

**APPROVED**

REPORT OF GENERAL MANAGER

NO. 07-154

DATE: June 20, 2007

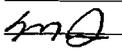
**JUN 20 2007**

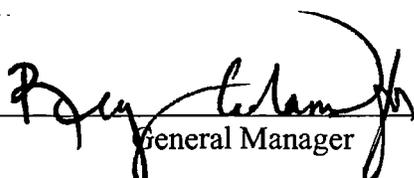
**BOARD OF RECREATION  
and PARK COMMISSIONERS**

C.D. 10, 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BENNY H. POTTER WEST ADAMS AVENUE MEMORIAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1206L) (W.O.#E1904591) AND KEN MALLOY HARBOR REGIONAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1205L) (W.O.#E1904593) - 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Withdrawn \_\_\_\_\_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. Find Horizons CCI Services, Inc., with a base bid of \$1,241,915, to be the lowest responsive and responsible bidder for Benny H. Potter West Adams Avenue Memorial Park - Universal Access Playground (#1206L) (W.O.#E1904591) and Ken Malloy Harbor Regional Park - Universal Access Playground (#1205L) (W.O.#E1904593) projects;
2. Award the contract, in the amount of \$1,241,915, to Horizons CCI Services, Inc., with none of the additive alternates being exercised, all according to the plans and specifications;
3. Authorize the Department's Chief Accounting Employee to encumber funds in an amount not to exceed \$1,241,915 from the following fund and account numbers under the awarding authority of this Board Report;

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<u>FUND SOURCE</u>	<u>FUND/DEPT/ ACCOUNT</u>	<u>ENCUMBRANCE AMOUNT</u>
<u>Benny H. Potter West Adams Avenue Memorial Park</u>		
Proposition 40 Specified	205/89/WU06	\$ 452,740 <sup>(1)</sup>
Proposition 12/40 Cash Flow Account	205/88/TBD	\$ 23,334 <sup>(3)</sup>
CIEP – General Fund	100/54/Y607	\$ 11,666
SUBTOTAL		\$ 487,740
 <u>Ken Malloy Harbor Regional Park</u>		
Proposition 40 Specified	205/89/WU05	\$ 714,175 <sup>(2)</sup>
Proposition 12/40 Cash Flow Account	205/88/TBD	\$ 26,668 <sup>(3)</sup>
CIEP – General Fund	100/54/Y607	\$ 13,332
SUBTOTAL		\$ 754,175
 TOTAL		 \$ 1,241,915

(1) Available cash is \$77,333; \$375,407 of the \$452,740 is contingent upon approval of funds from the cash flow loan fund. The cash flow loan account will be reimbursed upon receipt of Proposition 40 Specified funds from the State.

(2) Available cash is \$134,536; \$579,639 of the \$714,175 is contingent upon approval of funds from the cash flow loan fund. The cash flow loan account will be reimbursed upon receipt of Proposition 40 Specified funds from the State.

(3) The cash flow loans have been approved by CAO. The cash flow loan accounts will be reimbursed upon receipt of Proposition 12RZH funds from the State; and,

4. Request staff to prepare a contract, including a “funding clause” limiting the City’s liability for contract payments to the amount of funding available by the City for this contract in the amount of \$286,869, 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 approval as to form by the City Attorney.

SUMMARY:

There are thirteen Universal Access Playground (UAP) projects in the Proposition 40 UAP Program. To date, two UAP projects have been completed, one at Lake Street Recreation Center in Council District Thirteen (CD 13) and the other at Hansen Dam in Council District Seven (CD 7). The remaining eleven UAP projects are being packaged in five bid groups in order to attract more

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competitive bids and to maximize the economy of scale. The first two bid groups, consisting of five UAP projects, are currently under construction at the following locations: Shadow Ranch Park in Council District Three (CD 3), Anthony C. Beilenson Park in Council District Six (CD 6), Lincoln Park in Council District One (CD 1), Hazard Park in Council District Fourteen (CD 14), and Martin Luther King, Jr. Therapeutic Recreation Center in Council District Eight (CD 8).

The UAP projects at Benny H. Potter West Adams Avenue Memorial Park (Benny Potter) in Council District Ten (CD 10) and Ken Malloy Harbor Regional Park (Ken Malloy) in Council District Fifteen (CD 15) were paired to form the third bid group to be awarded and constructed under one contract.

On January 17, 2007, the Board approved the final plans and call for bids for Benny Potter UAP, located at 2413 Second Avenue, Los Angeles; and Ken Malloy UAP, located at 25820 S. Vermont Avenue, Harbor City (Board Report No. 07-17). The plans call for the construction of new UAPs with benches and drinking fountains at Benny Potter Park and Ken Malloy Park. The Architectural Division of the Bureau of Engineering (BOE) prepared the plans and specifications. BOE estimated the Base Bid construction cost at Benny Potter UAP at \$519,000, and Ken Malloy UAP at \$720,000, for a total Base Bid estimate of \$1,239,000.

Base Bid work to be completed at Benny Potter UAP is identified as Base Bid "A"; and Base Bid work to be completed at Ken Malloy UAP is identified as Base Bid "B."

In addition, four Additive Alternates were identified, with the work associated with each Additive Alternate described as follows:

Additive Alternate No. 1 – Benny Potter UAP:

Demolish the existing restroom building with associated hazardous material abatement work and install a prefabricated ADA compliant restroom building with all necessary utility connections at Benny Potter Park UAP project.

Additive Alternate No. 2 – Ken Malloy UAP:

Demolish the existing restroom building with associated hazardous material abatement work and install a prefabricated ADA compliant restroom building with all necessary utility connections at Ken Malloy Park UAP project.

Additive Alternate No. 3 – Ken Malloy UAP:

Renovate the existing restrooms to meet ADA compliance at Ken Malloy Park UAP project.

Additive Alternate No. 4 – Ken Malloy UAP:

Provide and install the sensory alligator sculpture, electrical circuit and potable water line at Ken Malloy Park UAP project.

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The bid documents provided that the determination of the lowest bidder would be based on the Base Bid amount without the consideration of any additive alternate. The bid documents also provided that the Base Bid amount would be the combined sum of the Base Bid prices of Benny Potter UAP (Base Bid A) and Ken Malloy UAP (Base Bid B).

The bid documents, with the approval by the Board, specified a sole source vendor to provide and install the prefabricated restrooms. During the bid period, issues were raised concerning the justification for use of a sole source vendor for the prefabricated restrooms. In order to avoid significant delay to the project schedule while the concerns raised regarding the sole source vendor could be properly addressed, it was decided to remove Additive Alternates No. 1 and No. 2 from the bid (Addendum No. 3 issued on March 15, 2007).

On March 27, 2007, the Board received a total of eight (8) bids as follows:

<b>BIDDER</b>	<b>Base Bid (A)</b>	<b>Base Bid (B)</b>	<b>Sum of (A)+(B)</b>	<b>Add. Alt. #1</b>	<b>Add. Alt. #2</b>	<b>Add. Alt. #3</b>	<b>Add. Alt. #4</b>
Horizons CCI Services, Inc.	\$487,740	\$754,175	\$1,241,915	NA	NA	\$6,000	\$8,900
Malibu Pacific Tennis Courts, Inc.	\$488,998	\$759,895	\$1,248,893	NA	NA	\$219,000	\$58,000
Simgel Co., Inc.	\$498,000	\$798,000	\$1,296,000	NA	NA	\$215,000	\$24,000
Environmental Construction, Inc.	\$511,554	\$805,590	\$1,317,144	NA	NA	\$70,715	\$4,200
C-1 Construction Corp.	\$550,900	\$796,000	\$1,346,900	NA	NA	\$83,100	\$32,970
L.A. Builders	\$550,000	\$815,000	\$1,365,900	NA	NA	\$137,000	\$38,500
Landshapes	\$559,600	\$888,800	\$1,448,400	NA	NA	\$189,800	\$36,000
Los Angeles Engineering, Inc.	\$616,600	\$909,700	\$1,526,300	NA	NA	\$194,000	\$37,000

Out of the total construction contract award amount of \$1,241,915; \$487,740 is for the Benny Potter UAP, and \$754,175 is for the Ken Malloy UAP. The Proposition 12/40 Cash Flow Account will be reimbursed (in the amount of \$50,002) upon receipt of Proposition 12 RZH funds from the State, as previously stated in Recommendation No. 3. It should be noted that because each of the UAP projects has its own funding, the contractor will be required to complete each park for the bid price amount stated for each park and must submit separate billings for each of the parks.

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Staff has reviewed documentation provided by Horizons CCI Services, Inc., regarding the outreach effort made and, based on the documents submitted, has determined that a good faith effort was made by the proposed contractor. The contractor obtained a Minority Business Enterprise and Women Business Enterprise (MBE/WBE) participation of 19.27 percent and received 81 out of the 100-points possible as outlined by the Board's outreach program which requires a score of 75 points to achieve a good faith effort. The outreach Document Package is on file in the Board Office, and a synopsis of the said package is attached. The City Attorney and staff have reviewed the bids submitted by Horizons CCI Services, Inc., and found them to be in order. Horizons CCI Services, Inc., is the lowest responsive and responsible bidder.

Staff reviewed the responsiveness and work performance of Horizons CCI Services, 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 met by the bidder.

Staff has determined that the construction of new playgrounds and restrooms at both Benny Potter Park and Ken Malloy Park are accessory park features, and therefore, are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 2 (1) and Class 11 (3, 7) of the City CEQA Guidelines. Notices of Exemption were filed with Los Angeles City Clerk on December 27, 2006, and the Los Angeles County Clerk on December 28, 2006, for both playground projects.

### FISCAL IMPACT STATEMENT:

There is no immediate fiscal impact to the Department's General Fund because the projects are mostly grant funded and a small portion will come from City's CIEP account; however, future operations and maintenance costs will be assessed upon completion of the project.

Report prepared by Paul Tseng, Project Manager, Bureau of Engineering - Architectural Division.  
Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program;  
Bradley Smith, Chief Deputy City Engineer, Bureau of Engineering and Michael A. Shull,  
Superintendent, Planning and Development Division.

## GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

Bidder: Horizons CCI Services, Inc. Bid Date: 03/27/07

PROJECT: BENNY H. POTTER WEST ADAMS AVENUE MEMORIAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1206L) (W.O.#E1904591) AND KEN MALLOY HARBOR REGIONAL PARK - UNIVERSAL ACCESS PLAYGROUND (#1205L) (W.O.#E1904593)

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 <sup>st</sup> Floor, Los Angeles, Ca. 90015.	Bidder did not attend Pre-bid meeting nor submitted a letter providing that they have attended a 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.	No copy or proof of publication statement or other verification which confirms that an advertisement was published for the particular project	9	0
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
<b>TOTAL POINTS ACHIEVED</b>			<b>81</b>	

MBE/WBE % ACHIEVED:

MBE = 16.59% WBE = 2.68% OBE = 19.97% PRIME = 60.76%

19.27%

**RESPONSIVE!**