

APPROVED
OCT 17 2007

REPORT OF GENERAL MANAGER

NO. 07-242

DATE October 17, 2007

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 1, 8, & 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK RECREATION CENTER - ADDITION TO THE EXISTING UNIVERSAL ACCESS PLAYGROUND (#1213L) (W.O. #E1904598); HAZARD PARK RECREATION CENTER - UNIVERSAL ACCESS PLAYGROUND (#1203L) (W.O. #E1904592); AND MARTIN LUTHER KING, JR. THERAPEUTIC RECREATION CENTER - UNIVERSAL ACCESS PLAYGROUND (#1204L) (W.O. #E1904589) - CONTRACT NO. 3202 - PARTIAL ACCEPTANCE AND PARTIAL RELEASE OF RETENTION

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

Allen for MS

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the partial acceptance of work and the partial release of the retention monies for the work performed on the Lincoln Park Recreation Center - Addition to the Existing Universal Access Playground (#1213L) (W.O. #E1904598) and Hazard Park Recreation Center - Universal Access Playground (#1203L) (W.O. #E1904592) projects only, under Contract No. 3202, with Malibu Pacific Tennis Courts, Inc., as outlined in the summary of this report, subject to the satisfaction of conditions listed under Article 48 of the General Conditions of the Contract;
2. Authorize the Board Secretary to furnish Malibu Pacific Tennis Courts, Inc., Contract No. 3202, with a letter of partial completion indicating the release of \$58,078 or approximately 64% of the retention monies held under said contract, subject to satisfaction of conditions listed under Article 48 of the General Conditions of the Contract; and,

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3. Authorize the Department's Chief Accounting Employee to release \$58,078 or approximately 64% of the retention monies held under Contract No. 3202 to Malibu Pacific Tennis Courts, Inc., upon the issuance of the letter of partial completion, subject to the satisfaction of conditions listed under Article 48 of the General Conditions of the Contract.

SUMMARY:

The construction contract was awarded to Malibu Pacific Tennis Courts, Inc., on December 13, 2006 (Board Report No. 06-352), in the amount of \$1,174,600, for the construction of the following three universal access playground (UAP) projects:

1. Lincoln Park Recreation Center (Lincoln) UAP, located at 3501 Valley Boulevard, Los Angeles, in Council District One (contract award amount is \$64,800);
2. Hazard Park Recreation Center (Hazard) UAP, located at 2230 Norfolk Street, Los Angeles, in Council District Fourteen (contract award amount is \$514,000); and,
3. Martin Luther King, Jr., Therapeutic Recreation Center (MLK, Jr.) UAP, located at 3916 S. Western Avenue, Los Angeles, in Council District Eight (contract award amount is \$595,800).

The UAP scope involved the fabrication and installation of water-spouting elephant sculptures at the existing Lincoln UAP and the construction of new universally accessible playgrounds, complete with benches, drinking fountains, landscaping and irrigation at Hazard Park and MLK, Jr., Therapeutic Recreation Center.

The construction of the Hazard Park UAP and Lincoln Park UAP Addition were completed on July 12, 2007 and September 6, 2007, respectively. Bureau of Engineering (BOE) has informed the Department that the Lincoln Park UAP Addition project was completed with no Change Orders; the final contract amount was \$64,800. In addition, the Hazard Park UAP project was completed with one Change Order issued, in the amount of \$1,980. The final contract amount for Hazard Park UAP, including the Change Order, was \$515,980, for a Change Order percent of 1.4%. Malibu Pacific Tennis Courts, Inc., has requested that the retention monies held under the Lincoln UAP Addition and Hazard UAP projects be released. To date, the City has withheld retention monies in an amount equal to 10% of the total contract amount, or \$6,480 and \$51,598 for Lincoln Park UAP and Hazard Park UAP projects, respectively. Therefore the amount of retention monies being requested to be released is \$58,078.

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It should be noted that the construction of the MLK, Jr. UAP project is currently at 40% completion, and is expected to be completed by April 2008. Normal retention is being withheld on this portion of the contract, pending completion of the MLK, Jr., UAP project. A total of \$32,310 of retention monies has been withheld to date for the MLK, Jr., UAP project. The majority of funding for the Lincoln UAP, Hazard UAP and MLK, Jr., UAP projects was provided by Proposition 40 grant; in addition, Hazard UAP project received Capital Improvement Expenditure Program funds while MLK, Jr., UAP project received C.I.E.P. and Proposition 12 funds. The details of funding sources utilized for this project were outlined in Board Report No. 06-352.

The Architectural Division of BOE performed, and is continuing to perform, the project management and construction administration tasks, while the BOE Construction Management Division performed, and is continuing to perform, construction management services for the completed and unfinished portions of the projects. Cornerstone Studios, Inc., is the Landscape Architect of Record and provided design services.

The Architectural Division of BOE recommends payment of \$58,078, or approximated 64% of the retention monies held to date under Contract No. 3202 to Malibu Pacific Tennis Courts, Inc., who exhibited the utmost cooperation in constructing the facility promptly.

Article 48 of the General Conditions of the contract states that the City may, if the work is progressing satisfactorily, release part of the retention of the work for which a statement of partial completion has been issued, provided that the following conditions have been met:

1. Partial final inspection corrections have been completed to the satisfaction of the Inspector;
2. The contractor submits a written request for release of retention which includes a verifiable valuation of the identified portions of the work covered by the statement of partial completion;
3. Impacted subcontractors, major suppliers and the contractor's surety all agree in writing to release retention;
4. If any minor corrections remain which do not directly affect operations or maintenance then twice the values of the remaining cleanup items shall be retained on each request for release; and,
5. The contractor signs a change order which specifically states the value of the retention being released.

Department staff has consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the project and, to date, there are no outstanding wage violations, and Malibu Pacific Tennis Courts, Inc., is in compliance.

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FISCAL IMPACT STATEMENT:

The majority of funding for the Lincoln UAP, Hazard UAP and MLK, Jr., UAP projects was provided by Proposition 40 grant; in addition, Hazard UAP project received C.I.E.P. funds while MLK, Jr., UAP project received C.I.E.P. and Proposition 12 funds; therefore, there was no impact to the Department's General Fund during construction. The operation and maintenance costs of the new UAP facilities at Lincoln Park and Hazard Park are already included in the Department's current General Fund annual budget appropriation and the operation and maintenance costs for MLK, Jr., UAP project will be included in future budget requests.

This report was prepared by Paul Tseng, Project Manager, BOE Architectural Division. Reviewed by Neil Drucker, Program Manager, BOE Recreational and Cultural Facilities Program; Michael Brown (for Bradley Smith, Chief Deputy City Engineer, BOE), and Michael A. Shull, Superintendent, Planning and Development Division, Recreation and Parks.