

APPROVED

MAY 21 2020

BOARD REPORT

BOARD OF RECREATION
AND PARK COMMISSIONERS

NO. 20-088 REVISED

DATE May 21, 2020

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED PRE-QUALIFIED GENERAL CONTRACTORS FOR PARK FACILITIES CONSTRUCTION – AWARD OF CONTRACTS FOR NEW FACILITY CONSTRUCTION AND FACILITY MODERNIZATION, RENOVATION AND/OR REPAIR

AP Diaz	_____	S. Piña-Cortez	_____
H. Fujita	_____	C. Santo Domingo	_____
V. Israel	_____	* N. Williams	<u>NW</u>

Maureen Denise Williams

General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Find, in accordance with Charter Section 375, that it is in the best interest of the Department of Recreation and Parks (RAP) to prequalify general contractors who are eligible to bid on projects for Park Facilities Construction involving new facility construction and facility modernization, renovation and/or repairs in order to expedite the solicitation and award of such services for projects on an as-needed basis in light of the significant number of projects in need of such services which are anticipated for the foreseeable future;
2. Find, in accordance with Charter Section 1022, that RAP does not have available in its employ, personnel with sufficient time or necessary expertise to undertake park facilities construction services in a timely manner, and it is more feasible, economical and in RAP's best interest, to secure these services by contract with pre-qualified general contractors to perform this work on an as-needed basis based on bids to be received from the pre-qualified general contractors for each qualifying park facilities construction project;
3. Approve the waiver of informalities in the responses of the following five (5) recommended contractors in connection with their responses to RAP's Request for Qualifications for Prequalified General Contractors for Park Facilities Construction (RFQ) released on November 22, 2019, as more fully set forth in this Report;
 - a) Ian Thomas Group, Inc.
8070 Webb Ave., North Hollywood CA 91605
 - b) S3 Builders
7684 Clybourn Ave., Sun Valley CA 91352
 - c) Ford E.C., Inc.
10850 Wilshire Blvd. Suite 380, Los Angeles CA 90024

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- d) Pinner Construction Co., Inc.
1255 S. Lewis St., Anaheim CA 92805
 - e) Rudolph and Sletten, Inc.
601 S. Figueroa St. Unit 3750, Los Angeles CA 90017
4. Approve the award and execution of contracts for pre-qualified general contractors for new facility construction (New Facility Contracts), in substantially the form attached to this Report as Attachment 1, between RAP and the following firms,, for a term of four (4) years, plus one (1) four-year (4) extension option exercisable at the sole discretion of RAP's General Manager, and for an annual expenditure not to exceed Fifty Million Dollars (\$50,000,000.00) per contract per year, subject to approval of the Mayor and City Council, and the City Attorney as to form;

Recommended Contractors:

- a) 2H Construction, Inc.
2653 Walnut Ave., Signal Hill CA 90755
- b) Bernards Bros. Inc.
555 First St., San Fernando CA 91340
- c) C.S. Legacy Construction Inc.
1704 S. Grove Ave. Unit B, Ontario CA 91761
- d) Chris Kelley Inc. dba Childs Play
1852 Langley Ave., Irvine CA 92614
- e) Ford E.C., Inc.
10850 Wilshire Blvd. Suite 380, Los Angeles CA 90024
- f) Menemsha Development Group, Inc.
20521 Earl St., Torrance CA 90503
- g) Pinner Construction Co., Inc.
1255 S. Lewis St., Anaheim CA 92805
- h) Rudolph and Sletten, Inc.
601 S. Figueroa St. Unit 3750, Los Angeles CA 90017
- i) Sinanian Development, Inc.
18980 Ventura Blvd. Suite 200, Tarzana CA 91356
- j) United Riggers and Erectors, Inc.
4188 Valley Blvd., Walnut CA 91789

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5. Approve the award and execution of contracts for pre-qualified general contractors for facility modernization, renovation and/or repairs (Renovation Contracts), in substantially the form attached to this Report as Attachment 2, between RAP and the following firms, for a term of four (4) years, plus one (1) four-year (4) extension option exercisable at the sole discretion of RAP's General Manager, and for an annual expenditure not to exceed Fifty Million Dollars (\$50,000,000.00) per contract per year, subject to approval of the Mayor and City Council, and the City Attorney as to form;

Recommended Contractors:

- a) Ian Thomas Group, Inc.
8070 Webb Ave., North Hollywood CA 91605
- b) S3 Builders
7684 Clybourn Ave., Sun Valley CA 91352
- c) 2H Construction, Inc.
2653 Walnut Ave., Signal Hill CA 90755
- d) Access Pacific, Inc.
2538 Sierra Grande St., Pasadena CA 91107
- e) Bernards Bros. Inc.
555 First St., San Fernando CA 91340
- f) C.S. Legacy Construction Inc.
1704 S. Grove Ave. Unit B, Ontario CA 91761
- g) Chris Kelley Inc. dba Childs Play
1852 Langley Ave., Irvine CA 92614
- h) Ford E.C., Inc.
10850 Wilshire Blvd. Suite 380, Los Angeles CA 90024
- i) Houalla Enterprises LTD dba Metro Builders and Engineers Group, LTD
2610 Avon St., Newport Beach CA 92663
- j) Pinner Construction Co., Inc.
1255 S. Lewis St., Anaheim CA 92805
- k) Rudolph and Sletten, Inc.
601 S. Figueroa St. Unit 3750, Los Angeles CA 90017

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- l) United Riggers and Erectors, Inc.
4188 Valley Blvd., Walnut CA 91789
6. Direct the Board of Recreation and Parks Commissioners (Board) Secretary to transmit the New Facility Contracts and Renovation Contracts to the Mayor in accordance with Executive Directive No. 3 and City Council for approval, and concurrently to the City Attorney for review and approval as to form;
7. Authorize the Board President and Secretary to execute the New Facility Contracts and Renovation Contract upon receipt of the necessary approvals; and,
8. Authorize RAP's General Manager or his designee to make technical corrections as necessary to carry out the intent of this Report.

SUMMARY

RAP has a need to establish a pool of pre-qualified general contractors to provide construction services for new facility construction projects and facility modernization, renovation and/or repairs projects. RAP is amid a projected \$500 million plus capital projects campaign over the next decade to improve facilities. Awarding of the New Facility Contracts and Renovation Contracts to the recommended contractors identified in this Report will support RAP staff's ability to inform, set the performance expectations for, and prequalify the most experienced and qualified general contractors, to ensure RAP will be in a position to procure general contractors expeditiously for project delivery. It is critical that RAP has access to these services to improve recreation and parks infrastructure to ultimately improve participation in recreation programs with a priority on low-income communities throughout its vast 450 plus park locations. Establishing a pool of pre-qualified general contractors for these services will put RAP in the position to assist in delivering all of these needed projects that will also stimulate the economic recovery post the COVID 19 crisis.

A Prequalified General Contractors for Park Facilities Construction Request for Qualifications (RFQ) was released on November 22, 2019. A Mandatory Pre-Qualification Meeting was conducted on December 12, 2019 and a second Mandatory Pre-Qualification Meeting was conducted on January 7, 2020. A Non-Mandatory Technical Review Meeting was conducted on January 30, 2020. The RFQ allowed responders to submit proposals in response for park facilities construction services for two contract qualifiers: 1) New Facility Construction; and 2) Facility Modernization, Renovation, and/or Repairs. Responders were required to submit proposals for one or both qualifiers.

The scope of the New Facility Contracts will include, but not be limited to:

- Construction of a new building which may include recreation/community centers, gymnasiums, pool facilities, senior citizen's centers, childcare centers, maintenance/office buildings and general landscaping and associated outdoor amenities including but not limited to athletic/sports fields (fencing, lighting, infields, athletic equipment, lighting,

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irrigation, dugouts, shade structures, bleachers, hydration stations, etc...), general park lighting, walkways, landscaping, and additional park amenities.

- Provision of professional services related to new facility construction which includes but is not limited to architectural, engineering (civil, structural, mechanical, electrical, plumbing, geotechnical), and survey.
- Pre-qualified general contractors may be asked to bid on projects as a design/build.

The scope of the Renovation Contracts will include, but not be limited to:

- Building modernization, renovation and/or repair of an existing building or outdoor recreation area which may include recreation/community centers, gymnasiums, pool facilities, senior citizen's centers, childcare centers restroom, maintenance/office, buildings, general landscaping and all components associated with athletic/sports fields (fencing, lighting, infields, athletic equipment, lighting, irrigation, dugouts, shade structures, bleachers, hydration stations, etc...). Work may include but not be limited to complete renovation, modernization and/or expansion, building repairs, such as, repair of vandalized structures, repair fire damaged structures or repair of deteriorating condition. Such renovation work may include, but not be limited to, upgrades to an existing facility to provide disabled access compliance to restrooms and path of travel.
- Provision of professional services related to facility modernization, renovation and/or repair work, which includes but is not limited to architectural, engineering (civil, structural, mechanical, electrical, plumbing, geotechnical), hazardous abatement surveys, as-built surveys, condition and building code assessments, and topographic surveys.
- Pre-qualified general contractors may be asked to bid on projects as a design/ build.

On February 25, 2020, RAP received responses from the following twenty-one (21) entities in response to the RFQ:

- 1) 2H Construction, Inc.
- 2) Access Pacific, Inc.
- 3) Arc Construction Inc.
- 4) Axiom Group
- 5) Bernards Bros. Inc.
- 6) C.S. Legacy Construction Inc.
- 7) C.W. Driver LLC
- 8) Chris Kelley Inc. dba Childs Play
- 9) Evergreen Environment Inc.
- 10) Ford E.C., Inc.
- 11) General Consolidated Constructors, Inc.
- 12) Houalla Enterprises LTD dba Metro Builders and Engineers Group, LTD
- 13) Ian Thomas Group, Inc.
- 14) Mariposa Landscapes, Inc.
- 15) Menemsha Development Group, Inc.
- 16) Pinner Construction Co., Inc.
- 17) Rudolph and Sletten, Inc.

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- 18) S.J. Amoroso Construction Co., Inc.
- 19) S3 Builders
- 20) Sinanian Development, Inc.
- 21) United Riggers & Erectors, Inc.

Responders were required to provide evidence of their qualifications and were required to meet all of the minimum requirements related to work experience, professional licenses, a representative projects list and required project documentation as stated below:

- 1) Provide a brief (maximum of three (3) pages) statement of the firm's general background information related to constructing new facilities and/or facility modernization, renovation, and/or repair services, at least ten (10) years of experience performing construction services, the organizational approach and range of services, and other resources that will be used in the performance of the contract work.
- 2) Have an established office(s) within Southern California (Los Angeles, Orange, Riverside, San Bernardino, San Diego, or Ventura counties). The response shall include the address of the office location(s) and the name and phone number of the office manager(s).
- 3) Have had no severe violations or citations lodged by Cal/OSHA or other regulatory agencies in the last five years, particularly any involving the suspensions or revocations of professional licenses or registrations.
- 4) Have certified and technical specialties that have current State of California or applicable governing entity certifications, including: California Licensing Classification "A" (General Engineering Contractor) and/or "B" (General Building Contractor) in good standing with the California State Licensing Board (CSLB).
- 5) Submit a list of projects in each pre-qualification category completed by the company ranging from 2009 to present. Each project listing must contain the following information for each item: the title, a brief description of services and deliverables provided, the service period, the client name, and a valid contact reference.
 - New Facility Construction: Six (6) projects performed on a municipal, governmental, or commercial structure. Projects must have included the installation of various utilities including water, power, sewer and gas. Projects must have been subject to code compliances including Building, Mechanical, Electrical, Plumbing, and Fire Life Safety and Disabled Access code requirements.
 - Facility Modernization, Renovation, and/or Repairs: Eight (8) projects performed on a municipal, governmental, or commercial structure. Projects must have included the installation of various utilities including water, power, sewer and gas. Projects must have been subject to code compliances including Building,

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Mechanical, Electrical, Plumbing, and Fire Life Safety and Disabled Access code requirements.

Results of the RFQ Process

Responses were evaluated with a two-level review to determine if each responder met the minimum qualifications as stated in the RFQ document. The first level determined if the responder submitted a complete package and all required forms. The second level focused on the qualifications and quality of the information provided and whether the experience submitted met the minimum qualifications as stated in the RFQ.

It was found through review and verification by RAP staff that the recommended contractors met and/or exceeded the minimum qualifications as set forth in the RFQ. Of the twenty-one (21) responders, nine (9) submitted complete packages. Five (5) responders submitted packages with minor informalities. Staff recommends waiving these informalities as it will be in the interest of RAP by increasing competition in the bid process for projects. The following five (5) firms have informalities which can be waived:

- 1) Ford E.C., Inc. submitted complete Child Care Policy forms but failed to sign the Vendor Child Care Policy Program Child Care Declaration Statement in one place. This form can be sent to Ford E.C., Inc. for signature, to be returned to the Board Office within 14 days of written notice.
- 2) Ian Thomas Group failed to sign the Affidavit to Accompany Proposals/Bids/Submissions of Qualifications form, however, the company did include the notary seal on the certificate of the notary. The bidder submitted complete Child Care Policy forms but failed to sign the Vendor Child Care Policy Program Child Care Declaration Statement in one place. The bidder also did not complete or sign the Schedule A List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants form. Lastly, Ian Thomas Group also did not sign the Non-Collusion Affidavit to Accompany Proposal/Bid/Submission of Qualification form, however, the company did include the notary seal on the certificate of the notary. These forms can be sent to Ian Thomas Group for completion and signature, to be returned to the Board Office within 14 days of written notice.
- 3) Pinner Construction Co., Inc. submitted complete Child Care Policy forms but failed to sign the Vendor Child Care Policy Program Child Care Declaration Statement in one place. The bidder also did not sign the Schedule A List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants form. Lastly, Pinner Construction Co., Inc. also failed to include a certificate of the notary or the notarial seal on the Non-Collusion Affidavit to Accompany Proposal/Bid/Submission of Qualification form. These forms can be sent to Pinner Construction Co., Inc. for completion and signature, to be returned to the Board Office within 14 days of written notice.
- 4) Rudolph and Sletten, Inc. did not complete or sign the Schedule A List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants form. This form can be sent to Rudolph and Sletten for completion and signature, to be returned to the Board Office within 14 days of written notice.

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5) S3 Builders submitted partially complete Child Care Policy forms; the company failed to complete Part One and Part Two of the Vendor Child Care Policy Program Child Care Declaration Statement. The bidder also did not complete or sign the Schedule A List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants form. These forms can be sent to S3 Builders for completion and signature, to be returned to the Board Office within 14 days of written notice.

The following firm submitted proposals for both new facility construction and facility modernization, renovation and/or repairs, but is being recommended for a contract for only new facility construction as follows:

1) Menemsha Development Group, Inc. submitted proposals for new facility construction and for facility modernization, renovation, and/or repairs. The jobs the respondent listed on the Project Qualification Submission Forms for the facility modernization, renovation, and/or repairs qualifier are design projects rather than construction projects and therefore do not meet the minimum qualifications for facility modernization, renovation, and/or repairs. Menemsha Development Group, Inc. did submit a qualifying package for new facility construction and is therefore only being recommended for a contract award for the new facility construction qualifier.

The following seven (7) firms failed the RFQ contracting process during a review and could not be recommended for award of either a New Facility Contract or a Renovation Contract:

1) Arc Construction Inc. failed to meet the minimum qualifications regarding the required number of years in business. The RFQ states the respondent must have been in business for a minimum of ten (10) years performing new facility construction, or facility modernization, renovation, and/or repair services.

2) Axiom Group failed to meet the minimum qualifications regarding the required number of years in business. The RFQ states the respondent must have been in business for a minimum of ten (10) years performing new facility construction, or facility modernization, renovation, and/or repair services.

3) C.W. Driver LLC failed to utilize and complete the required online Business Inclusion Program (BIP) Outreach. Failure to complete the outreach deems them non-responsive.

4) Evergreen Environment Inc. failed to meet the minimum qualifications regarding the relevant project experience time frame. The RFQ states the respondent must list projects that were completed by the firm between 2009 and present. The respondent submitted several projects that are currently active and not yet completed.

5) General Consolidated Constructors, Inc. failed to meet the minimum qualifications regarding the relevant project experience. The RFQ states to include on the Project Qualification Submission Form a description of services and deliverables provided by the respondent. The projects submitted do not qualify based on the description the respondent provided.

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6) Mariposa Landscapes, Inc. failed to meet the minimum qualifications regarding the relevant project experience. The RFQ states to include on the Project Qualification Submission Form a description of services and deliverables provided by the respondent. The projects submitted do not qualify based on the description the respondent provided.

7) S.J. Amoroso Construction Co., Inc. failed to submit the Bidder Certification Form 50 and the Prohibited Contributors Form 55 prescribed by the City Ethics Commission. Failure to submit these two forms deems their response non-responsive.

Once it was determined that the fourteen (14) recommended responders had met all of the minimum qualifications, RAP staff surveyed the responders' provided references. Questions were posed regarding both the responder's ability to produce a quality product that met all necessary standards in a timely manner, and if the responder was timely and effective in their correspondence with governing agencies. All of the references for the responders who met our minimum qualifications responded favorably to these questions and highly recommended the respective responder. It is recommended that each of the fourteen (14) recommended responders be selected and be eligible to bid on future RAP projects for park facilities construction services for which they have qualified.

Once awarded a New Facility Contract and/or a Renovation Contract as authorized under this Report, the pre-qualified general contractor will be eligible to submit bids for projects as may be specified by RAP on an as-needed basis. The pre-qualified general contractor will only be able to submit bids for projects for which it pre-qualified under the RFQ, namely new facility construction or facility modernization, renovation and/or repairs. Pre-qualified general contractors shall be notified of requests for bids on specified projects through a bid notice released by RAP requesting bids for a specified project for which the general contractor is pre-qualified. The bid notice shall set forth specific project bid documents required to be submitted as part of the pre-qualified general contractor's bid for evaluation. Such documents will be essentially the same as with typical City construction projects except that certain contracting provisions and forms that have already been received and/or satisfied pursuant to the establishment of the pre-qualified list through the RFQ would be removed from the individual project bidding requirements. Each such bid notice shall include the applicable project's General Conditions and General Requirements, Supplementary General Requirements, and any Technical Specifications or reports applicable to the specific project. The requirements and documents set forth in any specific bid notice along with the pre-qualified general contractor's selected bid shall be incorporated into and become a part of the New Facility Contract and/or the Renovation Contract. Bids will be evaluated in accordance with City procedures applicable to the review of bids for construction projects. Upon selection of a bid for a project, RAP staff will return to the Board for approval of the bid award for the project.

It should be noted that RAP staff intends to release subsequent Requests for Qualifications for pre-qualified general contractors for new facility construction and facility modernization, renovation and/or repairs to continually update RAP's pool of pre-qualified general contractors, which will insure maximum competition for bids on RAP projects and which will afford greater

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opportunity for other general contractors to pre-qualify for bidding on such projects. Currently, RAP staff intends to release these subsequent Requests for Qualifications every 16 months.

RAP staff recommends the Board approve the award of the New Facility Contracts and/or Renovation Contracts to the recommended contractors as identified in this Report and authorize the Board President and Secretary to execute such contracts with each of them, subject to approval by the City Attorney, Mayor's Office, and City Council. The selected pre-qualified general contractors are being recommended to the Board for an as-needed, four (4) year contract, plus one (1) four-year (4) extension option exercisable at the sole discretion of RAP's General Manager, in an amount not to exceed an annual expenditure of Fifty Million Dollars (\$50,000,000.00) per contract, per year. The contract amount is an estimate, and RAP does not guarantee that the contract maximum amount will be reached or that any of the pre-qualified general contractor's bids on any project will be selected. The new facilities construction and facility modernization, renovation and/or repair services that RAP will be requesting through project bids under these contracts shall be on an as-needed basis; RAP in entering into each of these contracts, guarantees no minimum amount of business or compensation. The amounts payable under the contracts shall be subject to funding availability and provisions set forth in the bid documents for each project awarded. Funding for projects may be provided from various funding sources including, but not limited to Proposition K, Quimby, Measure A, and Proposition 68.

FISCAL IMPACT

The award and execution of these as-needed New Facility Contracts and Renovation Contracts have no impact on the RAP's General Fund as funding will be identified on a per project basis.

STRATEGIC PLAN INITIATIVE AND GOALS

Approval of this Report advances RAP's Strategic Plan by supporting:

Goal No. 3: Create and Maintain World Class Parks and Facilities

This Report was prepared by Cynthia Gonzalez, Management Assistant, reviewed by Robert Feld, Sr. Management Analyst II, and Matthew Rudnick, Chief Management Analyst.

LIST OF ATTACHMENTS

As-Needed Pre-Qualified General Contractors for Park Facilities Construction Contracts – generic format:

- 1) New Facility Construction Contract
- 2) Facility Modernization, Renovation, and/or Repairs Contract

CONTRACT
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS

AND

XXX

FOR PRE-QUALIFIED GENERAL CONTRACTORS FOR NEW FACILITY
CONSTRUCTION

This CONTRACT ("Contract" or "Agreement") is made and entered into this ____ day of _____ 2020, by and between the City of Los Angeles, (herein referred to as "CITY"), a municipal corporation acting by and through its Department of Recreation and Parks (hereinafter referred to as "RAP"), acting by and through its Board of Recreation and Park Commissioners (hereinafter referred to as "BOARD"), and XXX, hereinafter referred to as CONTRACTOR. CITY and CONTRACTOR shall be referred to hereinafter as the "Parties".

RECITALS

WHEREAS, RAP owns various facilities and infrastructure throughout the City of Los Angeles and is responsible for the maintenance and improvements for such facilities and infrastructure; and

WHEREAS, RAP requires the services of experienced and responsible general contractors to perform park facilities construction services in the CITY on an as-needed basis based on bids received from the general contractors for new facility construction; and

WHEREAS, a Request for Qualification (RFQ) to select pre-qualified general contractors for park facilities construction for (1) new facility construction projects and (2) facility modernization, renovation and/or repair projects was released on November 22, 2019, and twenty-one (21) responses to the RFQ were received on February 25, 2020; and

WHEREAS, the CONTRACTOR'S response to the RFQ met the minimum requirements for pre-qualified general contractors for new facility construction projects as specified in the RFQ; and

WHEREAS, as a pre-qualified general contractor selected through the RFQ, CONTRACTOR shall be invited to bid on RAP's new facility construction projects on an

as-needed basis (each a "Project"), and, if CONTRACTOR's bid on any such Project is selected for award, CONTRACTOR has indicated its willingness to provide the necessary services for the Project upon the terms and conditions set forth in (1) this Agreement, (2) the RFQ and CONTRACTOR's response to the RFQ ("RFQ Documents"), and (3) the bid notice/documents for the applicable Project and CONTRACTOR's response thereto ("Bid Documents"); and

WHEREAS, CONTRACTOR acknowledges that the RFQ Documents and the Bid Documents shall be fully incorporated into and made a part of this Contract as though fully set forth herein; and

WHEREAS, RAP, pursuant to Charter Section 1022, does not have sufficient or adequate personnel in its employ to undertake the services required under this Contract, does not have in its employ staff to respond to this need on an emergency basis, and it is more feasible and economical to secure said services by contract; and

WHEREAS, the BOARD approved the award of this pre-qualified Contract No. XXXX to CONTRACTOR through Board Report No. XXXX.

NOW, THEREFORE, the Parties, in consideration of the recitals above and of the terms, covenants, and conditions contained herein, agree as follows:

SECTION 1 - PARTIES TO CONTRACT, REPRESENTATIVES AND NOTICE

A. Parties

The parties to this Contract are:

CITY - The City of Los Angeles, Department of Recreation and Parks (RAP), a municipal corporation, having its principal office at 221 North Figueroa Street, Suite 300, Los Angeles, California 90012.

CONTRACTOR – XXX, having its principal office located at XXX, XXX, CA 9XXXX.

B. Representatives

The representatives of the parties who are authorized to administer this Contract and to whom formal notices, demands and communications will be given, in addition to any representatives identified in the Bid Documents for any project awarded to CONTRACTOR under this Contract, is as follows:

CITY's representative will be:

Michael A. Shull, General Manager
Department of Recreation and Parks
221 North Figueroa Street, Suite 350
Los Angeles, California 90012

With copies to:

Sean H. Phan, Civil Engineer
Department of Recreation and Parks
221 North Figueroa Street, Suite 400
Los Angeles, California 90012

Email: sean.phan@lacity.org
Tel (213) 202-2637
Fax (213) 202-2612

CONTRACTOR'S representative will be:

NAME, President
COMPANY
STREET ADDRESS
CITY, CA ZIPCODE

Telephone Number: XXX
Fax Number: XXX

C. Notices

Formal notices, demands and communications to be given hereunder by either party will be made in writing and may be affected by personal delivery or certified mail, return receipt requested and will be deemed communicated as of the date of receipt.

If the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accord with this ARTICLE, within five (5) working days of the change.

SECTION 2 - TERM OF CONTRACT AND APPROPRIATION

The term of this Contract shall be for no more than four (4) years from the date of execution, plus one (1) four-year (4) extension option exercisable at the sole discretion of the General Manager, subject, however, to all term and conditions, including all schedules, deadlines and rights of termination as set forth in any Bid Documents for any Awarded Project (as defined below).

For each new Project awarded to CONTRACTOR under this Contract pursuant to a bid submitted by CONTRACTOR for such Project ("Awarded Project"), CITY will pay CONTRACTOR to perform all obligations set forth in the Bid Documents for the Awarded Project in an amount set forth as the Base Bid (and any Additive Alternative Bid Item amount as approved by the Board) in said Bid Documents ("Awarded Amount"), and

CONTRACTOR shall perform such obligations for such amount. Notwithstanding the foregoing, the CITY's liability for each Awarded Project shall be limited to the amount of funding then appropriated for the Awarded Project, which may be less than the Awarded Amount. If the CITY appropriates additional funds for the Awarded Project, the City's liability shall be to the extent of such appropriation(s), subject to the terms and conditions of this Contract and the Bid Documents for the Awarded Project. CONTRACTOR shall not be required to perform any work on an Awarded Project in excess of the amount appropriated for the Awarded Project.

The cumulative total compensation appropriated for all Awarded Projects under this Contract will not exceed Fifty Million Dollars (\$50,000,000.00) annually on an as-needed basis. In entering into this Contract, City guarantees no minimum amount of compensation, work, or projects awarded to CONTRACTOR. CITY staff will monitor this not-to-exceed aggregate total.

SECTION 3 – AWARD OF PROJECTS

- A. As a general contractor pre-qualified for Projects pursuant to the RFQ, CONTRACTOR will be allowed to submit bids on specified upcoming Projects. CONTRACTOR shall be notified of requests for bids on specified Projects through a bid notice released by RAP requesting bids for a specified Project. The bid notice shall set forth specific Project Bid Documents required to be submitted as part of CONTRACTOR's bid. Each such bid notice shall include, without limitation, the General Conditions and General Requirements for the specific Project, Supplementary General Requirements applicable for the specific Project, and any Technical Specifications or reports applicable to the specific Project. CONTRACTOR shall be eligible to bid on Projects determined by CITY as new facility construction projects, which may include, without limitation: the construction of a new building which may include recreation/community centers, gymnasiums, pool facilities, senior citizen's centers, childcare centers, maintenance / office buildings and general landscaping and associated outdoor amenities including but not limited to athletic/sports fields (fencing, lighting, infields, athletic equipment, lighting, irrigation, dugouts, shade structures, bleachers, hydration stations, etc...), general park lighting, walkways, landscaping, and additional park amenities. Projects may also include the provision of professional services which include but is not limited to architectural, engineering (civil, structural, mechanical, electrical, plumbing, geotechnical), and survey services. Pre-qualified general contractors may be asked to bid on Projects as a design/build.
- B. Contractor shall perform all services and obligations for any Awarded Project in accordance with the terms and condition of this Agreement, the RFQ Documents and the Bid Documents for the Awarded Project. The Bid Documents shall include all documents included in the bid notice for the Awarded Project, including, without limitation: (1) The Instructions to Bidders and the Notice Inviting Bids; (2) General Conditions, General Requirements and Supplementary General Requirements for the Project; (3) CONTRACTOR's proposal/bid for the Project; (4) All Plans and

Specifications, including any Technical Specifications, for the Project; and (5) All Bonds required by the Charter of the City of Los Angeles. For each Awarded Project, the Bid Documents for such Project shall be fully incorporated into and made a part of this Agreement, and CONTRACTOR and CITY agrees to carry out and fully perform each and all of the provisions of this Agreement, the RFQ Documents, and the Bid Documents which are required of it to be performed.

- C. If there is any material change to any of the documents submitted by CONTRACTOR as part of the RFQ Documents, CONTRACTOR shall promptly submit new documents as may be required by CITY to evidence such change, and such new documents shall be deemed incorporated into and made a part of this Agreement. Failure to notify CITY of any such changes or to submit any new documents as necessary to evidence such change shall subject CONTRACTOR to disqualification from the list of pre-qualified general contractors for Projects as may be determined by the CITY in its sole discretion. Further, CITY reserves the right to disqualify CONTRACTOR from the list of pre-qualified general contractors for Projects if any such change to the RFP Documents previously submitted by CONTRACTOR would have resulted in the CONTRACTOR not being selected for pre-qualification under the RFQ as may be determined in the CITY's sole discretion.
- D. CONTRACTOR hereby acknowledges that CITY makes no assurances that the number of pre-qualified general contractors eligible to bid on specified Projects will not change. CITY reserves the right to release any new or subsequent Requests for Qualifications for pre-qualification of general contractors for Projects and to qualify any additional general contractors under such Requests for Qualifications as may be determined by the CITY in its sole discretion.

SECTION 4 - INCORPORATION OF DOCUMENTS

This Contract and appendices, and Bid Documents for Awarded Projects represent the entire integrated agreement of the Parties and supersedes all prior written or oral representations, discussions, and agreements. The following documents are fully incorporated herein and made fully a part hereof by this reference, with the exception of references in the RFQ to the "Disclosure of Contracts and Sponsorship of National Rifle Association Ordinance":

Appendix A. RFQ for Pre-Qualified General Contractors for Park Facilities Construction

Appendix B. CONTRACTOR Response to RFQ, including all compliance documents submitted in connection thereto

In addition to the foregoing, the Bid Documents for any Awarded Project shall be fully incorporated into and made fully a part of this Contract. In the event of any conflict between this Agreement and any of the documents incorporated herein, the order of

precedence in resolving any such conflict shall be: (1) this Agreement, (2) Bid Documents, (3) Appendix A, and (4) Appendix B.

(Signature Page to Follow)

IN WITNESS WHEREOF, the Parties hereto have caused this Contract to be executed by their respective duly authorized representatives.

Executed this _____ day
of _____, 20____

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its BOARD OF RECREATION AND PARK COMMISSIONERS

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 20____

XXX

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

Michael N. Feuer, City Attorney

By _____

CONTRACT
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
XXX

FOR PRE-QUALIFIED GENERAL CONTRACTORS FOR FACILITY
MODERNIZATION, RENOVATION AND/OR REPAIR

This CONTRACT ("Contract" or "Agreement") is made and entered into this ____ day of _____ 2020, by and between the City of Los Angeles, (herein referred to as "CITY"), a municipal corporation acting by and through its Department of Recreation and Parks (hereinafter referred to as "RAP"), acting by and through its Board of Recreation and Park Commissioners (hereinafter referred to as "BOARD"), and **XXX**, hereinafter referred to as CONTRACTOR. CITY and CONTRACTOR shall be referred to hereinafter as the "Parties".

RECITALS

WHEREAS, RAP owns various facilities and infrastructure throughout the City of Los Angeles and is responsible for the maintenance and improvements for such facilities and infrastructure; and

WHEREAS, RAP requires the services of experienced and responsible general contractors to perform park facilities construction services in the CITY on an as-needed basis based on bids received from the general contractors for facility modernization, renovation and/or repair; and

WHEREAS, a Request for Qualification (RFQ) to select pre-qualified general contractors for park facilities construction for (1) new facility construction projects and (2) facility modernization, renovation and/or repair projects was released on November 22, 2019, and twenty-one (21) responses to the RFQ were received on February 25, 2020; and

WHEREAS, the CONTRACTOR'S response to the RFQ met the minimum requirements for pre-qualified general contractors for facility modernization, renovation and/or repair as specified in the RFQ; and

WHEREAS, as a pre-qualified general contractor selected through the RFQ, CONTRACTOR shall be invited to bid on RAP's facility modernization, renovation and/or

repair projects on an as-needed basis (each a "Project"), and, if CONTRACTOR's bid on any such Project is selected for award, CONTRACTOR has indicated its willingness to provide the necessary services for the Project upon the terms and conditions set forth in (1) this Agreement, (2) the RFQ and CONTRACTOR's response to the RFQ ("RFQ Documents"), and (3) the bid notice/documents for the applicable Project and CONTRACTOR's response thereto ("Bid Documents"); and

WHEREAS, CONTRACTOR acknowledges that the RFQ Documents and the Bid Documents shall be fully incorporated into and made a part of this Contract as though fully set forth herein; and

WHEREAS, RAP, pursuant to Charter Section 1022, does not have sufficient or adequate personnel in its employ to undertake the services required under this Contract, does not have in its employ staff to respond to this need on an emergency basis, and it is more feasible and economical to secure said services by contract; and

WHEREAS, the BOARD approved the award of this pre-qualified Contract No. XXXX to CONTRACTOR through Board Report No. XXXX.

NOW, THEREFORE, the Parties, in consideration of the recitals above and of the terms, covenants, and conditions contained herein, agree as follows:

SECTION 1 - PARTIES TO CONTRACT, REPRESENTATIVES AND NOTICE

A. Parties

The parties to this Contract are:

CITY - The City of Los Angeles, Department of Recreation and Parks (RAP), a municipal corporation, having its principal office at 221 North Figueroa Street, Suite 300, Los Angeles, California 90012.

CONTRACTOR – XXX, having its principal office located at XXX, XXX, CA 9XXXX.

B. Representatives

The representatives of the parties who are authorized to administer this Contract and to whom formal notices, demands and communications will be given, in addition to any representatives identified in the Bid Documents for any project awarded to CONTRACTOR under this Contract, is as follows:

CITY's representative will be:

Michael A. Shull, General Manager
Department of Recreation and Parks
221 North Figueroa Street, Suite 350
Los Angeles, California 90012

With copies to:

Sean H. Phan, Civil Engineer
Department of Recreation and Parks
221 North Figueroa Street, Suite 400
Los Angeles, California 90012

Email: sean.phan@lacity.org
Tel (213) 202-2637
Fax (213) 202-2612

CONTRACTOR'S representative will be:

NAME, President
COMPANY
STREET ADDRESS
CITY, CA ZIPCODE

Telephone Number: XXX
Fax Number: XXX

C. Notices

Formal notices, demands and communications to be given hereunder by either party will be made in writing and may be affected by personal delivery or certified mail, return receipt requested and will be deemed communicated as of the date of receipt.

If the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accord with this ARTICLE, within five (5) working days of the change.

SECTION 2 - TERM OF CONTRACT AND APPROPRIATION

The term of this Contract shall be for no more than four (4) years from the date of execution, plus one (1) four-year (4) extension option exercisable at the sole discretion of the General Manager, subject, however, to all term and conditions, including all schedules, deadlines and rights of termination as set forth in any Bid Documents for any Awarded Project (as defined below).

For each new Project awarded to CONTRACTOR under this Contract pursuant to a bid submitted by CONTRACTOR for such Project ("Awarded Project"), CITY will pay CONTRACTOR to perform all obligations set forth in the Bid Documents for the Awarded Project in an amount set forth as the Base Bid (and any Additive Alternative Bid Item amount as approved by the Board) in said Bid Documents ("Awarded Amount"), and

CONTRACTOR shall perform such obligations for such amount. Notwithstanding the foregoing, the CITY's liability for each Awarded Project shall be limited to the amount of funding then appropriated for the Awarded Project, which may be less than the Awarded Amount. If the CITY appropriates additional funds for the Awarded Project, the City's liability shall be to the extent of such appropriation(s), subject to the terms and conditions of this Contract and the Bid Documents for the Awarded Project. CONTRACTOR shall not be required to perform any work on an Awarded Project in excess of the amount appropriated for the Awarded Project.

The cumulative total compensation appropriated for all Awarded Projects under this Contract will not exceed Fifty Million Dollars (\$50,000,000.00) annually on an as-needed basis. In entering into this Contract, City guarantees no minimum amount of compensation, work, or projects awarded to CONTRACTOR. CITY staff will monitor this not-to-exceed aggregate total.

SECTION 3 – AWARD OF PROJECTS

- A. As a general contractor pre-qualified for Projects pursuant to the RFQ, CONTRACTOR will be allowed to submit bids on specified upcoming Projects. CONTRACTOR shall be notified of requests for bids on specified Projects through a bid notice released by RAP requesting bids for a specified Project. The bid notice shall set forth specific Project Bid Documents required to be submitted as part of CONTRACTOR's bid. Each such bid notice shall include, without limitation, the General Conditions and General Requirements for the specific Project, Supplementary General Requirements applicable for the specific Project, and any Technical Specifications or reports applicable to the specific Project. CONTRACTOR shall be eligible to bid on Projects determined by CITY as facility modernization, renovation and/or repairs, which may include, without limitation: building modernization, renovation and/or repair of an existing building or outdoor recreation area which may include recreation/community centers, gymnasiums, pool facilities, senior citizen's centers, childcare centers restroom, maintenance/office, buildings, general landscaping and all components associated with athletic/sports fields (fencing, lighting, infields, athletic equipment, lighting, irrigation, dugouts, shade structures, bleachers, hydration stations, etc...). Work may include but not be limited to complete renovation, modernization and/or expansion, building repairs, such as, repair of vandalized structures, repair fire damaged structures or repair of deteriorating condition. Such renovation work may include, but not be limited to, upgrades to an existing facility to provide disabled access compliance to restrooms and path of travel. Pre-qualified general contractors may be requested to provide professional services which includes but is not limited to architectural, engineering (civil, structural, mechanical, electrical, plumbing, geotechnical), hazardous abatement surveys, as-built surveys, condition and building code assessments, and topographic surveys. Pre-qualified general contractors may be asked to bid on Projects as a design/ build.
- B. Contractor shall perform all services and obligations for any Awarded Project in

accordance with the terms and condition of this Agreement, the RFQ Documents and the Bid Documents for the Awarded Project. The Bid Documents shall include all documents included in the bid notice for the Awarded Project, including, without limitation: (1) The Instructions to Bidders and the Notice Inviting Bids; (2) General Conditions, General Requirements and Supplementary General Requirements for the Project; (3) CONTRACTOR's proposal/bid for the Project; (4) All Plans and Specifications, including any Technical Specifications, for the Project; and (5) All Bonds required by the Charter of the City of Los Angeles. For each Awarded Project, the Bid Documents for such Project shall be fully incorporated into and made a part of this Agreement, and CONTRACTOR and CITY agrees to carry out and fully perform each and all of the provisions of this Agreement, the RFQ Documents, and the Bid Documents which are required of it to be performed.

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(Signature Page to Follow)

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Executed this _____ day
of _____, 20____

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its BOARD OF RECREATION AND PARK COMMISSIONERS

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 20____

XXX

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

Michael N. Feuer, City Attorney

By _____