

REPORT OF GENERAL MANAGER

**APPROVED**  
OCT 06 2010

NO. 10-262

DATE: October 6, 2010

BOARD OF RECREATION  
and PARK COMMISSIONERS

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: NORTH ATWATER PARK – EXPANSION (W.O. #E1907211) AND CREEK RESTORATION (W.O. #SZW00031) PROJECTS – REVIEW OF BIDS AND AWARD OF CONTRACT

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

*[Signature]*  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Find C.S. Legacy Construction, Inc., (C.S. Legacy) with a base bid of \$2,170,632, to be the lowest responsive and responsible bidder for the North Atwater Park – Expansion (W.O. #E1907211) and Creek Restoration (W.O. #SZW00031) projects;
2. Award the contract to C.S. Legacy, for a total contract award amount of \$2,170,632, all according to the plans and specifications;
3. Authorize the Department’s Chief Accounting Employee to encumber funds in the amount of \$2,170,632 from the following fund and account numbers under the awarding authority of this Board Report; and,

<u>Funding Source</u>	<u>Fund/Dept/Acct. No.</u>	<u>Encumbrance Amount</u>
Sewer Construction and Maintenance Fund	761/50/GGB2	\$399,703
Integrated Resource Watershed Management Grant (Proposition 50 Chapter 8) <sup>(1)</sup>	761/50GGC3	\$812,908
California River Parkways Grant Program (Proposition 50 Chapter 5)	305/50/F220	\$944,325

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401 WQC Mitigation for Balboa Blvd. and Victory Blvd. Intersection mitigation through LADOT	100/78/E352	<u>\$13,696</u>
Total:		\$2,170,632

Note: <sup>(1)</sup> To be front-funded by Sewer Construction and Maintenance Funds and reimbursed upon receipt of grant funds.

4. Direct staff to prepare a contract and authorize the Board President and Secretary to execute the contract, subject to City Attorney approval as to form.

SUMMARY:

On May 5, 2010, the Board approved the final plans and call for bids for the North Atwater Park-Expansion (W.O. #E1907211) and Creek Restoration (W.O. #SZW00031) projects, located at 3900 West Chevy Chase Drive, Los Angeles, CA 90039 (Board Report No. 10-101). The plans call for the construction of a new park and the restoration of an existing degraded remnant seasonal riparian stream tributary to the Los Angeles River, approximately 4.17 acres in size, with the project scope outlined as follows:

1. Structural Best Management Practices (BMPs) elements including reshaping the existing streambed to provide flood protection by slowing down storm flows to the Los Angeles River. Landscaping will include native plants to prevent erosion and decomposed granite walkways to allow public access. This will also include a trash capture device at the beginning of the stream bed, at Chevy Chase Dr. and also at the concrete channel at Verdant Street, along the equestrian arena;
2. Perimeter security gates and fences;
3. Parking lot with permeable pavers in the parking spaces;
4. Benches, trash receptacles, boulder/broken concrete retaining walls and seating areas, interpretive signage, picnic tables, concrete play tunnel, sand play yard and a drinking fountain;
5. Site utilities and service connections, grading, and an on-grade and underground site drainage system.

On June 29, 2010, nine (9) bids were received for this project. The lowest responsive and responsible bid is C.S. Legacy, Construction, Inc., with a base bid amount of \$2,162,482, which is \$1,837,518 below the City Engineer's cost estimate of \$4,000,000. The bid amounts received are as follow:

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Bidders	Base Bid
C.S. Legacy, Construction, Inc.	\$2,162,482
Environmental Construction, Inc.	\$2,225,000
Los Angeles Engineering, Inc.	\$2,282,044
USS Cal Builders, Inc.	\$2,381,903
Ohno Construction Company	\$2,588,661
Fata Construction & Development	\$2,835,000
Morillo Construction, Inc.	\$2,868,000
SIMGEL Co., Inc.	\$2,972,000
PacWest Engineering	\$3,800,000

The bid documents stated that the determination of the lowest bidder would be based on the Base Bid amount.

All qualifying bidders were required to submit with their bids evidence of having under their employment a qualified Project Manager or Superintendent who will be on site at all times during construction and will oversee all work done. The person to be assigned as Project Manager or Superintendent for this project was to have met the requirements of having experience in construction of a minimum of three (3) creek restoration projects and have experience in techniques for creek re-vegetation planting, including installing willow wattles.

C.S. Legacy listed their Total Bid Amount incorrectly. The original Total Bid Amount was listed as \$2,162,482. Staff corrected their Total Bid Amount in accordance with the procedures set forth in the General Instructions and Information for Bidders. C.S. Legacy was contacted and notified of the correction. The correction did not change the order of the bids.

In addition to meeting all other bid requirements, C.S. Legacy did submit evidence that they met the minimum qualification requirements. Therefore, C.S. Legacy is the lowest responsive and responsible bidder. A summary of the review and verification of the qualification documentations submitted by the bidders is attached to this report. It is, therefore, recommended that the Board award the total award amount of \$2,170,632.

Staff has reviewed the subcontractor outreach effort made by C.S. Legacy and based on the documents submitted, has determined that a "good faith" effort has been made. C.S. Legacy, obtained a MBE/WBE participation of 0%, and satisfied ninety (90) out 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.

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The City Attorney and staff have reviewed the bids submitted by C.S. Legacy, and found it to be in order. Staff recommends that the Board find C.S. Legacy, to be the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of C.S. Legacy, 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 accordance with the California Environmental Quality Act (CEQA), staff has determined that the subject project has been previously evaluated for environmental impacts, and the Department of Recreation and Parks has prepared a Notice of Exemption for the project. The Notice of Exemption was filed with the Los Angeles City and County Clerks on October 13, 2005. Staff finds that the project has not substantially changed from that previously evaluated, which otherwise would have required additional mitigation, and that the environmental conditions at the site have not substantially changed. Therefore, no additional mitigation and no additional CEQA documentation is required.

### FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department's General Fund as the project's costs will be fully funded by the above-listed funds specifically identified and approved for this project. Future operations and maintenance costs will be assessed upon completion of the project and addressed in the future budget request. The portion of the project to be funded by the Integrated Resource Watershed Management Grant (Proposition 50) will be front-funded by the Sewer Construction and Maintenance (SCM) Fund. The grant funds will be used to reimburse the SCM fund. SCM Funds may be drawn from the Sewer Capital Fund No. 761, the Waste Water System Commercial Paper B Construction Fund No. 70X, or any other funds established as a result of commercial paper or bond sales, at the discretion of the Director of Sanitation or appointed designee.

This report was prepared by Renee Curtis, Project Manager, Bureau of Engineering Architectural Division. Reviewed by Neil Drucker, Program Manager, Bureau of Engineering Recreational and Cultural Facilities Program; and Michael A. Shull, Superintendent, Planning and Construction, Department of Recreation and Parks.

**GOOD FAITH EFFORT CHECKLIST- EVALUATION DRAFT WORK**

**Bidder:** CS Legacy Construction, Inc.

**Bid Date:** June 29, 2010

**PROJECT:** North Water Park – Expansion And Creek Restoration (E1907211 & SZW00031)

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 <sup>st</sup> Floor, Los Angeles, Ca. 90015.	Did not attend Pre-bid Mtg. nor submitted a letter of excuse.	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
<b>TOTAL POINTS ACHIEVED</b>			<b>90</b>	
<b>MBE/WBE % ACHIEVED:</b>			<b>0%</b>	

MBE= 0%      WBE=0%      OBE= 40%      PRIME= 60%

**RESPONSIVE**