

APPROVED

JUN 05 2013

**BOARD OF RECREATION
& PARK COMMISSIONERS**

REPORT OF GENERAL MANAGER

NO. 13-146

DATE June 5, 2013

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED PARK FACILITY CONSTRUCTION – AWARD OF CONTRACTS

R. Adams _____

K. Regan _____

H. Fujita _____

*M. Shull _____

V. Israel _____

N. Williams _____

CSD for

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Find, in accordance with Charter Section 1022, that the Department of Recreation and Parks (Department) does not have, available in its employ, personnel with sufficient time or necessary expertise to undertake all of the park facility construction projects in a timely manner, and it is more feasible, economical and in the Department's best interest, to secure these services by contract with several contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive bidding process for each individual project to be performed;
2. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that competitive bidding is not practicable or advantageous as it is necessary for the Department to be able to call on contractors to perform this work as-needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as-needed contractors each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;
3. Find in accordance with Charter Section 371(e)(10), that use of competitive bidding would be undesirable, impractical or impossible or is otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department to provide park facility construction projects;

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4. Find, in accordance with Charter Section 372, that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonably practicable or compatible with the Department's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price, and expertise, and that it is therefore necessary to have several as-needed contractors for this type of service available when called upon by the Department to perform services;
5. Approve the selection process for the selection of qualified firms;
6. Award a contract (Contract), substantially in the form on file in the Board Office, between the Department and the following five (5) firms for as-needed park facility construction services for a three (3) year contract, specifying the terms and conditions, subject to approval of the Mayor and the City Attorney as to form;

Contractors:

- 1) Chris Kelley Inc. dba Childs Play
2910 Oak Street
Santa Ana, California 92707
 - 2) Commercial Paving & Coating
2809 W. Avenue 37
Los Angeles, California 90065
 - 3) California Landscape & Design dba California Skateparks
273 N Benson Avenue
Upland, California 91786
 - 4) Ohno Construction Company
16174 Boyle Avenue
Fontana, California 92337
 - 5) United Riggers & Erectors, Inc.
4188 Valley Boulevard
Walnut, California 91789
7. Direct the Board Secretary to transmit the Contracts to the Mayor in accordance with Executive Directive No. 3 and concurrently, to the City Attorney for review and approval as to form; and,

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8. Authorize the Board President and Secretary to execute the Contracts upon receipt of the necessary approvals.

SUMMARY:

The Department is in need of park facility construction services, which current staffing can only provide on a limited basis. Therefore, one (1) or more park facility construction contracts are required. Currently, the Department does not have contracts in place to perform park facility construction services that will help supplement our current city forces. With over four hundred twenty (420) park locations under the jurisdiction of the Department, park facility construction services contracts are critical to maintaining and expanding our current park facility infrastructures.

These contracts will provide the Department with additional resources to perform park facility construction services to help supplement current City forces. In addition, these contracts will provide the Department's Planning, Construction and Maintenance Branch with a tool to meet current and future park facility construction projects.

The various park facility construction services will include, but are not limited to, demolition, paving, resurfacing and coating of roadways, athletic and playing field/court surfaces, pathways, parking lots, and the construction of masonry and concrete walls. Also included are the grading of parking lots, open turf areas and athletic fields, installation of plumbing, electrical, fencing, asphalt, concrete and masonry work for construction of athletic fields/courts, field/court amenities, playground equipment and construction of new park facilities.

On April 3, 2013, the Board approved a Request for Qualifications (RFQ) for Park Facility Construction (Board Report No. 13-089), which was released April 5, 2013. On May 14, 2013, the Department received eight (8) proposals in response to the RFQ. The responders were:

- 1) California Landscape & Design dba California Skateparks
- 2) Chris Kelly Inc. dba Childs Play
- 3) Commercial Paving & Coating
- 4) Evergreen Environment, Inc.
- 5) Gary L. Barton Corporation
- 6) Ohno Construction Company
- 7) Palp Inc., dba Excel Paving Company
- 8) United Riggers & Erectors, Inc.

The park facility construction services RFQ consists of four (4) separate minimum requirements namely: 1) Asphalt Paving, 2) Flatwork Concrete, 3) Athletic Field Construction-Renovation, and 4) New Park Construction. The responders were required to provide evidence of their qualifications

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by meeting at least one (1) of four (4) minimum requirements as stated below:

- 1) **Asphalt Paving:** Qualified Responders must have a minimum of ten (10) years of asphalt paving experience working with governmental agencies (Municipal, State or Federal), performing asphalt paving projects with the following requirements:
 - A. Provide a list of project where the total amount of asphalt paved met or exceeded seventy-five thousand (75,000) tons. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State or Federal).
- 2) **Flatwork Concrete:** Qualified Responders must have a minimum of ten (10) years of flatwork concrete experience working with governmental agencies (Municipal, State or Federal), performing flatwork concrete projects with the following requirements:
 - A. Provide a list of projects where the total volume of concrete placed was at least twenty thousand (20,000) Cubic Yards (CY). All projects provided must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State or Federal).
- 3) **Athletic Field Construction-Renovations:** Qualified Responders must have a minimum of ten (10) years of soil grading activities for governmental agencies (Municipal, State or Federal). Qualified Responders must provide the following:
 - A. Provide a list of projects where the total graded areas was at least one hundred (100) acres. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State or Federal). Each project submitted for qualifications must have all of the following components:
 - i. Soil Compaction
 - ii. Drainage System/s
- 4) **New Park Construction:** Qualified Responders must have a minimum of five (5) years experience constructing parks for governmental agencies (Municipal, State or Federal). Qualified Responders must provide the following:
 - A. Provide at least ten (10) new park construction projects. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State or Federal). Each project submitted for qualifications must have all of the following components:

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- i. Playground and/or outdoor fitness equipment;
- ii. Block wall and/or fencing;
- iii. Pathways (Concrete, Asphalt, Decomposed Granite and/or Pavers); and,
- iv. Irrigation and Landscape.

Only five (5) of the eight (8) responders submitted a responsive submittal to this RFQ. Three (3) responders failed to submit a complete submittal and/or failed to qualify, and thus were disqualified from any further review process. The following responders were disqualified because they submitted an incomplete RFQ package submittal response, specific details for the disqualifications can be found on Exhibit A.

- 1) Evergreen Environment, Inc.
 10247 Bellegrave Avenue, Ste. 118
 Mira Loma, California 91750
- 2) Gary L. Barton Corporation
 4700 Long Beach Boulevard
 Long Beach, California 90805
- 3) Palp, Inc. dba Excel Paving Company
 2230 Lemon Avenue
 Long Beach, California 90806

The following responders met the minimum requirements for the RFQ for Park Facility Construction as specified above:

- 1) Chris Kelley Inc. dba Childs Play
 2910 Oak Street
 Santa Ana, California 92707
 Qualified for: Flatwork Concrete and New Park Construction
- 2) Commercial Paving & Coating
 2809 West Avenue 37
 Los Angeles, California 90065
 Qualified for: Asphalt Paving, Flatwork Concrete and Athletic Field Construction-Retrofit.

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- 3) California Landscape & Design dba California Skateparks
273 North Benson Avenue
Upland, California 91786
Qualified for: Flatwork Concrete and New Park Construction
- 4) Ohno Construction Company
16174 Boyle Avenue
Fontana, California 92337
Qualified for: Athletic Field Construction-Renovations and New Park Construction.
- 5) United Riggers & Erectors, Inc.
4188 Valley Boulevard
Walnut, California 91789
Qualified for: Flatwork Concrete

RFQ responses were evaluated solely for the minimum qualifications (as stated in the RFQ Document). The minimum qualifications determined the responder's knowledge and experience to perform the terms and specifications of this Contract. It was found through review and verification by Department staff that the above-listed responders met and/or exceeded the minimum qualifications as set forth in the RFQ.

Once it was determined that the responders had met all of the minimum qualifications, staff verified the references provided by the respondents. Questions were posed regarding respondent's ability to produce a quality product that met all necessary standards, in a timely manner. They were also asked whether the respondent was timely and effective in their correspondence with governing agencies. All of the references for the respondents who met our minimum qualifications responded favorably to these questions and highly recommended the respective respondent. It was then determined that the above listed Respondents should be selected as a pre-qualified Park Facility Construction contractors and eligible to bid on future Department projects.

All responders who submitted and qualified performed and passed the City's Business Inclusion Program (BIP) outreach.

The selected pre-qualified contractors are recommended to the Board for a three (3) year contract, in an amount not-to-exceed an annual expenditure of ten million dollars (\$10,000,000.00) per contract. The contract amount is an estimate, and the Department does not guarantee that the contract maximum amount will be reached. The construction services that the Department is requesting shall be on an as-needed basis; the Department, in entering into an agreement, guarantees no minimum amount of business or compensation.

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Contracts awarded through this RFQ shall be subject to funding availability and early termination by Department, as provided in the Standard Provisions for City Contracts.

Funding for projects will be provided from various funding sources including to but not limited to Proposition K, Quimby, and Proposition 40.

FISCAL IMPACT STATEMENT:

Executing these as-needed contracts has no impact to the Department's General Fund.

This report was prepared by Jim Newsom, Management Analyst II, Planning, Construction and Maintenance Branch.

EXHIBIT A
REQUEST FOR QUALIFICATION
PARK FACILITY CONSTRUCTION

"NON RESPONSIVE" RESPONDERS	REASONS FOR "NON-RESPONSIVENESS"
Evergreen Environmental, Inc	1) Responder did not answer questions #10, #13 and #14 of the Contractor Responsibility Ordinance (CRO) on pages 71-72 of the Request for Qualifications (RFQ) document; 2) Responder did not complete the Business Inclusion Program (BIP), Exhibit "C", Pages 116-131 of the RFQ document; and, 3) Responder did not provide sufficient evidence to qualify for "Flatwork Concrete", "Athletic Field Construction-Renovations" and "New Park Construction" on Form "G", Page 133 of this RFQ.
Gary L. Barton Corporation	1) Responder did not complete answering questions #4, #13, #14 and #24 of (CRO) on Attachments "A" and "B", Pages 70-76 as required; 2) Responder did not provide their list of sub-contractors on Schedule "A", Page 128 of RFQ Document as required on the BIP Instructions, Pages 116-131; and 3) Responder did not provide qualification on the required Form "G" and therefore qualifications could not be verified (Page 10-11 and Page 132 of RFQ).
Palp, Inc. dba Excel Paving Company	1) Responder did not Fill out Article 17 (Contractor's Representative), Page 29 of RFQ; 2) Responder submitted a CRO Questionnaire that was from 2010/11 which has out dated information on Question #10 (Workers Compensation-EMR rates up to 2010); 3) Responder did not provide complete answer to questions # 13 and #14 of CRO on Attachment "B" as required on page 72 of RFQ document; and, 4) Responder did not provide the required qualifications for the "Asphalt" on Form "G", Page 133 of the RFQ. Responder was required to provide evidence of asphalt projects performed for a Governmental entity from March 2008 to Present of 75,000 tons of asphalt or more.