

APPROVED

REPORT OF GENERAL MANAGER

JUL 11 2007

NO. 07-158

DATE July 11, 2007

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: GILBERT LINDSAY SYNTHETIC SOCCER FIELDS – PHASE I (PRJ #1204S)
(W.O. #E170987F) – REVIEW OF BIDS AND AWARD OF CONTRACT

R. Adams	_____	J. Kolb	_____
V. Israel	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____
S. Huntley	_____	*M. Shull	<u>On for M.S.</u>


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Los Angeles Engineering, Inc., with a base bid of \$1,550,100, to be the lowest responsive and responsible bidder for the Gilbert Lindsay Synthetic Soccer Fields - Phase I (PRJ #1204S) (W.O. #E170987F) project;
2. Award the contract to Los Angeles Engineering, Inc., in the total contract amount of \$1,550,100, all according to the plans and specifications;
3. Authorize the Chief Accounting Employee to encumber \$121,269 in available funds and upon approval, \$1,428,831 in Proposition 12/40 Cash Flow Funds from the following fund and account numbers under the awarding authority of this Board Report;

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APPROVED FUNDING

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>	<u>GRANT AMOUNT</u>	<u>AVAILABLE AMOUNT</u>	<u>ENCUMBRANCE AMOUNT</u>
Prop K YR 09	43K/10/Y018	\$162,000	\$154,200	\$119,100
Prop 12 RZH ⁽¹⁾	TBD	\$378,000	\$0	\$283,500
Prop 40 MH ⁽²⁾	TBD	\$1,443,000	\$0	\$1,076,500
Prop 40 2/3 PC ⁽³⁾	47T/22/A811	\$47,125	\$2,169	\$35,500
Prop 40 2/3 RZH ⁽⁴⁾	TBD	<u>\$47,125</u>	<u>\$0</u>	<u>\$35,500</u>
	TOTAL FUNDING	\$2,077,250	\$156,369	\$1,550,100

(1) \$283,500 is contingent upon approval of funds from the cash flow loan fund by CAO. The cash flow loan account will be reimbursed upon receipt of Proposition 12 RZH funds from the State.

(2) \$1,076,500 is contingent upon approval of funds from the cash flow loan fund by CAO. The cash flow loan account will be reimbursed upon receipt of Proposition 40 MH funds from the State.

(3) Available cash is \$2,169; \$33,331 of the \$35,500 is contingent upon approval of funds from the cash flow loan fund by CAO. The cash flow loan account will be reimbursed upon receipt of Proposition 40 Per Capita funds from the State.

(4) \$35,500 is contingent upon approval of funds from the cash flow loan fund by CAO. The cash flow loan account will be reimbursed upon receipt of Proposition RZH funds from the State.

4. Request the 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, which is \$121,269, as well as so limiting the contractor's obligation to perform the contract, as further described in this report; and,
5. Authorize the Board President and Secretary to execute the contract subject to City Attorney approval as to form.

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SUMMARY:

On February 21, 2007, the Board approved final plans and call for bids for the Gilbert Lindsay Synthetic Soccer Fields - Phase I (W.O. #E170987F) project, located at 429 E. 42nd Place, Los Angeles, CA 90011 (Board Report No. 07-42). Plans for this project were prepared by the Bureau of Engineering. The project scope of work consists of the refurbishment of two existing soccer fields. The project proposes the installation of new synthetic turf including site preparation, soil isolation fabric, underlayment materials, and sub-base perimeter drainage system; installation of new permanent soccer goals, new bleachers on concrete pads, new walkways, new perimeter fencing, landscaping, irrigation system, and signage; and installation of electrical service, transformer, and necessary conduits for Phase I improvements at the recreation center.

On May 1, 2007, nine bids were received for this project. The lowest responsive and responsible bidder is Los Angeles Engineering, Inc., with a bid amount of \$1,550,100, which is approximately \$250,000 above the City Engineer's cost estimate. The bid amounts received are as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Los Angeles Engineering, Inc.	\$1,550,100
ACCU Construction, Inc.	\$1,595,200
CS Legacy Construction, Inc.	\$1,603,883
Environmental Construction, Inc.	\$1,649,317
Kubly Golf Course Construction, Inc.	\$1,745,312
Landshapes	\$1,790,000
Ohno Construction Co.	\$1,959,000
Simgel Co., Inc.	\$1,819,750
USS Call Builders, Inc.	\$2,178,000

Los Angeles Engineering, Inc., submitted the lowest bid, as shown above. Currently, there is only \$121,269 available for construction from the following funding sources: Proposition K, Proposition 12 RZH, Proposition 40 MH, Proposition 40 2/3 PC, and Proposition 40 2/3. The remaining funds, in the amount of \$1,428,831, required to fully encumber the contract, are contingent upon approval of the Proposition 12/40 Cash Flow Funds. When the remaining funds are approved and appropriated to the project, the Department's Chief Accounting Employee will be able to encumber the balance required to fund the project.

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Pending such approval, the contract will provide that the City's liability for the contract payments under this contract shall be limited to the City's appropriation to fund the contract. If the City does not appropriate the additional funding, the contract will provide that the City's liability for contract payments shall only be limited to the extent of the City's appropriation to fund the contract, pursuant to the Board Report, when the City receives approval of the cash flow funds. The contractor will not be required to perform any work in excess of the amount of the current funding, plus additional funding appropriated by the City, if any, for the project.

Currently, funds are available to award the contract for this project in the following accounts:

<u>FUND SOURCE</u>	<u>FUND/DEPT/ACCT</u>	<u>GRANT AMOUNT</u>	<u>AVAILABLE ENCUMBRANCE AMOUNT</u>
Prop K YR 09	43K/10/Y018	\$162,000	\$119,100
Prop 12 RZH	TBD	\$378,000	\$0
Prop 40 MH	TBD	\$1,443,000	\$0
Prop 40 2/3 Per Cap	47T/A811	\$47,125	\$2,169
Prop 40 2/3 RZH	TBD	<u>\$47,125</u>	<u>\$0</u>
APPROVED FUNDING TOTAL		\$2,077,250	\$121,269

Upon receipt of the additional appropriation of contract funds, the contractor will be notified of the amount of the additional appropriations being made to the contract and the contractor shall then be required to complete all contract work up to the amount of appropriation to the contract.

On June 28, 2007, the L.A. for Kids Steering Committee was made aware that full encumbrance of the contract amount is contingent upon availability of the Proposition 12/40 Cash Flow Funds and its reimbursement from the State, and approved the recommendation to award the contract to the lowest responsive, responsible bidder.

Staff has reviewed the outreach effort made by Los Angeles Engineering, Inc., and based on the documents submitted, has determined that a "good faith" effort has been made. Los Angeles Engineering, Inc., satisfied 90 of the 100-point requirement outlined by the Board's Outreach Program which requires a score of at least 75 points to constitute a good faith effort.

The City Attorney and staff have reviewed the bids submitted by Los Angeles Engineering, Inc., and found them to be in order. Staff recommends that the Board find Los Angeles Engineering, Inc., to be the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of Los Angeles Engineering, Inc., 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.

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In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed improvements will not have a significant impact on the environment. The project was determined to be Categorical Exempt pursuant to Article III, Section 1 (a) of the City CEQA Guidelines. A Notice of Exemption was filed with the Los Angeles City Clerk's Office on June 19, 2003 and the Los Angeles County Clerk's Office on June 21, 2003.

FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's budget because the project's construction costs will be fully funded by the above listed funding sources specifically identified and approved for use for this project. The assessments of the future operations and maintenance costs have yet to be determined and would be addressed in future budget request.

This report was prepared by Somsak Poolperm, Project Manager, Recreation and Cultural Facilities Program, Bureau of Engineering, and was reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; Bradley M. Smith, P.E., Chief Deputy City Engineer, Bureau of Engineering; and Michael A. Shull, Superintendent, Planning and Development, Department of Recreation and Parks.

GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

Bidder: Los Angeles Engineering, Inc

Bid Date: 05/01/07

PROJECT: GILBERT LINDSAY SYNTHETIC SOCCER FIELDS – PHASE I (PRJ #1204S) (W.O. #E170987F) – REVIEW OF BIDS AND AWARD OF CONTRACT

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.	Prime did not attend pre-bid meeting nor faxed in a letter stating prior attendance of a pre-bid meeting.	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 plan holder 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			90	

MBE/WBE % ACHIEVED:

0%

MBE =0% WBE = 0% OBE = 36% PRIME = 64%

RESPONSIVE!