

APPROVED

REPORT OF GENERAL MANAGER

JUN 15 2006

NO. 06-170

DATE June 15, 2006

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: WEST WILSHIRE PARK IMPROVEMENTS - UNIVERSAL ACCESS
PLAYGROUND (W.O. #E170263F) - REVIEW OF BIDS AND AWARD OF
CONTRACT

J. Combs _____
H. Fujita _____
S. Huntley _____
B. Jensen _____

J. Kolb _____
F. Mok _____
K. Regan _____
*M. Shull _____

one for M.S.

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find that Thomsen Landscape, with a base bid of \$673,340, is the lowest responsive and responsible bidder for the West Wilshire Park Improvements – Universal Access Playground (W.O. #E170263F) project;
2. Award the contract for the total award amount of \$673,340 to Thomsen Landscape, all according to plans and specifications;
3. Authorize the Department’s Chief Accounting Employee to encumber funds in the amount of \$558,629 from the following fund and account numbers under the awarding authority of this Board Report;

<u>FUNDING SOURCE</u>	<u>FUND/DEPT/ACCT NO.</u>	<u>APPROPRIATION</u>	<u>AMOUNT</u>
Prop K Year 9	43K/10/Y570	\$	345,000
Quimby	302/89/460K - WV	\$	14,443
Private Donation	205/88/WD04	\$	<u>199,186</u>
Total:		\$	558,629

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4. Request Staff to prepare a contract, including a "funding clause" limiting the City's liability for contract payment to the amount of funding appropriated by the City for this contract in the amount of \$558,629, as well as so limiting the contractor's obligation to perform the contract, as further described in this report subject to approval of the City Attorney;
5. Direct the Board Secretary to transmit forthwith the contract to the City Attorney for review and approval as to form; and
6. Authorize the Board President and Secretary to execute the contract, subject to approval as to form by the City Attorney.

SUMMARY:

On April 17, 2006, the Board approved final plans and call for bids for the West Wilshire Park Improvements - Universal Access Playground (W.O. #E170263F) project, located at 7600 Beverly Boulevard, Los Angeles, CA 90049 (Board Report No. 06-95). The project provides for construction of a Universal Access Playground. The designer, Melendrez Design Partners, provided a cost estimate of \$539,000 for the project.

On June 6, 2006, the following bids were received:

<u>BIDDERS:</u>	<u>Base Bid</u>	<u>Ded. Alt. No. 1</u>	<u>Ded. Alt. No. 2</u>
Thomsen Landscape	\$ 673,340	\$ 20,100	\$ 19,200
G Coast Construction, Inc.	\$ 877,000	\$ 20,000	\$ 10,000
Ryco Construction, Inc.	\$ 1,113,111	\$ 75,000	\$ 9,000

Thomsen Landscape submitted the lowest base bid, as shown above. The bid documents specified that the determination of the lowest bidder would be based on the Base Bid amount. Two (2) deductive alternates were also included in the bid package. As there are sufficient funds to award base bid amount, the deductive alternates will not be exercised. The project was presented to the L.A. for Kids Steering Committee on June 13, 2006, and they have recommended that the Board award the Base Bid Amount of \$673,340 to Thomsen Landscape.

On April 20, 2005, and June 15, 2005, the Board approved \$115,000 in Quimby funds for this project (Board Report Nos.05-103 and 05-173, respectively), of which \$14,443 will be utilized towards construction.

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The availability of Prop K inflation funds, in the amount of \$114,711, required to fully fund the project is contingent upon City Council approval of the 2006-2007 Engineer's Report for the Proposition K Program. The Steering Committee was made aware that the award is contingent upon the approval of the Prop K Inflation funds. The contract will provide that the City's liability for contract payments under this contract shall only be to the extent of the City appropriation to fund the contract. If the City does appropriate the additional funding through the City Council approval of the 2006-2007 Engineer's Report for the Prop K program, the City's liability for contract payments shall be extended to the extent of such appropriation, subject to the terms and conditions of this contract. The Contractor will not be required to do any work in excess of the amount of current funding, plus any additional funding appropriated by the City, if any, for this project. The contractor would be notified of the amount of the appropriation being made to the contract from the additional funding and to continue working until project completion or until the appropriated funding for the project is expended, which ever comes first.

The Steering Committee was also appraised of the fact that the Prop K Program Manager is recommending the award of the contract with a 7% (\$47,133) construction Contingency fund, which is 60% of the usual amount. Thomsen Landscape is a contractor that has completed several construction projects for the Department with very few, if any, change orders. It anticipated that the contractor will complete the project with the available funds.

Staff has reviewed the outreach effort made by Thomsen Landscape and, based on the documents submitted, has determined that a "good faith" effort has been made. The contractor obtained a 0% MBE/WBE participation and satisfied 80 of the 100-point requirements outlined by the Board's outreach program. The outreach Document Package is on file in the Board Office and a synopsis of said package is attached.

The City Attorney and staff have reviewed the bids submitted by Thomsen Landscape and found them to be in order. Thomsen Landscape is the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of Thomsen Landscape 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.

The Department, in compliance with the California Environmental Quality Act (CEQA), prepared a Negative Declaration (ND) for the Pan Pacific (West Wilshire) Park Master Plan, which included the children's play area as a project feature. The ND was adopted by the City Council on June 29, 2001, and a Notice of Determination was filed with the Los Angeles City Clerk and the Los Angeles County Clerk on July 3, 2001.

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FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department's budget. The assessments of the future operations and maintenance cost have yet to be determined.

Prepared by Jane Adrian, Project Manager, and revised by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program; and by Bradley M. Smith, P.E.; Chief Deputy Engineer, Bureau of Engineering.

GUIDELINES FOR EVALUATION OF GOOD FAITH EFFORT CHECKLIST

Bidder: Thomsen Landscape **Bid Date:** June 6, 2006

Project Name: West Wilshire Park Improvements – Universal Access Playground (W.O. #E170263F)

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 st Floor, Los Angeles, CA 90015.	Did not attend Pre-bid conference nor sent a letter of excuse prior to Pre-bid day.	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.	No letters sent to outreach agencies.	10	0
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
TOTAL POINTS ACHIEVED			80	
MBE/WBE ACHIEVED:			0%	

MBE= 0% WBE= 0% OBE=0% PRIME= 72%

RESPONSIVE!