

APPROVED

REPORT OF GENERAL MANAGER

NO. 08-168

JUN 18 2008

DATE June 18, 2008

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SLAUSON RECREATION CENTER - BUILDING IMPROVEMENTS
(W.O. #E170311F) - REVIEW OF BIDS AND AWARD OF CONTRACT

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

K. Regan (for JKM)
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Tobo Construction, Inc., with a base bid of \$489,000, to be the lowest responsive and responsible bidder for the Slauson Recreation Center - Building Improvements (W.O. #E170311F) project;
2. Award the contract to Tobo Construction, Inc., exercising Additive Alternate No. 1 in the amount of \$28,000 and Additive Alternate No. 2 in the amount of \$118,000 for a total contract amount of \$635,000, all according to the plans and specifications;
3. Authorize the Chief Accounting Employee to encumber \$182,753 in available funds and \$452,247 in pending funds, upon approval by City Council of the Proposition K Year 11 Reprogrammed funds, from the following fund and account numbers under the awarding authority of this Board Report;

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APPROVED FUNDING

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>	<u>APPROPRIATED AMOUNT</u>	<u>AVAILABLE AMOUNT</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K Year 10	43K/10/A592	\$ 150,000	\$132,753	\$132,753
Proposition K Year 11	43K/10/C592	\$ 37,241	\$ 37,241	\$ 37,241
Proposition K Year 11	43M/10/C592	<u>\$ 12,759</u>	<u>\$ 12,759</u>	<u>\$ 12,759</u>
APPROVED FUNDING TOTAL		\$ 200,000	\$182,753	\$182,753

PENDING FUNDING

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>	<u>APPROPRIATED AMOUNT</u>	<u>AVAILABLE AMOUNT</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K Year 11 ⁽¹⁾	TBD	\$ 800,000	\$0	\$452,247
PENDING FUNDING TOTAL		<u>\$ 800,000</u>	<u>\$0</u>	<u>\$452,247</u>
GRAND TOTAL FUNDING		\$1,000,000	\$182,753	\$635,000

NOTES

⁽¹⁾ Availability of funding is subject to City Council approval of the City Engineer's Report for FY 2008-09.

4. Request the staff to prepare a contract, including a "funding clause," limiting the City's liability for the contract payments to the amount of funding appropriated by the City for this contract, which is \$182,753, as well as so limiting the contractor's obligation to perform the contract, as further described in this report; and,
5. Authorize the Board President and Secretary to execute the contract subject to City Attorney approval as to form.

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SUMMARY:

On March 19, 2008, the Board approved final plans and call for bids for the Slauson Recreation Center – Building Improvements (W.O. #E17031IF) project, located at 5306 Compton Avenue, Los Angeles, CA 90011 (Board Report No. 08-70). Plans for this project were prepared by the Bureau of Engineering. The project scope of work consists of resurfacing of hardwood flooring in the gym; removal of the existing flooring at the gym perimeter, office, and lobby, and installation of new vinyl tile flooring; removal of existing flooring and installation new flooring in the restrooms; refinishing the existing collapsible bleacher; installation of new mirrors in the weight room; installation of four new permanent benches anchored to the gym floor; removal of the existing scoreboard and replacement with new electronic scoreboard; removal of the existing backboards and rims and replacement with new backboards and rims; removal of the existing wall pads and installation of new wall pads; removal of the existing doors and installation of new doors with security hardware; removal of the existing lighting and installation of a new outdoor security lighting; construction of new overflow and roof drains; removal of the existing heating, ventilating, and air conditioning (HVAC) system and installation of a new HVAC system; and, construction of new built-up roofing.

On April 29, 2008, eight bids were received for this project. The apparent lowest responsive and responsible bidder is Tobo Construction, Inc., with a base bid amount of \$489,000, which is \$136,000 below the City Engineer’s cost estimate of \$625,000. The bid amounts received are as follows:

<u>Bidders</u>	<u>Bid Amount</u>	<u>Additive Alternate No. 1</u>	<u>Additive Alternate No. 2</u>
Tobo Construction Inc.	\$489,000	\$28,000	\$118,000
Fast-Track Construction Corporation.	\$504,600	\$14,700	\$144,000
Waisman Construction Inc.	\$513,000	\$38,000	\$144,000
Avi-Con, Inc. dba C A Construction	\$520,365	\$19,000	\$98,500
Koam Construction, Inc.	\$582,600	\$204,000	\$216,800
W. E. Construction, Inc.	\$630,700	\$44,800	\$118,500
Moment Construction Co., Inc.	\$657,000	\$17,000	\$147,000
AWI Builders, Inc.	\$820,431	\$23,855	\$124,687

The determination of the low bidder was defined in the bid documents as the bidder submitting the lowest base bid. Tobo Construction, Inc., submitted the lowest base bid, as shown above. It is recommended that the project be awarded to Tobo Construction, Inc., for a total construction contract of \$635,000, which includes Additive Alternate Nos. 1 and 2.

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The contract funding clause will provide that the City's liability for the contract payments under this contract shall be limited to the City's current appropriation to fund the contract. Upon approval of the Proposition K Year 11 Reprogrammed funds, the Department's Chief Accounting Employee will appropriate the fund for full contract encumbrance under the authority of this Board Report. The contractor will not be required to perform any work in excess of the amount of the current funding, plus additional funding appropriated by the City, if any, for the project.

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

<u>FUND SOURCE</u>	<u>FUND NO./DEPARTMENT NO./ACCOUNT NO.</u>	<u>AVAILABLE ENCUMBRANCE AMOUNT</u>
Proposition K YR 10	43K/10/A592	\$132,753
Proposition K YR 11	43K/10/C592	\$ 37,241
Proposition K YR 11	43M/10/C592	<u>\$ 12,759</u>
FUNDING TOTAL		\$182,753

Upon approval of the City's Proposition K YR 11 Reprogrammed funds, the contractor will be notified of the amount of the additional appropriations being made to the contract and the contractor shall then be required to complete all contract work up to the amount of appropriation to the contract.

On May 29, 2008, the L.A. for Kids Steering Committee was informed that full encumbrance of the contract amount is contingent upon the City Council approval of the City Engineer's Report for FY 2008-09, and approved the recommendation to award the contract with Additive Alternate Nos. 1 and 2 to the lowest responsive, responsible bidder.

Staff has reviewed the subcontractor outreach effort made by Tobo Construction, Inc., and based on the documents submitted, has determined that a "good faith" effort has been made. Tobo Construction, Inc., satisfied 90 of the 100-point requirement outlined by the Board's Outreach Program. Per the Board's policy a score of 70 points or above satisfies the "good faith effort" requirements. 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 Tobo Construction, Inc., and found it to be in order. The "Affidavit to Accompany Proposals or Bids" was indeed notarized and did contain the notarial seal. Staff recommends that the Board find Tobo Construction, Inc., to be the lowest responsive and responsible bidder.

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Staff reviewed the responsiveness and work performance of Tobo Construction, 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 all other legal requirements have been complied with by the bidder.

In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed improvements will have no significant impact on the environment. A Notice of Determination was filed with the Los Angeles City and County Clerks on June 27, 2002. A Notice of Exemption was filed with the Los Angeles City Clerk's office on June 27, 2002, and posted by the County Clerk's office on June 27, 2002, until June 29, 2002.

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 Gary Lam, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; Michael E. Kantor, Acting Deputy City Engineer, Bureau of Engineering; and by Michael A. Shull, Superintendent, Planning and Development Division, Department of Recreation and Parks.

GUIDELINES FOR EVALUATION OF GOOD FAITH EFFORT CHECKLIST

Bidder: Tobo Construction, Inc.

Bid Date: 04/29/08

Project Name: SLAUSON RECREATION CENTER – BUILDING IMPROVEMENTS (W.O. #E170311F)

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposal'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	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.	No proof of follow-up log submitted.	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	0
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 = 0% WBE = 0% OBE = 50% PRIME = 50%

RESPONSIVE