

REPORT OF GENERAL MANAGER

APPROVED
AUG 12 2009

NO. 09-217

DATE August 12, 2009

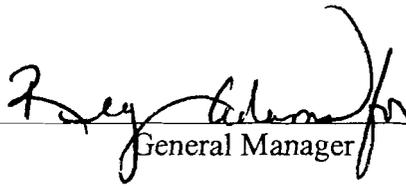
**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PERSHING SQUARE - AMENDMENT NO. 2 TO CONTRACT NO. 3205 WITH MOBILE ILLUMINATION, INC., TO EXTEND THE TERM AND INCREASE THE CONTRACT AMOUNT

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


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed Amendment No. 2 to Contract No. 3205, substantially in the form on file in the Board Office, between the City of Los Angeles Department of Recreation and Parks and Mobile Illumination, Inc., for the design, rental, installation, maintenance and removal of winter-themed exterior lighting at Pershing Square Park, to extend the term by one year to October 31, 2010, and increase the contract amount from \$297,000 to \$382,000, subject to the approval of the Mayor and of the City Attorney as to form;
2. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;
3. Find, in accordance with Charter Section 371 (e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that the use of competitive bidding would be undesirable, impractical or impossible and because the Department seeks to enhance the recreational experience for the public by providing winter-themed exterior lighting at Pershing Square Park for the 2009-2010 winter season, it is in the City's best interest to amend the current personal service contract while a formal Request for Proposals (RFP) process is conducted and a multi-year agreement is executed;

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4. Find, in accordance with Charter Section 371 (e)(2), that the services to be provided by the contractor are special services of a temporary character for which competitive bidding is not practicable or advantageous while the Department conducts a formal RFP process;
5. Find, in accordance with Charter Section 372, that obtaining competitive proposals or bids for work to be performed pursuant to this agreement is not reasonably practicable or compatible with the Department's interests of having winter-themed exterior lighting for the 2009-2010 season available to the public while the Department conducts a formal RFP process;
6. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for approval as to form; and,
7. Authorize the Board President and Secretary to execute the Amendment upon receipt of the necessary approvals.

SUMMARY:

Pershing Square Park is an outdoor concert and event center located in the heart of downtown Los Angeles. Pershing Square Park hosts an array of free programs for the downtown community. From mid-November to mid-January, Pershing Square Park is transformed into a festive environment for the enjoyment of residents, businesses and visitors. Winter-themed exterior lighting has been an integral part of creating a festive and inviting environment at Pershing Square Park.

On October 18, 2006, the Board approved the award of Contract No. 3205 to Mobile Illumination, Inc., to provide for the design, rental, installation, maintenance and removal of winter-themed exterior lighting at Pershing Square for the term of one-year with two one-year renewal options (Board Report No. 06-305).

On September 5, 2007, the Board approved an amendment to Contract No. 3205 to exercise the two one-year renewal options and extend the term from October 31, 2007, to October 31, 2009, and increase the contract amount from \$99,000 to \$297,000 (Board Report No. 07-201).

On April 15, 2009, the Board approved the release of a Request for Proposals (RFP) for Winter Theme Lighting at Pershing Square Park (Board Report No. 09-087). The RFP was released on June 23, 2009. As the RFP process is expected to take up to twelve months to complete, a new multi-year service contract will not be executed in time for the 2009-2010 season.

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To ensure that the need for winter-themed exterior lighting at Pershing Square Park is met for the 2009-2010 season, staff recommends that the Board approve amending Contract No. 3205 to extend the term by one year to October 31, 2010 and increase the contract amount by \$85,000, from \$297,000 to \$382,000.

In accordance with Los Angeles Administrative Code Section 10.5, the amendment does not require Council approval as the annual payment to the contractor will not exceed \$133,888.

This agreement is solely for use at Pershing Square Park. No revenue is generated or collected by this activity; however, the Winter-themed exterior lighting enhances the recreational activity for the public during the winter season and contributes to the overall enjoyment and success of the "Downtown On Ice" Outdoor Winter Ice Skating Rink which was visited by over 350,000 patrons last season.

Charter Section 1022 Finding

On December 29, 2008 the Personnel Department completed a Charter Section 1022 review (Attachment A) and determined that there were City classifications that could perform some of the work. However, there are no City classifications with sufficient expertise or experience to provide all of the services required; specifically the design and maintenance of the holiday lighting. It is therefore more feasible to secure these services through an independent contractor.

FISCAL IMPACT STATEMENT:

Funding for this contract will be provided from Fund No. 302, Department 89, Account 810M, Pershing Square Parking Operations. There is no impact to the Department's General Fund.

This report was prepared by Nancy Jeffers, Management Analyst II, Service Contracts Group, Administrative Resources Section, Finance Division.

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Department of Recreation and Parks

2. Contacts

Department: Raymond Chang Phone No. (818) 243-6488 Fax No. 818-243-6451

CAO: Veronica Salumbides Phone No. (213) 473-7561 Fax No. 213-473-7514

3. Work to be performed:

Department of Recreation and Parks is seeking a contractor for the design, installation, maintenance, and removal of contractor provided winter-themed exterior lighting décor for Pershing Square Park. The contractor will provide a design proposal to include pictures, diagrams of products, product sizes/dimensions materials. The contractor will be required to provide requested maintenance within 48 hours, and provide other service guarantees as required by design and entertainment schedules. Approximate eight workdays are allowed for installation and removal of holiday lights and other ornaments provided by the contractor.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: One year (two, one-year renewal options)

Proposed Start Date: November 1, 2009

6. Proposed cost of contract (if known): \$85,000

7. Name of proposed contractor: Unknown.

8. Unique or special qualifications required to perform the work:

The contractor must have exterior holiday lighting equipment in stock and the expertise to design, incorporate new and/or incorporate existing structures and landscape to meet an approved thematic holiday design.

9. Are there City employees that can perform some of the work being proposed for contracting?

Yes No

Classification	Departments	List Expires
Maintenance Laborer	Public Works, Airports, other	Continuous Exam
Maintenance and Construction Helper	Public Works, Airports, other	Continuous Exam
Mechanical Helper	Various	Continuous Exam
Electrical Craft Helper	Various	Continuous Exam

If yes,

a. Which class(es) and Department(s): See above.

b. Is there sufficient Department staff available to perform the work? Yes No

c. Is there a current eligible list for the class(es)? Yes No Expiration Date: See above.

- d. Estimated time to fill position(s) through CSC process? 2 to 8 months depending on the class.
- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No
- f. Are there City employees currently performing the **some of** the work? Yes No

10. Findings

- City employees DO NOT have the expertise to perform the work
- City employees DO have the expertise to perform **some of** the work

Check if applicable (explanation attached) and send to CAO for further analysis

- Project of limited duration would have to layoff staff at end of project
- Time constraints require immediate staffing of project
- Work assignment exceeds staffing availability

SUMMARY:

Cathy J. Tanaka
Submitted by

Shirley DeRose
Approved by

12-09-08
Date