

APPROVED
MAY 17 2006

REPORT OF GENERAL MANAGER

NO. 06-124

DATE May 17, 2006

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LEXINGTON POCKET PARK II – RE-BID (W.O. # E170951F) – REVIEW OF BIDS AND AWARD OF CONTRACT

J. Combs _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
B. Jensen _____	*M. Shull _____

*US amended
see attached
C.S. for MS.*

Kerwin Penza
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Thomsen Landscape, with a base bid of \$373,430, is the lowest responsive and responsible bidder for the Lexington Pocket Park II (W.O. # E170951F) – Re-bid Project;
2. Award the contract in the total amount of \$373,430 to Thomsen Landscape, all according to plans and specifications;
3. Authorize the Chief Accounting Employee to encumber funds in the amount of \$27,070 from the following fund/accounts under the awarding authority of this Board report:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT/ACCT.</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
Prop 12 1/3 (Per Capita)	45W/22/Y451	\$	18,044
Lexington Pocket Park II -Cash Flow			
<u>Account</u>	<u>205/88/YR01</u>	<u>\$</u>	<u>9,026</u>
Total Encumbrance		\$	27,070

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4. Authorize the Department's Chief Accounting Employee to request the Community Development Department (CDD) to process a transfer of the Community Development Block Grant funds in the amount of \$346,360, from Department 22, Fund 424, Account V722, to Department of Recreation and Parks, Department 88, Fund 205, Account VC02, to process payments from this account for the purposes stated in the contract, for a total contract award amount of \$373,430;
5. Request staff to prepare a contract, including a "funding clause" limiting the City's liability for the contract payments to the amount of funding appropriated by the City for this contract, in the amount of \$373,430, as well as, to limit the contractor's obligation to perform the contract, as further described in this report; and,
6. Authorize the Board President and Secretary to execute the contract subject to the City Attorney's approval as to form.

SUMMARY:

On September 21, 2005, the Board of Recreation and Parks approved final plans and call for bids for the Lexington Pocket Park II (W.O # E170951F) project, located at 5707 Lexington Avenue., Los Angeles, 90038. (Board Report No. 05-238); and on February 15, 2006, the Board rejected bids received on November 29, 2005, and directed staff to re-bid (Board Report No. 06-35) the project because the bids received at that time were either non-responsive or well above the available construction funds. The work includes improvements to develop the 5707 Lexington Avenue site as a 15,000 square foot pocket park with the following amenities: security lighting, ADA accessible play equipment on resilient surface, asphalt paths through park, automated irrigation system, drinking fountain, new concrete block walls, fencing, game tables, landscaping, and a dual purpose volleyball/basketball court.

The Bureau of Engineering, Architectural Division estimated the construction cost to be \$249,100. On March 14, 2006, subsequent to re-advertising the project, three bids were received for this project, with the apparent low bidder being Thomsen Landscape. Their base bid amount is \$373,430, which is \$124,330 above the City's base bid estimate. Six deductive alternates and six additive alternates were also included in the bid package. The description and bid amounts received are as follows:

Bidders	Thomsen Landscape	Malibu Pacific Tennis Courts, Inc.	Ryco Construction
Base Bid	\$ 373,430	\$ 569,000	\$ 621,126

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Bidders	Thomsen Landscape	Malibu Pacific Courts, Inc.	Tennis	Ryco Construction
Ded. Alt. #1	\$ 31,000	\$	3,500	\$ 2,500
Ded. Alt. #2	\$ 1,300	\$	1,000	\$ 800
Ded. Alt. #3	\$ 3,560	\$	2,500	\$ 2,000
Ded. Alt. #4	\$ 3,000	\$	7,000	\$ 2,000
Ded. Alt. #5	\$ 3,000	\$	4,000	\$ 4,000
Ded. Alt. #6	\$ 5,200	\$	3,500	\$ 3,000
Add. Alt. #1	\$ 43,400	\$	20,000	\$ 55,000
Add. Alt. #2	\$ 4,9000	\$	4,500	\$ 4,500
Add. Alt. #3	\$ 3,800	\$	7,000	\$ 4,500
Add. Alt. #4	\$ 3,890	\$	2,500	\$ 5,000
Add. Alt. #5	\$ 4,675	\$	4,800	\$ 4,000
Add. Alt. #6	\$ 3,800	\$	7,000	\$ 4,500

Because sufficient funds exist only to provide the base bid items, it is recommended that this project be awarded with none of the above deductive or additive alternates being exercised.

There are sufficient funds in the following fund/accounts (available balance) to award the construction contract.

<u>FUNDING SOURCES</u>	<u>AWARD AMT.</u>	<u>FUND/DEPT/ACCT</u>	<u>AVAILABLE BALANCE</u>
CDBG (29 TH Year)	\$ 350,000	424/22/V722	\$ 346,360
Prop 12 1/3 (Per Capita)	\$ 300,000	45W/22/Y451	\$ 78,044 ¹
Lexington Pocket Park II – Cash Flow Account		205/88/YR01	\$ 9,026 ²
Total	\$ 650,000 ³		\$ 433,430

1. There is \$78,044 currently available in Prop 12 1/3 Per Capita for this project. This reflects the balance of the funds remaining after \$202,252 were used for the acquisition of the property and includes \$60,000 in retention funds that are held by the State until final project close out. Of this amount, \$18,044 is currently on hand.
2. The current available on-hand funds are insufficient to cover the entire amount of the award, so these funds will be made available to cash flow the additional \$9,026 necessary to make the construction contract payments when due. These cash flow funds will be reimbursed upon receipt of the State funds upon project close out.
3. This does not include the cash flow funding which will be reimbursed from the State Prop 12 funds which will be released upon project close out (see footnote 1).

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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 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 MBE/WBE participation of 8% and satisfied 100 of the 100-point requirements outlined by the Board's outreach program thereby satisfying the 75-point minimum requirement. The outreach document is on file in the Board Office and a synopsis of said package is attached.

Staff reviewed the responsiveness and work performance of Thomsen Landscape, on other jobs within the City of Los Angeles, and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance (OCC), indicated that there have been no significant labor compliance violations and that the bidder has complied with all other legal requirements.

In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed park development will not have a significant impact on the environment. This project has been determined to be Categorical Exempt per City CEQA guidelines Article VII, Section 1(c) (new construction of small structures), and 1(p) (transfer of ownership in land in order to create parks). A Notice of Exemption was filed with the Los Angeles City Clerk's office on November 29, 2001, and posted by the County Clerk's office on November 29, 2001.

FISCAL IMPACT STATEMENT:

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

Prepared by Marcelo Martinez, Project Manager, and reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bradley M. Smith, P.E., Chief Deputy City Engineer, BOE.

GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

Bidder: Thomsen Landscape

Bid Date: 03/22/2006

PROJECT: LEXINGTON POCKET PARK II - RE-BID (W.O.#E170951F)

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) 847-5172, or by mail to the Bureau of Engineering, Project Award and Control Division, 600 S. Spring, 6 th Floor, Los Angeles, Ca. 90014		10	10
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.		13	13
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a planholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.		9	9
5 Letters to Potential Subs	A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelope or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.		10	10
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.		5	5
8 Outreach Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
TOTAL POINTS ACHIEVED			100	
MBE/WBE % ACHIEVED:			8%	

MBE= 6% WBE=2% OBE=0% PRIME=81%

EXCERPT FROM THE MINUTES OF THE SPECIAL MEETING
BOARD OF RECREATION AND PARK COMMISSIONERS
MAY 17, 2006

GENERAL MANAGER'S REPORT:

06-124

LEXINGTON POCKET PARK II - RE-BID PROJECT
(W.O. #E170951F) - REVIEW OF BIDS AND AWARD
OF CONTRACT

Mike Shull, Superintendent, Planning and Construction Division, amended Recommendation No. 5 of the Board Report to be replaced as follows:

RECOMMENDATION:

5. Direct the Department's Chief Accounting Employee to ensure that the cash flow funds, loaned to the project, in the amount of \$9,026.00, are promptly reimbursed to the Department upon receipt of the State Proposition 12 1/3 Per Capita funds;

Motion

It was moved by Commissioner Williams, seconded by Commissioner Luèvano that Report No. 06-124 be approved as amended. There being no objections, the Motion was unanimously approved.