

APPROVED
JUL 09 2008

REPORT OF GENERAL MANAGER

NO. 08-192

DATE July 9, 2008

**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BOYLE HEIGHTS SPORTS CENTER - SOCCER STADIUM AND ENHANCED LANDSCAPING (W.O. #E170193F) – REVIEW OF BIDS AND AWARD OF CONTRACT

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

*As Amended
see attached*

also for ms

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Park West Landscapes, Inc., unresponsive due to its failure to submit City Ethics Commission (CEC) Form 50;
2. Find Environmental Construction, Inc., with a base bid of \$1,171,250, to be the lowest responsive and responsible bidder for the Boyle Heights Sports Center– Soccer Stadium and Enhanced Landscaping (W.O. #E170193F) project;
3. Award the contract to Environmental Construction, Inc., in the total contract amount of \$1,513,875 including all four (4) Additive Alternates Nos. 1, 2, 3, and 4, all according to the plans and specifications;
4. Authorize the Chief Accounting Employee to encumber \$1,513,875 in available funds in the following fund and account numbers;

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APPROVED FUNDING

<u>FUND SOURCE</u>	<u>FUND NO./ DEPARTMENT NO./ ACCOUNT NO.</u>	<u>GRANT AMOUNT</u>	<u>AVAILABLE AMOUNT</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K YR 9	43K/10/Y574	\$ 200,000.00	\$ 160,230.95	\$ 160,230.95
Proposition K YR 10	43K/10/A574	\$ 1,300,000.00	\$ 1,300,000.00	\$ 1,000,000.00
Proposition K YR 10 Inflation	43K/10/A574	\$ 457,160.00	\$ 457,160.00	\$ 57,644.05 53,644.05
Proposition 12 Youth Soccer ⁽¹⁾	205/891/AG04	\$ 300,000.00	\$ 300,000.00	\$ 300,000.00 ⁽²⁾
TOTAL FUNDING		\$ 2,257,160.00	\$ 2,217,390.95	\$ 1,517,875.00 1,513,875.00

⁽¹⁾ State approved Proposition 12 Youth Soccer grant to June 30, 2009. Therefore this project must be completed and all project completion documents submitted no later than March 31, 2009.

⁽²⁾ \$300,000 is contingent upon approval of funds from the cash flow loan (PWTF 80% plus MICLA 20%) fund by CAO. The cash flow loan account will be reimbursed upon receipt of Proposition 12 Youth Soccer from State.

5. 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 \$1,213,875, limiting the contractor's obligation to perform the contract, as further described in this report; and
6. Authorize the Board President and Secretary to execute the contract subject to City Attorney approval as to form.

SUMMARY:

On February 20, 2008, the Board approved final plans and call for bids for the Boyle Heights Sports Center - Soccer Stadium And Enhanced Landscaping (W.O. #E170193F) project, located at 933 S. Mott Street, Los Angeles, CA 90023 (Board Report No. 08-55). Plans for this project were prepared by the Bureau of Engineering. The project scope of work consists of the refurbishment of the existing soccer and baseball 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, installation of new light poles, new scoreboards, landscaping, irrigation system, new walkways, and new stairs.

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On April 22, 2008, nine bids were received for this project. The lowest responsive and responsible bidder is Environmental Construction, Inc., with a bid amount of \$1,513,875, which is approximately \$37,000 below the City Engineer's cost estimate of \$1,550,000. The bid amounts received are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Additive Alternate No.1</u>	<u>Additive Alternate No.2</u>	<u>Additive Alternate No.3</u>	<u>Additive Alternate No.4</u>
Park West Landscape, Inc.	\$ 1,110,636	\$ 16,650	\$ 19,482	\$ 141,667	\$ 261,115
Environmental Construction, Inc.	\$ 1,171,250	\$ 23,625	\$ 26,625	\$ 107,000	\$ 185,375
L.A. Engineering, Inc.	\$ 1,281,100	\$ 16,000	\$ 19,000	\$ 159,000	\$ 293,000
Landshapes	\$ 1,295,000	\$ 21,340	\$ 23,980	\$ 95,000	\$ 164,000
Pima Corporation	\$ 1,354,100	\$ 25,000	\$ 37,500	\$ 152,500	\$ 225,000
Byrom-Davey, Inc.	\$ 1,432,611	\$ 15,000	\$ 18,000	\$ 126,000	\$ 222,000
TOBO Construction, Inc.	\$ 1,489,000	\$ 32,500	\$ 32,500	\$ 125,000	\$ 185,000
A. M. Classic Construction, Inc.	\$ 1,540,000	\$ 12,000	\$ 17,000	\$ 125,000	\$ 170,000
Simgel Co., Inc.	\$ 1,989,720	\$ 15,000	\$ 22,000	\$ 200,000	\$ 280,000

PIMA Corporation was originally the apparent lowest bidder with the base bid of \$1,054,100. However, there was a mathematical error in their bid. The total amount of the base bid was incorrectly read out loud. The correct base bid was \$1,354,390, which makes PIMA Corporation the 5th lowest bidder for the project.

Although Park West Landscape, Inc. submitted the lowest Base Bid, the bid was rejected because the contractor failed to submit the required City Ethics Commission CEC Form 50. This bidder certification form is described in the Municipal Lobbying Ordinance, which is also included in the bid package, is required to be submitted at the time of the bid. Under Los Angeles Municipal Code § 48.09(H), this form must be submitted to the awarding authority with the bid proposal on the contract.

Therefore, Environmental Construction, Inc. submitted the lowest base bid, as shown above. The bid documents defined that the determination of the lowest bidder would be based on the Base Bid amount. It is anticipated that upon the City's request and receipt of the remaining grant

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authorization for the project from the State, that there will be sufficient funds to award the project and to allow for contingencies during construction. It is recommended that the project be awarded to Environmental Construction, Inc., for a total construction contract of \$1,513,875.

Proposition K funds have been approved to award the contract to the lowest responsive and responsible bidder.

In regard to the City Minority/Women/Other Owned Business Enterprise Program (MBE/WBE/OBE), staff has reviewed the outreach effort made by Environmental Construction, Inc., and based on the documents submitted, has determined that a "good faith" effort has been made. Environmental Construction, Inc., satisfied 90 of the 100-point requirement outlined by the Board's Outreach Program. Environmental Construction, Inc. has obtained a 32% MBE/WBE/OBE participation. The Outreach Document Package is on file in the Board Office and a synopsis of said package is attached.

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

Staff reviewed the responsiveness and work performance of Environmental Construction, Inc., on past City 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.

In compliance with the California Environmental Quality Act (CEQA), staff has reviewed the project and has determined that the proposed improvements will have no significant impact on the environment. The Board of Recreation and Park Commissioners adopted a Negative Declaration on September 6, 2006 (Board Report No. 06-259). A Notice of Determination was filed with the City of Los Angeles and the County Clerks office on September 8, 2006. The Negative Declaration is on file in the office of the City Engineer.

FISCAL IMPACT STATEMENT:

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

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This report was prepared by Somsak Poolperm, Project Manager, Recreation and Cultural Facilities Program, Bureau of Engineering. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and Michael A. Shull, Superintendent, Planning and Development, Department of Recreation and Parks.

GUIDELINES FOR EVALUATION OF GOOD FAITH EFFORT CHECKLIST

Bidder: Environmental Construction Inc. **Bid Date:** 04/22/08

Project Name: Boyle Heights Sports Center - Soccer Stadium And Enhanced Landscaping (W.O. #E170193f)

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposal'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) 847-5172, or by mail to the Bureau of Engineering, Project Award and Control Division, 600 S. Spring, 6 th Floor, Los Angeles, Ca. 90014		10	10
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 planholder 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:				32%

MBE= 32% WBE= 0% OBE= 0% PRIME= 56%

EXCERPT FROM THE MINUTES OF THE SPECIAL MEETING
 BOARD OF RECREATION AND PARK COMMISSIONERS
 JULY 9, 2008

GENERAL MANAGER'S REPORT:

08-192

BOYLE HEIGHTS SPORTS CENTER - SOCCER STADIUM AND ENHANCED
 LANDSCAPING (W.O.#E170193F) - REVIEW OF BIDS AND AWARD OF CONTRACT

Neil Drucker, Bureau of Engineering, amended the "Approved Funding" on Page 2 of the report as follows:

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President Barry Sanders motioned to amended the report as follows:

"This contract be awarded to Park West Landscape on the condition that no later than close of business today, they provide to the Department an affidavit under penalty of perjury swearing that they had included the required Ethics document in their original submission. If they do that they get the award. And, if they fail to do that the award should go to the second lowest bidder that was earlier recommended. The intention is not, in fact, to waive the obligation, it is rather to give credence to their assertion that they met the obligation."

Motion

It was moved by President Sanders, seconded by Commissioner Spelling that Report No. 08-192 be approved as amended. There being no objections, the Motion was unanimously approved.