

**APPROVED**  
APR 05 2007

REPORT OF GENERAL MANAGER

NO. 07-78

DATE April 5, 2007

**BOARD OF RECREATION  
and PARK COMMISSIONERS**

C.D. 9

**BOARD OF RECREATION AND PARK COMMISSIONERS**

**SUBJECT: VERNON BRANCH LIBRARY - POCKET PARK - RE-BID (#1355A)  
(W.O. # E170940F) - REVIEW OF BIDS AND AWARD OF CONTRACT**

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

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

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

**RECOMMENDATION:**

That the Board:

1. Pursuant to Charter Section 371 waive as an informality the failure of Roy's Flower Gardens to list the electrical subcontractor on Schedule A.
2. Find Roy's Flower Gardens, with a base bid of \$345,000, to be the lowest responsive and responsible bidder for the Vernon Branch Library - Pocket Park (#1355A) (W.O. # E170940F) project;
3. Exercise Deductive Alternate No. 1 in the amount of \$16,000; for a total contract amount of \$329,000;
4. Authorize the Chief Accounting Employee to encumber funds in the amount of \$329,000 from the following fund and account numbers; and

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>	<u>ENCUMBRANCE AMOUNT</u>
Prop 12 1/3 Per Capita	45W/22/V437	\$10,960
Prop 12/40 Cash Flow	205/88/TBD	\$318,040
<b>TOTAL</b>		<b>\$329,000</b>

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

**SUMMARY:**

On September 6, 2006 (Board Report No. 06-246), the Board of Recreation and Park Commissioners approved the final plans and call for bids for the Vernon Branch Library – Pocket Park (#1355A) (W.O #E170940F) project, located at 4521 S. Central Ave., Los Angeles, 90011. On December 13, 2006 (Board Report No. 06-353), the Board rejected the sole bid received on October 17, 2006, because the bid received exceeded the project budget by \$130,000. Plans provide for the development of a 6,400 square foot site into a pocket park with the following improvements: new trellis, security lighting, concrete walkways, decomposed granite paving, landscaping, fencing/walls, concrete platforms, sand pit area, and seat walls.

On January 23, 2007, subsequent to re-advertising the project, seven bids were received for this project. The bid documents state that the lowest responsible bidder shall be the responsible bidder who submits the lowest bid and that the lowest bid shall be the lowest base bid amount which includes the work specified for all deductive alternates, and does not include the work specified for any of the additive alternates. The description and the bid amounts received are as follows:

Bidders	Base Bid	Ded. Alt. #1 Trellis	Ded. Alt. #2 Drinking Fountain	Add. Alt. #1 Trellis
Roy's Flower Gardens	\$345,000	\$16,000	\$7,500	\$16,000
Thomsen Landscape	\$360,840	\$11,900	\$3,900	\$11,950
G Coast Construction, Inc.	\$413,000	\$14,000	\$6,000	\$14,000
C-1 Construction Corporation	\$414,218.98	\$14,000	\$6,200	\$14,000
Dalaj International Corp.	\$428,500	\$5,000	\$12,000	\$10,000
L.A. Builders, Inc.	\$479,000	\$10,400	\$2,550	\$10,400
Y&M Construction, Inc.	\$521,596	\$18,550	\$8,800	\$19,550

The bid documents for this project required that the bidder provide information substantiating that 50 percent of the work will be self-performed by the prime contractor. This project is also subject to the Minority Business Enterprise, Women Business Enterprise, and Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program. In order to comply with the Good Faith Effort (GFE) requirements of the Subcontractor Outreach Program, bidders must submit GFE documentation in a timely manner sufficient to achieve a minimum of 75 out of 100 GFE evaluation points as outlined in the Board's Outreach Program.

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Roy's Flower Gardens submitted the apparent lowest base bid as indicated above. Staff has reviewed the documentation provided by Roy's Flower Gardens, regarding its outreach effort and, based on the documents submitted, has determined that Roy's Flower Gardens satisfied the subcontractor outreach requirement. Roy's Flower Gardens achieved a score of 90 of the 100-point requirements outlined by the Board's outreach program thereby satisfying the 75-point minimum requirement and obtained an MBE/WBE participation of 18 percent. The outreach document is on file in the Board Office and a synopsis of said package is attached.

Schedule A (Subcontractors and Suppliers) of the bid package requires that the bidder list the name and address of all subcontractors and suppliers who will do work on the project valued in excess of one-half of one percent of the bid or \$10,000.00 whichever is greater, regardless if they are MBE/WBE or not (per Los Angeles Administrative Code Section 10.14 - Provisions Pertaining to Listing of Subcontractors). Roy's Flower Gardens identified Fleming Electrical Services as an electrical subcontractor for the project and listed their address in a letter dated January 4, 2007 which was submitted with Roy's Flower Gardens' overall bid package, as part of the GFE documentation. The actual sub-bid from Fleming Electrical Services in the amount of \$36,000 was timely submitted by Roy's Flower Gardens as requested during staff's review of the bidder's subcontractor outreach efforts.

Since the electrical subcontractor's sub-bid amount is more than one-half of one percent of the bid and more than \$10,000, that subcontractor should have been listed on Schedule A, but was not. Staff recommends that pursuant to City of Los Angeles Charter Section 371, the Board may waive as an informality Roy's Flower Gardens' failure to list the electrical subcontractor in Schedule A because the bid package overall did identify the electrical subcontractor's name and address. The City Attorney and staff have reviewed the bids submitted by Roy's Flower Gardens, and found them to be in order. Roy's Landscaping is the lowest responsive and responsible bidder.

Because sufficient funds exist only to provide a portion of the base bid items, it is recommended that this project be awarded with deductive alternate #1 being exercised. As a result, the recommended award amount is \$329,000.

The Department of Recreation and Parks has no record of Roy's Flower Gardens having worked on any previous Department projects.

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 III, Section 1(c) (new construction of small structures). A Notice of Exemption was filed with the Los Angeles City Clerk's office on May 10, 2006, and posted by the County Clerk's office on May 10, 2006.

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FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's budget. The assessments of the future operations and maintenance costs of the pocket park 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, Bureau of Engineering.

## GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

Bidder: Roy's Flower Gardens (Roy's Landscape) Bid Date: 01/23/2007

PROJECT: Vernon Branch Library - Pocket Park (Re-Bid)(W.O. # E170940F)

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposal'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 <sup>th</sup> 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.	No Proof of letters were sent out to available MBE, WBE, and OBE for each item of work to be performed.	10	0
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.		10	10
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.		5	5
8 Outreach Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
<b>TOTAL POINTS ACHIEVED</b>			<b>90</b>	
<b>MBE = 0% WBE = 0 %</b>		<b>MBE/WBE ACHIEVED: 18%</b>		

MBE = 10% WBE = 8% OBE = 0% PRIME = 100%

Responsive