

APPROVED
JUL 14 2010

REPORT OF GENERAL MANAGER

NO. 10-193

DATE July 14, 2010

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 10 and 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BENNY H. POTTER WEST ADAMS AVENUE MEMORIAL PARK - UNIVERSAL ACCESS PLAYGROUND - AMERICANS WITH DISABILITIES ACT RESTROOMS (PRJ20228) (W.O. #E1907214) AND KEN MALLOY HARBOR REGIONAL PARK - UNIVERSAL ACCESS PLAYGROUND - AMERICANS WITH DISABILITIES ACT RESTROOMS (PRJ20227) (W.O. #E1907213) – MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS, THE BUREAU OF ENGINEERING AND THE DEPARTMENT OF GENERAL SERVICES AND ALLOCATION OF QUIMBY FEES

R. Adams	_____	F. Mok	_____
V. Israel	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<i>mf</i>
S. Huntley	_____		

[Signature]

General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), the Department of Public Works, the Bureau of Engineering (BOE) and the General Services Department (GSD), for the construction of American with Disabilities Act (ADA) Restrooms at Benny H. Potter West Adams Avenue Memorial Park (Benny Potter) – Universal Access Playground (UAP) (PRJ20228) (W.O. #E1907214) and Ken Malloy Harbor Regional Park (Ken Malloy) –UAP (PRJ20227) W.O. #E1907213), subject to the approval of the City Attorney as to form;
2. Authorize the Department’s Chief Accounting Employee to transfer \$43,812 in Quimby Fees, which were collected in Fiscal Year 2005-2006, from the Quimby Fees Account No. 460K-00 to the Benny H. Potter West Adams Avenues Memorial Park Account No. 460K-SD;

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3. Authorize the Department's Chief Accounting Employee to transfer \$406,188 in Quimby Fees, which were collected in Fiscal Year 2006-2007, from the Quimby Fees Account No. 460K-00 to the Benny H. Potter West Adams Avenues Memorial Park Account No. 460K-SD;
4. Approve the allocation of \$450,000 in Quimby Fees from Benny H. Potter West Adams Avenues Memorial Park Account No. 460K-SD for the construction of the ADA restrooms at Benny Potter UAP, as described in the Summary of this Report;
5. Direct the Department's Chief Accounting Employee to request that the City Administrative Office (CAO) include in the CAO report to the City Council and Mayor, a recommendation that the following appropriations, in the amount of \$450,000 be approved for the construction of the ADA restrooms at Benny Potter UAP (PRJ20228) (W.O. #E1907214);

From:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ ACCT. NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Quimby ⁽¹⁾	302/89/460K-SD	\$450,000

NOTE: ⁽¹⁾ The Quimby funds will be used to provide cash flow, and to be reimbursed immediately upon receipt of Proposition 40 funds from the State.

To:

Through GSD Account and from there to the appropriate GSD Account Fund No. 100, Department No. 40, as follows:

1101 – Hiring Hall Construction	\$180,000
1121 – Hiring Hall Fringe Benefits	\$90,000
3180 – Construction Materials and Supplies	<u>\$180,000</u>
TOTAL	\$450,000

and, transfer cash to GSD on an as-needed basis, upon review and approval of expenditure reports submitted by GSD and approval of these reports by the BOE Project Manager;

6. Authorize the reallocation of \$521,342 in Quimby Fees, previously allocated for the Outdoor Park Improvements project (PRJ20285) at Ken Malloy Harbor Regional Park, approved on November 18, 2009 per Board Report No. 09-290, for the construction of the ADA restrooms at Ken Malloy UAP;

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7. Authorize the Department's Chief Accounting Employee to transfer \$78,658 in Quimby Fees, which were collected in Fiscal Year 2009-2010, from the Quimby Fees Account No. 460K-00 to the Ken Malloy Harbor Regional Park Account No. 460K-HP;
8. Approve the allocation of \$600,000 in Quimby Fees from Ken Malloy Harbor Regional Park Account No. 460K-HP for the construction of the ADA restrooms at Ken Malloy UAP, as described in the Summary of this Report;
9. Direct the Department's Chief Accounting Employee to request that the City Administrative Office (CAO) include in the CAO report to the City Council and Mayor, a recommendation that the following appropriations, in the amount of \$600,000 be approved for the construction of the ADA Restrooms at Ken Malloy UAP (PRJ20227) (W.O. #E1907213);

From:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ ACCT. NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Quimby ⁽¹⁾	302/89/460K-HP	\$600,000

NOTE: ⁽¹⁾ The Quimby funds will be used to provide cash flow, and to be reimbursed immediately upon receipt of Proposition 40 funds from the State.

To:

Through GSD Account and from there to the appropriate GSD Account Fund No. 100, Department No. 40, as follows:

1101 – Hiring Hall Construction	\$240,000
1121 – Hiring Hall Fringe Benefits	\$120,000
3180 – Construction Materials and Supplies	<u>\$240,000</u>
TOTAL	<u>\$600,000</u>

and, transfer cash to GSD on an as-needed basis, upon review and approval of expenditure reports submitted by GSD and approval of these reports by the BOE Project Manager;

10. Direct the Board Secretary to transmit forthwith the MOU to the City Attorney for review and approval as to form; and,
11. Authorize the General Manager to execute the proposed MOU, subsequent to approval as to form by the City Attorney.

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SUMMARY:

The construction of UAP projects at Benny Potter Park and Ken Malloy Park were completed under Contract No. 3227 on February 18, 2009, and accepted by the Board on March 4, 2009 (Board Report No. 09-045). The Benny Potter UAP is located at 2413 Second Avenue, Los Angeles, CA 90018 in Council District 10; and the Ken Malloy UAP is located at 25820 S. Vermont Avenue, Harbor City, CA 90710 in Council District 15. The proposed ADA restrooms will replace the existing aging and non-ADA compliant ones at each of the facilities. The ADA restrooms at Benny Potter UAP will be approximately 320 square feet in size, and consist of three stalls and a storage room. The ADA restrooms at Ken Malloy UAP will be approximately 700 square feet in size, and consist of four stalls and a storage room/garage.

Staff recommends awarding the ADA restrooms at Benny Potter and Ken Malloy UAP's to GSD in lieu of conducting a competitive bid process due to the following reasons:

- Construction needs to be completed by January 2011 in order to meet the State Proposition 40 Grant deadline of June 30, 2011.
- GSD has shown knowledge and expertise in constructing and renovating ADA-compliant restrooms throughout the City.
- GSD can perform the demolition work while the selection of vendor(s) is in process to expedite construction start and completion.
- Approximately three to four months of bid-and-award time can be saved by having GSD and the pre-approved vendors to perform construction. GSD is authorized to perform this work per Los Angeles Administrative Code Section 22.535(a)(5).

BOE will provide project management, construction management, and construction administration services for the projects.

Based on the final plans and specifications prepared by BOE, the construction cost of the ADA restrooms at Benny Potter UAP is estimated at \$410,000, an additional amount of \$40,000 is also recommended for appropriation to GSD for construction contingency funds. The construction cost of the ADA restroom at Ken Malloy UAP is estimated at \$550,000, an additional amount of \$50,000 is also recommended for appropriation to GSD for construction contingency funds. GSD shall not utilize any of the construction contingency funds without advanced written approval by BOE Project Manager. Upon approval by the Board and the City Council, the appropriation of funds will be transferred to GSD as follows:

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Approved project funds are available for the construction work in the following fund and accounts:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCT. NO.</u>
Benny Potter - Proposition 40 Specified	205/89/WU06
Ken Malloy - Proposition 40 Specified	205/89/WU05

The State's Proposition 40 funds will be provided to the City on a reimbursable basis. The Department's Quimby funds (302/89/460K) will be used to provide cash flow loans for the projects and will be promptly repaid upon reimbursement of grant funds from the State.

Upon approval of this report, Quimby Fees listed below can be transferred to Ken Malloy Harbor Regional Park Account No. 460K-HP for the construction of the ADA restroom at Ken Malloy UAP:

- \$78,658 in Quimby Fees, which were collected in Fiscal Year 2009-2010, from the Quimby Fees Account No. 460K-00

The total Quimby Fees allocation for the ADA restroom at Ken Malloy UAP is \$600,000. These Fees were collected within two miles of Ken Malloy Harbor Regional Park, which is the standard distance for the allocation of the Quimby Fees for community recreational facilities.

Upon approval of this report, Quimby Fees listed below can be transferred to Benny H. Potter West Adams Avenues Memorial Park Account No. 460K-SD for the construction of the ADA restroom at Benny Potter UAP:

- \$43,812 in Quimby Fees, which were collected in Fiscal Year 2005-2006, from the Quimby Fees Account No. 460K-00
- \$406,188 in Quimby Fees, which were collected in Fiscal Year 2006-2007, from the Quimby Fees Account No. 460K-00

The total Quimby Fees allocation for the ADA restroom at Benny Potter UAP in Benny H. Potter West Adams Avenues Memorial Park is \$450,000. These Fees were collected within two miles of Benny H. Potter West Adams Avenues Memorial Park, which is the standard distance for the allocation of the Quimby Fees for community recreational facilities.

Upon approval of the fund appropriation and transfer to GSD accounts and the execution of the MOU, GSD shall begin work immediately. Construction completion for both restrooms is estimated to be January 2011.

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In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed improvements are accessory park features, and therefore, are categorically exempt from the provisions of the CEQA pursuant to Article III, Section 1, Class 2 (1) and Class 11 (3, 7) of the City CEQA Guidelines. Notices of Exemption were filed with the Los Angeles City Clerk on December 27, 2006, and the Los Angeles County Clerk on December 28, 2006, for both projects.

FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department's operational and maintenance budget; however, future operations and maintenance costs will be assessed and included in future Departmental annual budget requests.

This report was prepared by Paul Tseng, Project Manager, BOE Architectural Division. Reviewed by Neil Drucker, BOE Recreation and Cultural Facilities Program Manager, Bureau of Engineering; Deborah Weintraub, Chief Deputy City Engineer, BOE. Reviewed by Michael A. Shull, Superintendent, Planning and Construction Division, Department of Recreation and Parks.