

REPORT OF GENERAL MANAGER

NO. 05-301

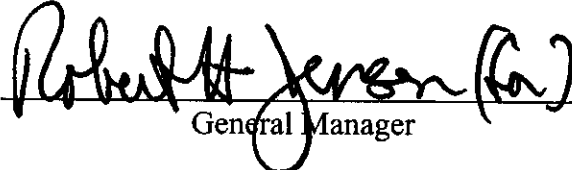
DATE November 16, 2005

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HOPE & PEACE PARK – DEVELOPMENT (#1335B) (W.O. #E170922F) –
REVIEW OF BIDS AND AWARD OF CONTRACT

J. Combs	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
B. Jensen	_____	*M. Shull	<u>MS</u>


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Waive as an informality the late submission of the CDBG forms by Thomsen Landscape;
2. Find that Thomsen Landscape, whose base bid was \$432,200.00, is the lowest responsive and responsible bidder, for the Hope & Peace Park – Park Development Project (#1335B) (W.O. # E170922F);
3. Award the Base Bid, exercising Additive Alternates No's 1, 2, 3, and 4, in the amounts of \$4,200.00, \$5,250.00, \$43,200.00, and \$72,000.00, respectively, for a total contract award of \$556,850.00 to Thomsen Landscape;
4. Authorize the Chief Accounting Employee to encumber funds in an amount not to exceed \$556,850.00, available from the following Fund and Account; and,

<u>Funding Source</u>	<u>Grant/Gift Amount</u>	<u>Fund/Dept/Acct</u>	<u>Available Amount</u>
Prop 12 1/3 Per Capita	\$250,000.00	45W/22/T427	\$175,250.83
CDBG – 29thYr	\$50,000.00	424/22/V450	\$50,000.00
Donation from LA Arena Land Co	<u>\$460,569.00*</u>	<u>205/88/YD02</u>	<u>\$331,599.17*</u>
TOTAL			\$556,850.00

- * This funding will be available upon execution of the gift agreement with the LA Arena Land Co.
5. Request the staff to prepare a contract, including a “funding clause,” limiting the City’s

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liability for the contract payments to the amount of funding appropriated by the City for this contract, which is \$225,250.83, as well as so limiting the contractor's obligation to perform the contract, as further described in this report; and

6. Direct staff to file the revised Notice of Exemption with the Los Angeles City Clerk and Los Angeles County Clerk's office; and
7. Authorize the Board President and Secretary to execute the contract subject to the City Attorney approval as to form.

SUMMARY:

On March 3, 2004, the Board approved final plans and call for bids for the Hope & Peace Park Development project (#1335B) (W.O. #E170922F), located at 843 S. Bonnie Brae Street, Los Angeles (Board Report No. 04-59.) On November 3, 2004, the Board (Report No. 04-329) rejected all bids, as the bids received were substantially higher than the available funding. The project was originally funded by Proposition 12 Per Capita (\$250,000.00) and CDBG (\$50,000.00).

Council District No. 1 subsequently obtained a commitment from the Los Angeles Arena Land Company to contribute an additional \$460,569.00 to this project, which would provide sufficient construction funding for the award of a construction contract and would allow the project to be re-advertised.

On December 8, 2004, the Board again approved final plans and call for bids for the project (Board Report No. 04-360). One of the requirements for obtaining the additional funds from the Los Angeles Arena Land Company was to include a splash pad as part of the project scope. The design of the splash pad was included in the revised plans with drainage to a seepage pit. During the advertisement period, it was discovered that the on-site soils are not suitable for a seepage pit drainage system. As such, the splash pad drainage had to be re-designed. Several addendums were issued for this project to accommodate the time required for the re-design and for the revisions made to the plans. The bid due date was extended to April 26, 2005. However, no bids were received on that date. Staff believes that the lack of bids was due to the numerous time extensions and extensive plan revisions included in the final addendum.

On July 13, 2005, the Board again approved final plans and call for bids for the project (Board Report No. 05-195) as the plan revisions, including the new splash pad had been completed. The following is the scope of work for the outdoor park improvements.

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1. Installation of a new play area with access ramp
2. New walkways/pathways
3. New picnic tables on concrete pads
4. Enlargement of existing basketball court (Deco Color per Additive Alternate #1)
5. Security lighting
6. Planting and irrigation
7. Replace existing chain link fence (Additive Alternate #2)
8. New splash pad (Deductive Alternate #1)
9. New gazebo on concrete pad (Additive Alternate #3)
10. Tubular steel fencing (Additive Alternate #4)

The construction cost estimate for the base bid portion of the project was \$354,000.00.

On August 20, 2005, the following bids were received

<u>Bidders</u>	<u>Base Bid</u>	<u>Add Alt. No.1</u>	<u>Add Alt. No.2</u>	<u>Add Alt. No.3</u>	<u>Add Alt. No.4</u>
Thomsen Landscape	\$ 432,200.00	\$ 4,200.00	\$ 5,250.00	\$ 43,200.00	\$ 72,000.00
Environmental Construction Inc.	\$ 471,000.00	\$ 7,000.00	\$ 11,950.00	\$ 70,000.00	\$ 89,700.00
Ryco Construction Inc.	\$ 761,167.00	\$ 5,000.00	\$ 15,000.00	\$ 65,000.00	\$ 121,500.00
G Coast Construction, Inc.	\$ 785,000.00	\$ 10,000.00	\$ 15,000.00	\$ 60,000.00	\$ 125,000.00

Thomsen Landscape submitted the lowest base bid, as shown above. Four (4) additive alternates and one (1) deductive alternate were also included in the bid package. Since there are sufficient funds to award the Base Bid and to allow for contingencies during the construction of the project, it is recommended that the project be awarded with all of the additive alternates being exercised. The project was presented to the Proposition K -L.A. for Kids Steering Committee at their regularly scheduled meeting held on October 27, 2005. The Steering Committee recommends that the Board award the construction contract to Thomsen Landscape.

Staff has reviewed the outreach effort made by Thomsen Landscape and, based on the documents submitted, has determined that a "good faith" effort has been made. The contractor obtained 90 of the 100-points outlined by the City's MBE/WBE/OBE Good Faith Outreach Program, thereby satisfying the 75 point minimum requirement. The contractor achieved an MBE / WBE / OBE participation of 1% / 0% / 26% respectively. The Outreach Document Package is on file in the Board Office and a synopsis of said package is attached.

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There are sufficient funds available to award the contract for this project in the following accounts:

<u>Funding Source</u>	<u>Fund/Dept/Acct</u>	<u>Award / Gift</u> <u>Amount</u>	<u>Available</u> <u>Balance</u>
Prop 12 – 1/3 Per Capita	45W/22/T427	\$ 250,000.00	\$ 175,250.83
CDBG – 29thYr	424/22/V450	\$ 50,000.00	\$ 50,000.00
<u>Donation from LA Areana Land Co.</u>	<u>205/88/YD02</u>	\$ <u>460,569.00</u>	\$ <u>331,599.17</u>
		\$ 760,569.00	\$ 556,850.00

The City Attorney and staff have reviewed the bids submitted by Thomsen Landscape and found them to be in order. Thomsen Landscape is the lowest responsible bidder.

Staff reviewed the responsiveness and work performance of Thomsen Landscape on past Department projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance (OCC) indicated that there have been no labor compliance violations and that all other legal requirements have been complied with by the bidder.

Staff had previously determined that this project was exempt from the provisions of the requirements of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 2(c) and Article VII, Section 1, Class 1 (3,4) of the City CEQA Guidelines. A Notice of Exemption was filed with the City Clerks office on August 31, 2001 and with the County Clerks office on August 31, 2001. However, due to the revision of the project scope to include a splash pad, gazebo, and fencing, a revised Notice of Exemption will need to be prepared based on the current project scope and will be filed with the Los Angeles City Clerk and Los Angeles County Clerk' office.

FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's budget. All funds are provided by the above-listed funding sources specifically identified and approved for use on this project or at this Recreation and Parks facility. The assessments of the future operations and maintenance costs have yet to be determined.

This report was prepared by Alice Gong, Project Manager, and reviewed by Neil Drucker, Program Manager, Bureau of Engineering's Recreational and Cultural Facilities Program; and by Bradley M. Smith, P.E., Chief Deputy City Engineer.

GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

Bidder: **THOMSEN LANDSCAPE**

Bid Date: **8/30/05**

PROJECT: **HOPE AND PEACE PARK-DEVELOPMENT**

Indicator	Required Documentation	Points	
1	The bidder's or proposer's efforts to obtain participation by MBEs, WBEs and other business enterprises could reasonably be expected by the Board of Recreation and Park Commissioners (the "Board") to produce a level of participation by interested sub-contractors, including 15% MBE and 2% WBE.	0	0
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 847-5172, or by mail to the Bureau of Engineering, Project Award and Control Division, 600 S. Spring, 6 th Floor, Los Angeles, Ca. 90014	10	0
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.	13	13
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a planholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.	9	9
5 Letters to Potential Subs	A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelope or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.	10	10
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.	10	10
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.	5	5
8 Outreach Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.	10	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.	26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.	7	7
TOTAL POINTS ACHIEVED			90

MBE/WBE % ACHIEVED: 0%

MBE=1% WBE=0% OBE=26% PRIME=73%