

REPORT OF GENERAL MANAGER

APPROVED
SEP 02 2009

NO. 09-228

DATE September 2, 2009

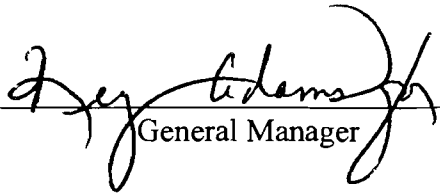
**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BANDINI CANYON TRAILS (#1200A)(W.O. #E1906001) – AMENDMENT TO AGREEMENT BETWEEN CITY OF LOS ANGELES AND LOS ANGELES NEIGHBORHOOD INITIATIVE (LANI) FOR CONSTRUCTION MANAGEMENT SERVICES

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



General Manager

Approved _____

Disapproved _____

Withdrawn _____

*As Amended
City Attached*

RECOMMENDATION:

That the Board:

1. Approve a proposed Amendment to Agreement No. C-112258, substantially in the form on file in the Board Office, between the City of Los Angeles and the Los Angeles Neighborhood Initiative (LANI), to extend the time of performance for one additional year from September 9, 2009 to September 9, 2010, subject to the approval of the Mayor and of the City Attorney as to form;
- 3 ~~2~~. Direct the Board Secretary to transmit the proposed Amendment to the Mayor, in accordance with the Executive Directive No. 3 and to the City Attorney for review and approval as to form; and,
- 4 ~~3~~. Authorize the Board President and Secretary to execute the proposed Amendment, subject to approval as to form by the City Attorney.

SUMMARY:

The Bandini Canyon Trails project (W.O. #E1906001) is located at 420 O'Farrell Street, San Pedro. The project consists of constructing a pedestrian nature trail, landscaping, irrigation, interpretive signage, fencing, playground, and a tot lot.

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On July 11, 2007, the Board of Recreation and Park Commissioners approved City Contract No. 112258 between the City of Los Angeles, acting by and through its Board of Recreation and Park Commissioners, and LANI for the purpose of LANI providing project management and construction management services for the Bandini Canyon Trails project (Board Report No. 07-162).

The project was originally scheduled to be completed in January 2010. The construction contract and Notice to Proceed were issued to contractor Bitech Construction Co., Inc., in December 2008. However, on December 22, 2008, the City received notification from the State that all bond-related payments, which included Propositions 12 and 40 funds, were suspended effective December 17, 2008. The State further advised that all bond-funded projects must be halted unless the projects have non-state funds with which to continue. On January 6, 2009, LANI and Bureau of Engineering (BOE) were able to delay Bitech from starting construction until a cash flow source for the project could be identified.

As of April 9, 2009, RAP and BOE instructed LANI, based on Council approval, to restart the Bandini Canyon Trails project (Council File No. 09-0444). Construction was mobilized on May 19, 2009.

Pursuant to Agreement No. C-112258, Article I, §103, LANI requested a one-year term extension due to the delay in the start of construction. This extension will allow sufficient time to complete the project. The Department and BOE staff support and concur with LANI's request.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund.

This report was prepared by Kai Wong, Management Analyst II, Grants Administration, Department of Recreation and Parks.

EXCERPT FROM THE MINUTES OF THE SPECIAL MEETING
BOARD OF RECREATION AND PARK COMMISSIONERS
AUGUST 2, 2009

GENERAL MANAGER'S REPORT:

09-228

BANDINI CANYON TRAILS (#1200A)(W.O.#E1906001) - AMENDMENT TO AGREEMENT
BETWEEN CITY OF LOS ANGELES AND LOS ANGELES NEIGHBORHOOD
INITIATIVE (LANI) FOR CONSTRUCTION MANAGEMENT SERVICES

Susan Huntley, Grants Administration, amended the report as follows:

- (A) Revise Recommendation No. 1 to read:
Approve a proposed Amendment to Agreement No. C-112258, substantially in the form on file in the Board Office, between the City of Los Angeles and the Los Angeles Neighborhood Initiative (LANI), to increase the total not-to-exceed contract amount from \$321,500 to \$371,500, to modify the current contractor representative information, and to extend the time of performance for one additional year from September 9, 2009 to September 9, 2010, subject to the approval of the Mayor and of the City Attorney as to form;
- (B) Insert the following as Recommendation No. 2:
Authorize the Department's Chief Accounting Employee to encumber funds and to process project-related invoice payments and reimbursements associated with the construction management services provided by LANI under the proposed Agreement, not to exceed the total amount of \$371,500 from available Proposition 40 Urban Park Act funding: Fund No. 205, Department 89, Account No. WV01;
- (C) Recommendation No. 2 now becomes No. 3.
- (D) Recommendation No. 3 now becomes No. 4.
- (E) Insert the following at the end of the first paragraph on page 2 of the Board Report:
Contract No. C-112258 between the City and LANI was signed by the representatives of all parties and executed on September 10, 2007.
- (F) Insert the following paragraph after the third paragraph on page 2 of the Board Report:
As stated in the project's Technical Specifications, a Geotechnical Engineer is required during construction to observe the performance of work related to grading, excavation, fill, and backfill, and to provide daily observation reports, laboratory testings, and final compaction certification. The services of the required Geotechnical Engineer will be retained by LANI and/or its sub-consultant. The provision of the Geotechnical Engineer's services during construction is not included as part of the current scope of services or compensation outlined in LANI's Contract No. C-112258. Based on the fee quotations received from three qualified Geotechnical Engineering firms, the cost is estimated at \$35,500. It is necessary to increase LANI's total not-to-exceed contract amount by \$50,000, from \$321,500 to \$371,500, to cover the costs of the Geotechnical Engineer's services plus other related City and County permit fees estimated at approximately \$14,500. Funds are available from the "cash-flow" loans provided by the Public Works Trust Fund per Council File No. 09-0444.

Motion

It was moved by Commissioner Williams, seconded by Vice-President Sanches that Report No. 09-228 be approved as amended. There being no objections, the Motion was unanimously approved.