

APPROVED

APR 15 2009

REPORT OF GENERAL MANAGER

NO. 09-095

DATE April 15, 2009

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: STONER SKATE PLAZA (W.O. #E170460F) PROJECT - REVIEW OF BIDS
AND AWARD OF CONTRACT

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u>ms</u>

Kew. Regan (for)
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Waive minor irregularities on an Affidavit to Accompany Proposals or Bids form submitted by California Skateparks, Inc., for not having listed the same name as of the signatory;
2. Find California Skate Parks, Inc., with a base bid of \$579,000, to be the lowest responsive and responsible bidder for the Stoner Skate Plaza (W.O. #E170460F) project;
3. Award the contract to California Skateparks, Inc., for a total contract amount of \$579,000 all according to the plans and specifications;
4. Authorize the Chief Accounting Employee to encumber \$579,000.00 in available funds from the following fund and account numbers under the awarding authority of this Board Report:

<u>Funding Source</u>	<u>Fund/Dept/Acct</u>	<u>Available Amount</u>	<u>Encumbrance Amount</u>
Quimby	302/89/460K-SJ	\$930,853.40	\$579,000
Quimby	302/89/440K-SJ	\$134,146.60	\$ 0
TOTAL:		\$1,065,000.00	\$579,000

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5. Authorize the Board President and Secretary to execute the contract subject to City Attorney approval as to form.

SUMMARY:

On November 7, 2008, the Board authorized the establishment of a list of on-call Skate Park / Skate Plaza Design-Build firms. Design-Build firms for the Stoner Skate Plaza (W.O. #E170460F) project, located at 1835 Stoner Avenue, Los Angeles, CA 90025, were solicited from all of the design-build firms on the list, a total of seven firms. The project scope of work consists of completing the design and construction of an at-grade Skate Park, securing construction permits, demolition of the existing handball court, grading, and landscaping with an irrigation system.

The Board Office received five (5) bids on January 27, 2009. The lowest responsive and responsible bidder is California Skate Parks, Inc., with a base bid amount of \$579,000, which is \$61,000 below the City Engineer's cost estimate of \$640,000. The bid amounts received are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
California Skateparks, Inc.	\$579,000
GeoCon Engineering, Inc., w/ Wally Hollyday Design	\$632,000
Malibu Pacific Tennis Courts, Inc.	\$639,000
Spohn Ranch, Inc.	\$788,767
Grindline SkateParks, Inc.	\$826,429

The bid package stated the low bidder would be determined to be the responsible and responsive bidder submitting the lowest base bid. The first low bidder, California Skateparks, Inc., submitted the lowest base bid, as shown above. However, on the affidavit form that purports to be the declaration of Joseph M. Ciaglia, Jr., as President of California Skateparks, has the signature of Nikolai Samarin, Project Manager.

California Skateparks provided copy of a resolution dated January 2, 2009 and notarized on January 5, 2009, that identifies Nikolai Samarin as being in a position that authorizes him or the position to bind the corporation in a contract at the time of bid. Thus, the Board can find that the inclusion of the wrong person's name at the top of the affidavit is an informality, as the person who actually did sign the affidavit was authorized to submit the form on behalf of the company. This is based specifically on the provision in Los Angeles Administrative Code section 10.15 (d) which states in relevant part: "The officer, board or City Council having jurisdiction over the contracting process, may permit any informality in such affidavit to be remedied, so as to comply with

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Staff has reviewed the subcontractor outreach effort made by California Skateparks, Inc., and based on the documents submitted, has determined that a “good faith” effort has been made. California Skateparks, Inc., achieved a MBE/WBE participation of 9.67% and satisfied 100 of the 100-point requirements outlined by the Board’s Outreach Program which requires a score of 75 points out of 100 to achieve a “good faith” effort. The outreach document package is on file in the Board Office and a synopsis of said package is attached. The City Attorney and staff have reviewed the bid submitted by California Skateparks, Inc., and found it to be in order, therefore, staff recommends that the Board find California Skateparks, Inc., to be the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of California Skateparks, Inc., 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 the bidder has complied with all other legal requirements.

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

<u>Funding Source</u>	<u>Fund No. /Dept. No</u> <u>/Acct. No.</u>	<u>Available Encumbrance</u> <u>Amount</u>
Quimby	302/89/460K-SJ	\$930,853.40
Quimby	302/89/440K-SJ	<u>\$134,146.60</u>
TOTAL:		\$1,065,000.00

Staff has determined that this project has been previously approved in accordance with the California Environmental Quality Act (CEQA) when project funding was approved (Bd. Rpt No. 08-198). Therefore, no additional CEQA documentation is required for the award of the contract for implementation of the project.

FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department’s General Fund because the project’s construction costs will be fully funded by the above listed funding sources specifically identified and approved for use of this project. The assessments of the future operations and maintenance costs have yet to be determined and would be addressed in future budget requests.

This report was prepared by Shashi Bhakta, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and Michael A. Shull, Superintendent, Planning and Development Division, Department of Recreation and Parks.

GOOD FAITH EFFORT CHECKLIST- EVALUATION DRAFT WORK

Bidder: California Skateparks, Inc.

Bid Date: January 27, 2009

PROJECT: Stoner Skate Plaza (#1204B) (W.O. #E170460F)

Indicator	Required Documentation	Description of Submitted or Missing 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) 847-0703, or by mail to the Bureau of Engineering, Project Award and Control Division, 1149 S. Broadway, 1 st Floor, Los Angeles, Ca. 90015.		10	10
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			100	
MBE/WBE % ACHIEVED:			9.67%	

MBE= 7.94% WBE= 1.73% OBE= 0% PRIME= 86.35%

Responsive