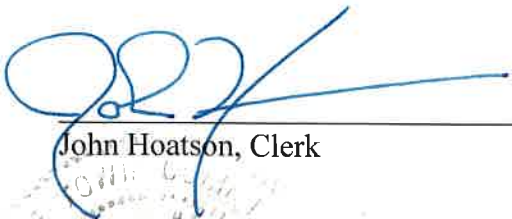
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-described Proposal Numbers: 007230-1, dated March 10<sup>th</sup>, 2022, and Proposal Numbers: 007205-1, dated March 15<sup>th</sup>, 2022, offered by Sparks @ Play, LLC, attached hereto and adopted by reference herein, are hereby awarded a contract without competition and pursuant to a waiver approved herein in accordance with Section 6(a) of Ordinance 2011-02; and

BE IT FURTHER RESOLVED, that prior to the President's/Mayor's execution of said proposals/contracts, the Town Administrator shall ensure that the vendor is in good standing with the State and supplies adequate proof of insurance and executes a reasonable waiver of liability agreement or release form with the Town to protect it from mishaps, accidents and injuries arising from the vendor's potential negligence while working on Town property.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject Proposals totaling \$716,570.17 with the above-referenced company, and any related indemnification forms, addenda, schedules, exhibits or change orders thereto pertaining not exceeding the authority of said official pursuant to Town law and this Resolution.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on this 22nd day of March, 2022.

ATTEST:



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John Hoatson, Clerk




BOARD OF COMMISSIONERS OF THE  
TOWN OF UPPER MARLBORO,  
MARYLAND



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Sarah Franklin, President



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Janice Duckett, Commissioner



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Karen Lott, Commissioner



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Thomas Hanchett, Commissioner



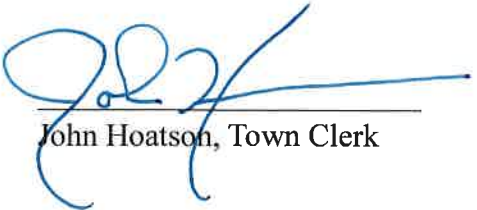
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Charles Colbert, Commissioner

# The Town of Upper Marlboro

## CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 22nd day of March, 2022.



John Hoatson, Town Clerk



# PROPOSAL

Proposal Number: 007230-1

Proposal Date: March 10, 2022

Opportunity No.: 007230

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE MADE OUT TO:**

Sparks at Play, LLC  
 3705 Crondall Lane  
 Owings Mills, MD 21117  
 T: 410-356-4151 F: 410-356-2198

**Proposal Presented To:**

Town of Upper Marlboro  
 , 20772

TO: Kyle Snyder

FROM: Curtis Smith

RE: Town of Upper Marlboro Phase 2

Customer ID	Good Through	Sales Rep Name
Town of Upper Marlboro	30 days from proposal date	Curtis Smith

Quantity	Unit Type	Description	Unit Price	Amount
1	Lump Sum	*Performance Bond as required by contract	\$10,500.00	\$10,500.00
237	LF	<b>Wooden Borders</b> Layout, furnish and install 128 L.F. of 6" x 8" pressure treated timber border.	\$43.32	\$10,266.84
1	Lump Sum	<b>Civil Engineering:</b> <ul style="list-style-type: none"> <li>• Topographic Survey (Parcel 050) and along Old Crain Highway to School Lane</li> <li>• Boundary Survey (Parcel 049 and Parcel 050)</li> <li>• Convert two lots/parcels into one single lot via PG County subdivision process</li> <li>• Right of Way Land Dedication and recordation</li> <li>• Simplified NRI-FSD and Forest Stand Delineation</li> <li>• Civil Engineering - Permit Set (Preliminary and Final Package)</li> <li>• Stormwater Management (SWM) Design and Utility Plans</li> <li>• Prepare Civil Plans &amp; submit to DPIE for Final Grading Permit (Concept and Final)</li> <li>• WSSC water and sewer design for Splash Park improvements</li> <li>• Participate in virtual meetings with Client/Owner to discuss design</li> <li>• Construction Administration Phase Services (Site Visits, RFI's, Submittals/Shop Drawings)</li> <li>• Reimbursable Expenses</li> </ul>	\$81,112.50	\$81,112.50



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Quantity	Unit Type	Description	Unit Price	Amount
		Separate/Additional Services (Not included, but may be added): <ul style="list-style-type: none"> <li>• Dry Utilities Design/Coordination (Relocate 3 Power/light poles on Old Crain Highway)</li> <li>• As-Built SWM Survey and Certification</li> <li>• Geotechnical Engineering - Subcontract services to perform maximum of 2 borings</li> <li>• Subsurface Utility Designation (Quality Level B) - Area limited to 1/2 acre</li> <li>• Roadside Tree Permit (Prepare plans to meet Maryland Law)</li> </ul>		
1	Lump Sum	<u>LSI Freight:</u> <ul style="list-style-type: none"> <li>• For LSI Design 007230TUM-1-2</li> <li>• Shipped to 21117</li> <li>• Quote# 144-21-199</li> <li>• Valid until 5.7.22</li> </ul>	\$4,620.00	\$4,620.00
1	Lump Sum	<u>LSI Equipment:</u> <ul style="list-style-type: none"> <li>• Landscape Structures Play Equipment per Design # 007230TUM-1-2.</li> </ul>	\$101,915.00	\$101,915.00
1	Lump Sum	*Landscape Structures Play Equipment per Design # 1160904-01-03-01 Entrance Gate	\$12,725.00	\$12,725.00
1	Lump Sum	<u>Playground Install</u> Install Playground equipment per drawing/design #007230TUM-1-1. <ul style="list-style-type: none"> <li>• Layout, excavate footings and dispose of spoils off-site.</li> <li>• Furnish and pour 3000 psi concrete footings.</li> </ul>	\$30,776.60	\$30,776.60
1	Lump Sum	<u>Permit Expediter:</u>	\$8,750.00	\$8,750.00
128	LF	<u>Permanent Fencing</u> Supply 128 L.F. of Alumiguard 4' fence and (1) single gate.	\$37.90	\$4,851.20



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 3705 Crondall Lane  
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Quantity	Unit Type	Description	Unit Price	Amount
1	Lump Sum	<b>Permanent Fencing</b> Install Alumiguard fencing per installation documents. <ul style="list-style-type: none"> <li>Excavate footings and dispose of spoils off-site.</li> <li>Install 128 L.F. of Alumiguard fencing.</li> </ul>	\$11,571.62	\$11,571.62
1619	SF	<b>Playground PIP Surfacing:</b> <ul style="list-style-type: none"> <li>Combination 1-3/4" thick (1917 sq ft) and 3" thick (1350 sq ft) (Thicknesses are subject to a nominal variation) system with top surface in 50% Color and 50% Black.               <ul style="list-style-type: none"> <li>(Three Color or color mixes, one for field and two for track graphic - track graphic cannot be installed under equipment, up to, and to the side of equipment only).</li> </ul> </li> <li>Includes Aliphatic.</li> <li>Includes freight.</li> <li>Deduct \$1.60/sq ft if each color is to include 50% Black.</li> <li>Due to volatility in the urethane market the quote is good for 60 days from day quote is provided.</li> </ul>	\$22.81	\$36,929.39
1619	SF	<b>Stone Base</b> Furnish and install 1619 S.F. of 4" thick compacted #57 stone sub-base and filter fabric.	\$4.06	\$6,573.14
1619	SF	<b>Excavation</b> Excavate 1,619 S.F. x 6" deep and dispose of spoils off-site. <ul style="list-style-type: none"> <li>Pricing includes removing 37 L.F. of existing border to be reused.</li> <li>Pricing does not include dumpsters.</li> </ul>	\$3.88	\$6,281.72
1	Lump Sum	<b>Soil Disposal</b> Hauling of spoils off-site.	\$3,628.80	\$3,628.80
180	LF	<b>Temporary Fencing</b> Temporary 6' tall construction fencing. <ul style="list-style-type: none"> <li>Lease covers a 0-6 months.</li> <li>\$654.82 per 3 month extension if necessary.</li> </ul>	\$8.75	\$1,575.00



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Proposal Date: March 10, 2022

Opportunity No.: 007230

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Sparks at Play, LLC  
3705 Crondall Lane  
Owings Mills, MD 21117  
T: 410-356-4151 F: 410-356-2198

Quantity	Unit Type	Description	Unit Price	Amount
			SUBTOTAL	\$332,076.81
			SALES TAX	\$0.00
			TOTAL AMOUNT	\$332,076.81

**SCOPE OF WORK:**

Provide labor, material and equipment to install playground equipment, timber borders, stone sub-base, and poured-in-place safety surfacing per line item descriptions below. Pricing is based on (1) mobilization and direct access to the site for Sparks@Play employees, equipment and vehicles necessary to perform the work. Clean up job site at the end of each day of all Sparks@Play generated debris.

**EXCLUSIONS:**

Sparks@Play excludes wage rates, fees, inspections, maintenance of traffic, traffic control and any work not stated in the SCOPE OF WORK.

**SECURITY NOT PROVIDED:** Based on the SCOPE OF WORK above, Sparks at Play, LLC will not be responsible for security after our crew has left the job site each day, unless we are the acting general contractor.

**WEATHER:** Favorable weather conditions must be present for the proper installation products. Sparks at Play, LLC reserves the sole and exclusive right to determine if appropriate daily weather conditions exist prior to our dispatch of installation crew.

**WORKDAY:** Normal work hours are weekdays between 7 am and 5 pm. However, work hours may be adjusted to early morning or late evening to facilitate the installation. This pricing does not include any weekend or evening work.

**ADDITIONAL MOBILIZATION FEE:** Sparks@Play, LLC. will charge a fee of \$2,500.00 for additional mobilizations if one of the following occurs:

1. When Sparks@Play, LLC. or its subcontractor is caused to remobilize, unplanned, to the project for reasons caused by others.
2. If Sparks@Play, LLC. or its subcontractor arrives on site as scheduled and the site is not ready to receive the work of Hunt Valley Contractors or their subcontractor.

*Please note all pricing and terms are subject to change unless contract agreement has been made.*

**TERMS:** Payment terms are as follows:

50% deposit due upon signing, and monthly progressive billing. By signing this proposal, the customer and/or customer's agent agrees that in the event that the customer cancels this order, the customer will need to pay a



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Proposal Number: 007230-1

Proposal Date: March 10, 2022

Opportunity No.: 007230

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cancellation fee. If the order is cancelled prior to being shipped, the fee will be 30% of entire proposal amount. Once the product has left the manufacturer the cancellation fee will be 100% of the shipped product plus 20% of the remainder of the proposal. Proposal expires in 30 days.

New customers for projects not secured by a payment and performance bond or government funding will require a credit application.

**CREDIT CARD:** We do not accept credit card payments.

Note that prices increase after January 1. All product must be ordered **and** shipped prior to December 31. Check lead times and available delivery dates to ensure your order is placed and shipped this year to avoid a price increase. Orders will not be placed until submittals are approved.

**COLLECTION EXPENSE:** Sparks at Play, LLC shall be entitled to recover from purchaser its collection costs, including the reasonable fees of counsel, if Sparks at Play, LLC turns purchaser's account over to an attorney or collection agency for collection.

Please call if you have any questions.

**Accepted by Customer:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Customer PO Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_

***IF YOU ARE A TAX-EXEMPT ORGANIZATION PLEASE SUPPLY A COPY OF YOUR TAX EXEMPTION CERTIFICATE AT TIME ORDER IS PLACED OR SALES TAX WILL BE CHARGED.***





# PROPOSAL

Proposal Number: 007205-1

Proposal Date: March 15, 2022

Opportunity No.: 007205

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE MADE OUT TO:**

Sparks at Play, LLC  
 3705 Crondall Lane  
 Owings Mills, MD 21117  
 T: 410-356-4151 F: 410-356-2198

**Proposal Presented To:**

Town of Upper Marlboro  
 , 20772

TO: Kyle Snyder

FROM: Curtis Smith

RE: Town of Upper Marlboro Splash Pad

Customer ID	Good Through	Sales Rep Name
Town of Upper Marlboro	30 days from proposal date	Curtis Smith

Quantity	Unit Type	Description	Unit Price	Amount
1	Lump Sum	<p><b><u>Splash Pad Equipment:</u></b>            Aquatix Splash Pad per Design #1157224-02-02            Including:            Jets and Play Features            Cartridge Filtration Skid            Chemical Treatment            Ultra Violet Disinfection System            Feature Skid            Distribution Manifold            Pre-fabricated Water Reservoir            Step Pad Activator            Control Panel - All On/Off            Collector Box            Rain Diverting Waste Valve Box            Design and Construction Drawings            Prefab Above Ground Mechanical Enclosure            DOES NOT include Engineer Stamp</p>	\$212,696.00	\$212,696.00
1	Lump Sum	<p><b><u>Splash Pad Install:</u></b>            Assemble and erect aquatix equipment per LSI drawing #1157224-02-02 and installation documents.</p> <ul style="list-style-type: none"> <li>• Installation of recirculation tank included in price.</li> <li>• Furnish and install schedule 80 pvc piping for all splash pad mechanical system piping.</li> </ul>	\$78,788.58	\$78,788.58
1157	SF	<p><b><u>Concrete Paving</u></b>            Furnish and pour concrete apron and splash pad.</p> <ul style="list-style-type: none"> <li>• Form approximately 153 L.F. of area to be poured.</li> <li>• Furnish and install welded wire mesh.</li> <li>• Furnish and pour 4000psi x 5" thick splash pad.               <ul style="list-style-type: none"> <li>◦ Pad to have required expansion joints every 20' x 20'.</li> <li>◦ Saw-cut joints every 10' and thicken profiles at edge of pad and at each structure/embed.</li> </ul> </li> <li>• Furnish and pour 3500psi x 4" thick concrete apron.</li> </ul>	\$20.15	\$23,313.55



# PROPOSAL

Proposal Number: 007205-1

Proposal Date: March 15, 2022

Opportunity No.: 007205

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE MADE OUT TO:**

Sparks at Play, LLC  
 3705 Crondall Lane  
 Owings Mills, MD 21117  
 T: 410-356-4151 F: 410-356-2198

Quantity	Unit Type	Description	Unit Price	Amount
		<ul style="list-style-type: none"> <li>Apron to include expansion joint at perimeter edge of splash pad and needed saw-cut joints.</li> </ul>		
1	Lump Sum	<b>Splash Pad Freight:</b> <ul style="list-style-type: none"> <li>Shipping from Delano, MN to 21117</li> </ul>	\$18,664.80	\$18,664.80
1	Lump Sum	<b>Subcontractors</b> Electrical subcontractor and plumbing subcontractor.	\$12,960.00	\$12,960.00
1157	SF	<b>Site Excavation</b> Excavate 1,157 S.F. at varying depths and dispose of spoils off-site. <ul style="list-style-type: none"> <li>Excavate 366 S.F. x 23" deep. • Excavate 791 S.F. x 8" deep.</li> <li>Excavate pit for recirculation tank.</li> <li>Dumpsters not included in this price.</li> </ul>	\$14.04	\$16,244.28
1157	SF	<b>Stone Base</b> <ul style="list-style-type: none"> <li>Furnish and install 1,157 S.F. of granular fill and #57 stone base at varying depths.</li> <li>Furnish and install 366 S.F. x 18" thick compacted granular fill.</li> <li>Furnish and install 791 S.F. x 4" thick compacted #57 stone sub-base.</li> </ul>	\$9.70	\$11,222.90
1	Lump Sum	<b>Hauling Spoils</b> Hauling of spoils off-site.	\$9,072.00	\$9,072.00
175	LF	<b>Temporary Fencing</b> Temporary 6' tall construction fencing. <ul style="list-style-type: none"> <li>Lease covers a 0-6 months.</li> <li>\$654.82 per 3 month extension if necessary.</li> </ul>	\$8.75	\$1,531.25



# PROPOSAL

Proposal Number: 007205-1

Proposal Date: March 15, 2022

Opportunity No.: 007205

**ALL PURCHASE ORDERS, CONTRACTS, AND CHECKS TO BE MADE OUT TO:**

Sparks at Play, LLC  
3705 Crondall Lane  
Owings Mills, MD 21117  
T: 410-356-4151 F: 410-356-2198

Quantity	Unit Type	Description	Unit Price	Amount
			SUBTOTAL	\$384,493.36
			SALES TAX	\$0.00
			TOTAL AMOUNT	\$384,493.36

**SCOPE OF WORK:**

Provide labor, material and equipment to install aquatix equipment per line item descriptions above. Pricing is based on (1) mobilization and direct access to the site for Sparks@Play. employees, equipment and vehicles necessary to perform the work. Clean up job site at the end of each day of all Sparks@Play generated debris.

**EXCLUSIONS:**

Sparks@Play. excludes wage rates, permits, fees, inspections, maintenance of traffic, traffic control, borders, safety surface, and any work not stated in the SCOPE OF WORK.

**SECURITY NOT PROVIDED:** Based on the SCOPE OF WORK above, Sparks at Play, LLC will not be responsible for security after our crew has left the job site each day, unless we are the acting general contractor.

**WEATHER:** Favorable weather conditions must be present for the proper installation products. Sparks at Play, LLC reserves the sole and exclusive right to determine if appropriate daily weather conditions exist prior to our dispatch of installation crew.

**WORKDAY:** Normal work hours are weekdays between 7 am and 5 pm. However, work hours may be adjusted to early morning or late evening to facilitate the installation. This pricing does not include any weekend or evening work.

**ADDITIONAL MOBILIZATION FEE:** Sparks@Play, LLC. will charge a fee of \$2,500.00 for additional mobilizations if one of the following occurs:

1. When Sparks@Play, LLC. or its subcontractor is caused to remobilize, unplanned, to the project for reasons caused by others.
2. If Sparks@Play, LLC. or its subcontractor arrives on site as scheduled and the site is not ready to receive the work of Hunt Valley Contractors or their subcontractor.

*Please note all pricing and terms are subject to change unless contract agreement has been made.*

**TERMS:** Payment terms are as follows:

50% deposit due upon signing, and monthly progressive billing. By signing this proposal, the customer and/or customer's agent agrees that in the event that the customer cancels this order, the customer will need to pay a cancellation fee. If the order is cancelled prior to being shipped, the fee will be 30% of entire proposal amount.



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Opportunity No.: 007205

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Once the product has left the manufacturer the cancellation fee will be 100% of the shipped product plus 20% of the remainder of the proposal. Proposal expires in 30 days.

New customers for projects not secured by a payment and performance bond or government funding will require a credit application.

**CREDIT CARD:** We do not accept credit card payments.

Note that prices increase after January 1. All product must be ordered **and** shipped prior to December 31. Check lead times and available delivery dates to ensure your order is placed and shipped this year to avoid a price increase. Orders will not be placed until submittals are approved.

**COLLECTION EXPENSE:** Sparks at Play, LLC shall be entitled to recover from purchaser its collection costs, including the reasonable fees of counsel, if Sparks at Play, LLC turns purchaser's account over to an attorney or collection agency for collection.

Please call if you have any questions.

**Accepted by Customer:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Customer PO Number:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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