

A G E N D A

BOARD OF RECREATION AND PARK COMMISSIONERS  
OF THE CITY OF LOS ANGELES

Wednesday, October 6, 2010 at 9:30 a.m.

EXPO Center  
Community Hall Room  
3980 S. Bill Robertson Lane (Formerly Menlo Avenue)  
Los Angeles, CA 90037

(Parking located in "Lot 1", at the corner of Martin Luther King  
Boulevard and Menlo Avenue)

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A  
SPEAKER'S REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION  
EXECUTIVE ASSISTANT PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM.

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS  
WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED, FOR  
A CUMULATIVE TOTAL OF UP TO FIFTEEN (15) MINUTES FOR EACH ITEM. ALL  
REQUESTS TO ADDRESS THE BOARD ON PUBLIC HEARING ITEMS MUST BE  
SUBMITTED PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM. COMMENTS BY  
THE PUBLIC ON ALL OTHER MATTERS WITHIN THE SUBJECT MATTER JURISDICTION  
OF THE BOARD WILL BE HEARD DURING THE "PUBLIC COMMENTS" PERIOD OF THE  
MEETING. EACH SPEAKER WILL BE GRANTED TWO MINUTES, WITH FIFTEEN (15)  
MINUTES TOTAL ALLOWED FOR PUBLIC PRESENTATION.

1. APPROVAL OF THE MINUTES:

Approval of the Minutes of the Meetings of September 23, 2010

2. GENERAL MANAGER'S REPORTS:

- 10-256 Brand Park - Community Building (#2800N)  
(W.O.#E170935F) - Contract No. 3212 - Final Acceptance
- 10-257 David M. Gonzales Recreation Center - Building  
Enclosure and Weight Room Conversion (W.O.#E170431F) -  
Final Acceptance
- 10-258 Ross Snyder Recreation Center - Parking Lot and  
Basketball (W.O.#E170941F) Project - Contract No. 3268  
- Final Acceptance
- 10-259 Lafayette Park - Recreation Center (W.O.#E170317F);  
Van Nuys Sherman Oaks - East Valley Multi-Purpose  
Center (W.O.#E1700475) - Acceptance and Release of  
Stop Notices on Construction Contracts
- 10-260 Stoner Skate Plaza (W.O.#E170460F) - Contract No. 3286  
- Discontinuance of Retention
- 10-261 Van Nuys Sherman Oaks Park - East Valley Multipurpose  
Center (PRJ1580A) (W.O.#E1700475) - Contract No. 3272 -  
Discontinuance of Retention

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- 10-262 North Atwater Park - Expansion (W.O.#E1907211) and Creek Restoration (W.O.#SZW00031) Projects - Review of Bids and Award of Contract
- 10-263 As-Needed Architectural Design Services - Frank R. Webb Architects, Inc., - Amendment No. 2 to Consultant Contract No. 2934
- 10-264 MacArthur Park - Bandshell Restrooms (#20478) (W.O.#E1907293) - Memorandum of Understanding between the Department of Recreation and Parks, the Bureau of Engineering and the Department of General Services
- 10-265 Helen Bernstein High School - Joint Use Agreement between the Department of Recreation and Parks and the Los Angeles Unified School District for the Shared Use of a Synthetic Turf Multi-Use Sportsfield and Exterior Restroom during Summer Seasons
- 10-266 Robert F. Kennedy Inspiration Park - Use Agreement between the Department of Recreation and Parks and the Los Angeles Unified School District for the Operation and Maintenance of a New Park on a Portion of School Property
- 10-267 Mar Vista Recreation Center - Agreement with Los Angeles Parks Foundation for the Donation of the Design and Partial Construction of a Skate Plaza
- 10-268 Holmby Park, Pan Pacific Recreation Center, and Sepulveda Basin Recreation Area-Anthony C. Bielsonson Park - Approval of Warner Bros. Corporate Sponsorship through the Los Angeles Park Foundation
- 10-269 Rescission of Previous Board Action Authorizing the Encumbrance of Funds - Bandini Canyon Trails (#1200A) (W.O.#E1906001)
- 10-270 Renewal Application to the California Department of Education for the 2010-2011 Summer Food Service Program
- 10-271 Jackie Tatum Harvard Recreation Center - Donation from the United States Tennis Association
- 10-272 EXPO Center - Donation from the Brotherhood Crusade
- 10-273 Various Donations to Operations East - Pacific Region
- 10-274 Various Communications

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3. COMMISSION TASK FORCES:

- Commission Task Force on Concessions (Commissioners Stanley and Williams)
- Commission Task Force on Facility Repair and Maintenance (Commissioners Sánchez and Werner)

4. PRESENTATIONS:

- Bureau of Engineering - Project Update - Status Report on Current Projects
- Bureau of Contract Administration, General Services Division - Status Report on Subcontractor Approval Activity

5. GENERAL MANAGER'S ORAL REPORT:

Report on Department Activities and Facilities

6. FUTURE AGENDA ITEMS:

Requests by Commissioners to Schedule Specific Items on Future Agendas

7. PUBLIC COMMENTS:

Any comments which require a response or report by staff will be automatically referred to staff for a report at some subsequent meeting.

8. NEXT MEETING:

The next scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, October 20, 2010 at 9:30 a.m., at Westchester Recreation Center, 7000 West Manchester Avenue, Los Angeles, CA 90045.

9. ADJOURNMENT:

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213)202-2640.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 are not final until the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and if Council asserts jurisdiction during this

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five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Commission Meetings can be heard live over the telephone through the Council Phone system. To listen to a meeting, please call one of the following numbers:

from Downtown Los Angeles	(213) 621-CITY (2489)
from West Los Angeles	(310) 471-CITY (2489)
from San Pedro	(310) 547-CITY (2489)
from Van Nuys	(818) 904-9450

For information, please go to the City's website:  
<http://ita.lacity.org/Residents/CouncilPhone/index.htm>

Information on agenda items may be obtained by calling the Commission Office at (213) 202-2640. Copies of the agenda and reports may be downloaded from the Department's website at [www.laparks.org](http://www.laparks.org).

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REPORT OF GENERAL MANAGER

NO. 10-256

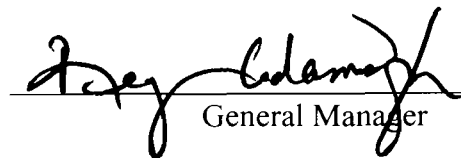
DATE October 6, 2010

C.D. 7

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRAND PARK – COMMUNITY BUILDING (#2800N) (W.O. #E170935F) –  
CONTRACT NO. 3212 – FINAL ACCEPTANCE

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

  
\_\_\_\_\_

General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

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RECOMMENDATIONS:

That the Board:

1. Approve the final acceptance of work performed under Contract No. 3212 as outlined in the Summary of this report;
2. Assess liquidated damages in the amount of \$235,500 against Tek-Up Construction, Inc.;
3. Authorize the Department’s Chief Accounting Employee to withhold all retention monies held under Contract No. 3212 to Tek-Up Construction, Inc., until outstanding labor violations are resolved; and,
4. Authorize the Board Secretary to furnish Tek-Up Construction, Inc., with a letter of completion.

SUMMARY:

The construction contract for Brand Park – Community Building (#2800N) (W.O. #E170935F) project was awarded to Tek-Up Construction, Inc., on April 19, 2007 (Board Report No. 07-98), in the amount of \$1,452,971. The statement of completion for the project, located at 15121 S. Brand Boulevard, Mission Hills, CA 91345, was issued on October 19, 2009.

## REPORT OF GENERAL MANAGER

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The project scope of work consisted of the construction of a single-story wood-framed 3,050 square-foot community building which included an assembly room, small office, small serving/warming kitchen, restrooms, storage, and mechanical spaces. Landscaping improvements included a courtyard with a gazebo, trellis, paving, and irrigation work.

Plans for the project were prepared by Miralles Associates, Inc. The Bureau of Engineering, Construction Management Group completed the construction management of the project under the Recreational and Cultural Facilities Program (RCFP).

The RCFP Program Manager has informed the Department that the project is complete and that the contractor has furnished the required permits, drawings, operation and maintenance manuals, and guarantees. There were 22 Change Orders issued on this project in the amount of \$302,976 or 21% of the base contract amount. The final construction contract amount, including change orders, is \$1,755,947.

It is recommended that the Board assess liquidated damages against Tek-Up Construction, Inc. The contract end date, including all compensable and non-compensable time extensions, was on May 15, 2009. However, the contractor failed to complete the work until October 19, 2009, a difference of 157 days, when the Department of Public Works, Bureau of Contract Administration issued the Statement of Completion. The contract stipulated a liquidated damage rate of \$1,500 per day. The total liquidated damages amounts to \$235,500.

Department staff consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and the Affirmative Action requirements on the project. There are still outstanding prevailing wage violations against Tek-Up Construction, Inc., with both the Office of Contract Compliance and the City Attorney's Office involved in litigation. It is recommended that the Board withhold all retention monies until a resolution is reached concerning the prevailing wage violations of Tek-Up Construction, Inc.

### FISCAL IMPACT STATEMENT:

The construction project was funded by Proposition K, Proposition A, Proposition 40 PC, Proposition 12 MH, Quimby, and Sites & Facilities funds. There is no fiscal impact to the Department's General Fund.

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; Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and Michael A. Shull, Superintendent of Planning and Construction, Department of Recreation and Parks.

REPORT OF GENERAL MANAGER

NO. 10-257

DATE October 6, 2010

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: DAVID M. GONZALES RECREATION CENTER - BUILDING ENCLOSURE AND WEIGHT ROOM CONVERSION (W.O. #E170431F) - FINAL ACCEPTANCE

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

*[Signature]*  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the final acceptance of the work performed under the Memorandum of Understanding (MOU) with the Department of General Services (GSD) as outlined in the Summary of this report; and
2. Authorize the Board Secretary to furnish GSD with a letter of completion.

SUMMARY:

On May 21, 2008, the David M. Gonzalez Recreation Center - Building Enclosure and Weight Room Conversion (W.O. #E170431F) project was awarded to GSD through the approval of an MOU between the Department of Recreation and Parks (RAP), Bureau of Engineering (BOE), and GSD (Board Report No. 08-133). The project scope of work added new walls on the south and east sides of the existing patio to convert an open weight room to a 775 square-foot enclosed space with new air conditioning system and new floor tiles. The project also replaced a drinking water fountain. The total construction cost was \$96,125.84. There were no change orders on this project and it was completed under budget.

REPORT OF GENERAL MANAGER

PG. 2

NO. 10-257

GSD completed all work pertaining to the David M. Gonzalez Recreation Center – Building Enclosure and Weight Room Conversion (W.O. #E170431F) project. BOE Construction Management Division provided the construction management of the project. The Program Manager has advised the Department that GSD completed the construction of the project and that the quality of the work is very satisfactory.

There are no contract compliance or labor issues with the work done under this MOU. Some of the construction work was completed by City employees and others by subcontractors under the supervision of GSD staff.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund. The Department currently operates these facilities and operating budget is in place.

This report was prepared by Ejike Mbaruguru, Recreational and Cultural Facilities Program, and Richard Chang, Construction Management Division, Bureau of Engineering. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program; and Michael A. Shull, Superintendent, Planning and Construction Division, Department of Recreation and Parks.



REPORT OF GENERAL MANAGER

NO. 10-258

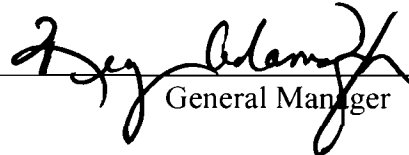
DATE October 6, 2010

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ROSS SNYDER RECREATION CENTER – PARKING LOT AND BASKETBALL (W.O. #E170941F) PROJECT – CONTRACT NO. 3268 – FINAL ACCEPTANCE

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

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

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RECOMMENDATIONS:

That the Board:

1. Approve the final acceptance of work performed under Contract No. 3268 as outlined in the Summary of this Report;
2. Authorize the Department’s Chief Accounting Employee to release all retention monies held under Contract No. 3268 to Tobo Construction, Inc., 35 calendar days after acceptance by the Board less the amount stipulated in Board Report No. 10-203; and,
3. Authorize the Board Secretary to furnish Tobo Construction, Inc., with a letter of completion.

SUMMARY:

The construction contract for the Ross Snyder Recreation Center – Parking Lot and Basketball Court (W.O. #E170941F) project was awarded to Tobo Construction, Inc., on November 7, 2008 (Board Report No. 08-296), in the amount of \$389,000. The project, located at 1501 E. 41<sup>st</sup> Street, Los Angeles, CA 90011, was completed on August 18, 2010. The project provided for construction of a new parking lot and basketball court.

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 10-258

Plans for the project were prepared by Kanner Architects. The project scope of work consisted of a new basketball court surface – asphalt with deco color paint, a permeable concrete block paved parking lot, concrete paths throughout, a new gate, and fencing, and landscaping including California native trees and drought tolerant shrubs, an automated irrigation system, security and general site lighting, and a drinking fountain.

The Bureau of Engineering, Construction Management Group completed the construction management of the project under the Recreational and Cultural Facilities Program (RCFP). The facility was opened to the public on January 25, 2010. The contractor received the Statement of Completion from the Contract Administration inspector on August 19, 2010.

The RCFP Program Manager has informed the Department that the project is complete and that the contractor has furnished the required permits, drawings, operation and maintenance manuals, and guarantees. There were 13 Change Orders issued in the amount of \$63,464.12 or 16% of the base contract amount. The final construction contract amount, including change orders, is \$452,464.12.

Department staff consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project. There were wage violations against Tobo Construction, Inc. which were addressed in Board Report No. 10-203. An amount of \$35,056.46 is to be forfeited from the final retention.

### FISCAL IMPACT STATEMENT:

The construction project was funded by Proposition K and Sites & Facilities funds. There is no fiscal impact to the Department at this time.

This report was prepared by Gary Lam, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering and reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; and Michael A. Shull, Superintendent of Planning and Development, Department of Recreation and Parks.

REPORT OF GENERAL MANAGER

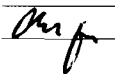
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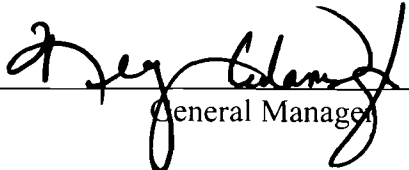
DATE October 6, 2010

C.D. 2, 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAFAYETTE PARK – RECREATION CENTER (W.O. #E170317F); VAN NUYS SHERMAN OAKS – EAST VALLEY MULTI-PURPOSE CENTER (W.O. #E1700475) – ACCEPTANCE AND RELEASE OF STOP NOTICES ON CONSTRUCTION CONTRACTS

R. Adams	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____
S. Huntley	_____	*M. Shull	
V. Israel	_____		

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Accept the following Stop Notices and direct staff to withhold the amounts claimed, plus an additional sum equal to 25% thereof, to defray any costs of litigation in the event of court action, if said amounts of said funds are available, and to notify the contractors, sureties, and other interested parties that the amount of said claims plus 25% will be withheld; and,
2. Accept the following Release of Stop Notice.

SUMMARY:

STOP NOTICE:

The Department is in receipt of a legal notice to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

<u>Contract 3237</u>	CD 10	General Contractor:	Western Alta Construction
Lafayette Park – Recreation Center		Claimant:	Hanson Aggregates LLC
(W.O. #E170317F)		Amount:	\$12,506.91
Project Status: 84% Complete			
Project Impact: none			

REPORT OF GENERAL MANAGER

PG. 2

NO. 10-259

Project Status:  
Project Impact: none

Claimant: Robertson's  
Amount: \$5,211.59

RELEASE OF STOP NOTICE:

The Department is in receipt of a Release of Stop Notice filed by the claimant below, which releases the Board from any and all liability for withholding funds from the general contractor or the sureties:

Contract 3272 CD 2

Van Nuys/Sherman Oaks - East Valley Multi-  
Purpose Center (W.O. #E170317F)

Project Status:  
Project Impact: none

General Contractor: Ford E.C., Inc.

Claimant: Eckles Construction, Inc.  
Amount: \$10,793.51

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund, as funds have already been appropriated for this purpose.

This report was prepared by LaTonya D. Dean, Commission Executive Assistant.

REPORT OF GENERAL MANAGER

NO. 10-260

DATE October 6, 2010

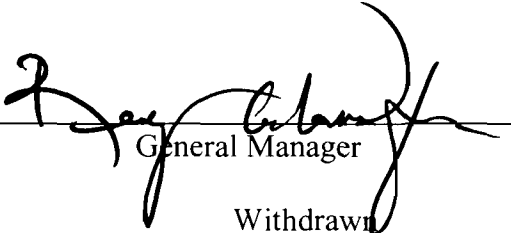
C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: STONER SKATE PLAZA (W.O. #E170460F) – CONTRACT NO. 3286 – DISCONTINUANCE OF RETENTION

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
S. Huntley \_\_\_\_\_  
V. Israel \_\_\_\_\_

F. Mok \_\_\_\_\_  
K. Regan \_\_\_\_\_  
\*M. Shull ESL for

  
\_\_\_\_\_  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the request of California Skateparks, Inc., (Cal Skate) to discontinue further retention on the original contract value for all subsequently approved payment claims on the Stoner Skate Plaza (W.O. #E170460F) project, Contract No. 3286; and,
2. Direct the Board Secretary to notify all interested parties regarding said discontinuance of retention.

SUMMARY:

The Department is in receipt of a request from Cal Skate, contractor for the Stoner Skate Plaza (W.O. #E170460F) project, Contract No. 3286, to discontinue withholding further retention for all subsequently approved payment claims as the project is more than fifty percent (50%) complete, per General Requirements, Article 20 (D). The current construction contract amount is \$961,111. To date, the total retention funds withheld are \$94,452.35. The project is now 98% complete in construction.

Pursuant to Section 9-3.2 of the Standard Specifications for Public Works Construction, the Contract, retention of ten percent (10%) is held on the progress payment of each approved payment. After fifty percent (50%) of work has been completed, subject to a written request from the contractor, and if progress on the Work is satisfactory, the deduction to be made from remaining progress requests and from the final payment request may be limited to \$500 or 10% of the first half of total Contract amount, whichever is greater. This conforms to standard

REPORT OF GENERAL MANAGER

PG. 2                      NO. 10-260

practice on construction contracts.

The contractor has satisfactorily completed 98% of the original contract price, and all further pay requests will be for change orders that have been agreed to upon by all of the parties. In addition, the BOE Project Manager recommends that this request be honored, as Cal Skate, is in good standing and moving forward with the project.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Funds as the monies involved are already appropriated to this contract. The project constructed a Skate Plaza, which is in use and maintained by the Department's maintenance staff.

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

REPORT OF GENERAL MANAGER

NO. 10-261

DATE October 6, 2010

C.D. 2

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VAN NUYS SHERMAN OAKS PARK – EAST VALLEY MULTIPURPOSE CENTER (PRJ1580A) (W.O. #E1700475) – CONTRACT NO. 3272 – DISCONTINUANCE OF RETENTION

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 \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve the request of Ford Engineering and Construction, Inc., (Ford E.C., Inc.), to discontinue further retention on the original contract value for all subsequently approved payment claims on the Van Nuys Sherman Oaks Park - East Valley Multipurpose Center (PRJ1580A) (W.O. #E1700475) project, Contract No. 3272; and,
2. Direct the Board Secretary to notify all interested parties regarding said discontinuance of retention.

SUMMARY:

The Department is in receipt of a request from Ford E.C., Inc., contractor for the Van Nuys Sherman Oaks Park – East Valley Multipurpose Center (PRJ1580A) (W.O. #E1700475) project, Contract No. 3272, to discontinue withholding further retention for all subsequently approved payment claims, as the project is more than fifty percent (50%) complete. The current construction contract amount is \$9,551,222. To date, the total retention funds withheld are \$706,954.64. The project is now 74% complete in construction.

Pursuant to Division 01 – General Requirements, Section 20.D.1 and D.2 of the Contract, which states, “D.1 -Retention of ten percent (10%) will be held on the original Contract value of each approved payment claim until the amount paid of the original Contract equals fifty percent

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 10-261

(50%). The City may then, at its sole discretion discontinue further retention on the original Contract value for all subsequently approved payment claims” and if the project is progressing satisfactorily, that “D.2 - At any time during the course of the Contract, the City may, at its sole discretion, reinstate the ten percent (10%) retention.” This conforms to standard practice on construction contracts.

The contractor has satisfactorily completed 74% of the original contract price, and all further pay requests will be for change orders that have been agreed upon by all the parties. In addition, the Bureau of Engineering (BOE) Project Manager recommends that this request be honored, as Ford E.C., Inc., is in good standing and moving forward with this project.

### FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department’s General Fund as the monies involved are already appropriated to this contract.

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



REPORT OF GENERAL MANAGER

NO. 10-262

DATE: October 6, 2010

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>[Signature]</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

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 10-262

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.





































































