

APPROVED
JUL 11 2007

REPORT OF GENERAL MANAGER

NO. 07-162

DATE July 11, 2007

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BANDINI CANYON PARK – PERSONAL SERVICES CONTRACT WITH THE
LOS ANGELES NEIGHBORHOOD INITIATIVE FOR CONSTRUCTION
MANAGEMENT SERVICES

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

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed personal services contract (Agreement), substantially in the form on file in the Board Office, for a term of two years and compensation amount not to exceed \$321,500, with the Los Angeles Neighborhood Initiative (LANI), for construction management services related to the "Bandini Canyon Trails" development project, subject to approval of the Mayor and of the City Attorney as to form;
2. Find, pursuant to Charter Section 1022, that the Department does not have available personnel possessing the appropriate expertise to undertake the specialized professional tasks associated with managing a construction project, nor personnel with sufficient time available to complete the required work in a timely manner, and that it is more feasible and economical, as well as in the Department's best interest, to secure these services by Agreement with LANI based on their familiarity with the project, their expertise gained in doing previous work for the City on the project, and availability to ensure the completion of the project in the time required;

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3. Authorize the Department's Chief Accounting employee to encumber funds and to process project-related invoice payments and reimbursements associated with the construction management services provided by LANI under the proposed Agreement, not to exceed the total amount of \$321,500 from available Proposition 40 Urban Park Act Funding: Fund No. 205, Dept. 88, Account No. WV01; contingent upon available cash in the amount of \$145,000 and approval of a "cash-flow" loan to finance payment of initial project expenses, and/or receipt of Proposition 40 grant funds which will be used to reimburse any funds received from said "cash-flow" loan and pay all remaining project expenses;
4. Direct the Board Secretary to transmit the proposed agreement to the Mayor, in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form; and,
5. Authorize the Board President and Secretary to execute the agreement upon receipt of necessary approvals.

SUMMARY:

Since 1994, the Los Angeles Neighborhood Initiative (LANI) has served as a partner to numerous City departments, and has developed a proven track record in expediting public improvement projects throughout the City of Los Angeles. In 2003, at the request of the Mayor's Office and Councilmember Janice Hahn, LANI facilitated the development of a community-driven conceptual plan for Bandini Canyon. On February 2, 2005, the Board approved a personal services contract (Report No. 05-35) between the Department and LANI for the design of the Bandini Canyon Trails project. Since then, LANI has worked closely with a steering committee of local stakeholders, the community, the Department of Public Works Bureau of Engineering, City Attorney's Office, and staff from the Department's Real Estate and Asset Management Section, Grants Administration Section, and Pacific Region to reach a consensus on the development, remove a series of unauthorized encroachments on park property, complete the design plan and specifications, and prepare construction documents for the bid and award process. In addition, due to LANI's expertise and knowledge of the project, LANI also served as the grant proposal writer for the Department's Proposition 40 Urban Park Act application for the Bandini Canyon Trails project. The application resulted in the City being awarded funding in the amount \$1.5 million for construction, to develop a nature trail project including scenic native landscaping and permanent recreational amenities in a presently under-utilized, blighted natural canyon.

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The design plans and specifications for the Bandini Canyon Trails project are complete and on file in the Board Office. Based on the completed plans, specifications, and project budget, LANI will prepare the necessary construction documents for the construction contract (Contract) bid and award process, which will be conducted by the Department pursuant to normal procedures. Upon selection of the qualified contractor and pursuant to normal procedures, the Department will execute the construction contract, subject to the approval of the Board and City Council. Upon obtaining all necessary approvals and completing the execution of the approved Contract, LANI will assume project management duties and will ensure that the project is completed on time and within budget, pursuant to the approved plans, specifications, and Contract.

The City Charter requires that any contract involving a service or labor component must comply with Charter Section 1022. Before a contract can be awarded to an independent contractor or consultant, the Board of Commissioners must find that it is more economical or feasible to contract with an independent contractor than for the work to be done by City staff. For the last thirty-nine months, LANI has conducted and facilitated extensive community outreach to mobilize and empower local stakeholders in the coordination and development of a conceptual plan document that garnered the overwhelming support of the community; has assisted the Department in securing required Proposition 40 funding for the project; has invested into the project awarded CDBG funds in the amount of \$72,056; has coordinated among several City departments the on-going removal of unauthorized encroachments on City property within Bandini Canyon; and has coordinated with City staff to facilitate the bid, award, and construction process. Due to LANI's expertise, prior project involvement, established relationship with the community, and their commitment to the project's completion, it will be far more feasible, efficient and economical to the City for LANI to perform the required construction management services to oversee the project's construction than for City staff to perform the work. Due to a lack of available Department personnel possessing the required expertise and availability to ensure the project is completed on time and within budget, staff recommends that the construction management duties for this project be awarded to LANI, pursuant to the terms and conditions of the proposed Agreement prepared by the Office of the City Attorney.

The total construction cost for the Bandini Canyon Trails project is estimated not to exceed \$2,200,000. As project manager, upon award and execution of the Contract between the Department and selected contractor, LANI will oversee all construction related matters and activities associated with the proposed park improvements. Under the proposed Agreement, LANI will receive compensation in an amount not to exceed \$321,500. Project funding as set forth in the proposed Agreement is subject to change in accordance with the availability of Proposition 40 grant funds (Urban Park Act) provided to the City by the State. The City reserves the right to change the amount of Compensation accordingly. Funding for all periods of the proposed Agreement is subject to the continuing availability of State grant funds for this project. The Agreement may be terminated immediately upon written notice to LANI of a loss or reduction of State grant funds. The

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Department presently has project funding available in the amount of \$145,500. Funding to satisfy the balance of the required compensation (\$176,000) shall be contingent upon the approval of a "cash-flow" loan and/or receipt of grant funding from the State.

Department Environmental staff has determined that the subject project will consist of the construction of new small improvements and accessory structures in Bandini Canyon Park, and therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3(6) and Class 4(3, 12) of the City CEQA Guidelines.

Staff has discussed the proposed Agreement with the Assistant General Manager of Operations East, the Superintendent of the Pacific Region, and the Office of Councilmember Janice Hahn of the Fifteenth Council District, and each supports the project and concurs with staff's recommendations.

FISCAL IMPACT STATEMENT:

There will be no fiscal impact to the Department associated with this project as the direct costs related to LANI's services and the construction of the proposed improvements will be funded and paid for entirely through Proposition 40 Grant funding.

Prepared by Joel Alvarez, Management Analyst II, of the Department's Real Estate and Asset Management Section.