

REPORT OF GENERAL MANAGER

APPROVED
AUG 12 2009

NO. 09-222

DATE August 12, 2009

**BOARD OF RECREATION
and PARK COMMISSIONERS**

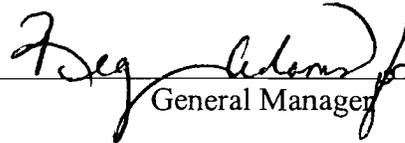
C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PERSHING SQUARE PARK – AWARD OF PROFESSIONAL SERVICES CONTRACT WITH WILLY BIETAK PRODUCTIONS, INC. FOR THE 2009-2010 “DOWNTOWN ON ICE” OUTDOOR WINTER ICE SKATING RINK

R. Adams _____
H. Fujita _____
S. Huntley _____
V. Israel _____

J. Kolb _____
*F. Mok F.M.
K. Regan _____
M. Shull _____



General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Professional Services Contract with Willy Bietak Productions, Inc., substantially in the form on file in the Board Office, to provide equipment and staff to build, operate, maintain, and dismantle an outdoor ice skating rink for the “Downtown on Ice” event in Pershing Square Park, commencing on November 19, 2009 and ending on January 18, 2010, in an amount not to exceed \$279,000, subject to 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 the expertise to provide these specialized professional services 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 an outdoor ice skating rink at Pershing Square Park for the 2009-2010 winter season, it is in the City’s best interest to award a contract to Willy Bietak Productions, Inc., while a formal Request for Proposals (RFP) process is conducted and a multi-year agreement may be executed;

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4. 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 an outdoor winter ice skating rink for the 2009-2010 season available to the public while the Department conducts a formal RFP process;
5. Direct the Board Secretary to transmit the proposed Contract to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for approval as to form; and,
6. Authorize the Board President and Secretary to execute the Contract upon receipt of the necessary approvals.

SUMMARY:

For the twelfth consecutive year, Pershing Square Park will be the site of one of the City's premier holiday attractions, the largest outdoor ice skating rink in the City of Los Angeles. "Downtown on Ice" will provide recreation, fun, and entertainment for people of all ages with free afternoon and evening concerts and special events, in addition to the program's main attraction; the outdoor ice skating rink. The 2009-2010 season will run from November 19, 2009, through January 18, 2010.

The Department plans to co-produce the "Downtown on Ice" at Pershing Square Park in collaboration with Willy Bietak Productions, Inc. It is expected that more than 350,000 visitors will visit Pershing Square Park to participate in the activities offered this holiday season.

On May 20, 2009, the Board approved the release of an RFP for Pershing Square Park "Downtown on Ice" Outdoor Winter Ice Skating Rink in order to secure a multi-year term agreement (Board Report No. 09-132). The RFP was released on June 30, 2009. As the RFP process is expected to take up to twelve months to complete, a new multi-year service agreement will not be executed in time for the 2009-2010 season.

To ensure that the need for an outdoor ice skating rink at Pershing Square Park is met for the 2009-2010 season, staff recommends that the Board approve the proposed Professional Services Contract for a term of four (4) months in an amount not to exceed \$279,000. This amount includes the building of the ice skating rink, the installation of a party platform, local hotel accommodations, and a weekly guarantee payment totaling \$179,000. In addition to the aforementioned goods and services, Willy Bietak Productions, Inc., will secure talent for the opening ceremony/press conference on November 19, 2009.

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One-hundred percent (100%) of the skate session admission fees will be credited to the Department toward its weekly guarantee to Willy Bietak Productions, Inc. The weekly guarantee to Willy Bietak Productions, Inc., provides operating costs for the rink, including staff, refrigeration, trailer rental, and an ice engineer. If the rink income falls short of the guarantee, Willy Bietak Productions, Inc. will issue an invoice for the difference. If the rink income exceeds the guarantee, Willy Bietak Productions, Inc., will carry forward a credit to the Department to be applied to subsequent weeks when calculating the guarantee.

One dollar (\$1) of each skate rental is to be credited to the Department's weekly guarantee; the remaining balance of each skate rental (\$1) is to be retained by Willy Bietak Productions, Inc., and will not be credited towards the City's weekly guarantee to the Contractor. Of the Day Camp, Group, Reserved and Exclusive Use Rates, \$1 per skate rental is paid to Willy Bietak Productions, Inc., and the balance is credited toward the Department's guarantee.

The following are specified use fees, which are payable to the Department and deposited to the Pershing Square Municipal Recreation Program Fund 301, Department 88, Account 012M:

A. Single Person Rates:

Admission Fee:	\$6.00 per person
Ice Skate Rental:	\$2.00 per person

B. Group Rates

Includes skate rental unless otherwise noted

25 to 50	\$7.50 per person
51 to 100	\$7.00 per person
Day Camps	\$7.00 per person
Family Four-Pack	\$30.00 per family or group of four
Eight-Pack Skate Pass	\$38.00 for one person, excludes skate rental

C. Specified Use Fees:

Reserved Party Area:

Includes use of one 10' x 10' canopy, with tables and chairs in a roped-off area for private use during public skating times; excludes skate session and rental fees.

- 2 hours \$300

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Ice Skating Rink-Exclusive Use:

Maximum capacity: 190 (Includes skate rental)

- 1 ½ hours \$1,500
- 2 ½ hours \$2,500
- 3 ½ hours \$3,200

Facility Rental- Exclusive Use:

Private use of entire venue includes canopies, tables, chairs, and skate rental. Maintenance and security fees excluded; private skate instruction offered upon availability.

- 2 hours \$3,500
- 3 hours \$5,000

Film Crew- Exclusive Use

Filming requires exclusive use and its subject to availability and public skate schedule and other authorized activities.

- Up to 3 hours \$ 5,000
- 3-6 Hours \$10,000

Charter Section 1022 Finding

On March 13, 2009 the Personnel Department completed a Charter Section 1022 review (Attachment A). It was determined that while City employees can perform some of the services, the Department does not have the necessary equipment or expertise to perform the core task of installing and maintaining the ice for an outdoor ice skating rink, nor the equipment or supplies to operate the skate rental services. Also, due to the temporary nature of the event, it would be necessary upon its conclusion to layoff staff hired specifically for this event. It is therefore more feasible to secure these services through an independent contractor.

FISCAL IMPACT STATEMENT:

There is no impact to the Department's General Fund as the operating expenses will be funded by revenue generated by the ice skating rink, Pershing Square Municipal Program Fund No. 301, Department 88, Account 012M and corporate sponsorship.

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: The Department of Recreation and Parks seeks a contract to design, install, and maintain a temporary outdoor ice skating rink at Pershing Square with \$279,000 a year budget. The ice skating rink will be 50 by 90 foot ice skating surface built at contractor's expense. Contractor shall have an ice-grooming machine to maintain the ice rink skating surface in satisfactory condition and provide personnel to operate such a machine. Contractor shall have an inventory of ice skates available for renting by the public from mid November through January. Contractor shall collect the proceeds from the skate rental and sale of admission tickets. Contractor shall secure ice skating talent to appear at the opening ceremonies of the "Downtown on Ice" event.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: Three years
Proposed Start Date: November 1, 2009

6. Proposed cost of contract (if known): \$279,000 per year; \$837,000 over three years.

7. Name of proposed contractor: Unknown.

8. Unique or special qualifications required to perform the work: The contractor must possess knowledge and experience in designing, constructing, maintaining, and operating a temporary outdoor ice skating rink. The work requires knowledge of the cooling systems used in creating and maintaining ice surfaces in warm climates, as well as expertise in ice resurfacing technology and procedures. Contractor must have the necessary equipment such as an ice-grooming machine. The ice rink requires personnel to be on the ice to monitor skaters and ensure their safety, that requires individuals with training to maneuver themselves and skate well on the ice surface. The Contractor must also have the skills, knowledge, and abilities to self-operate the ice skating rink.

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
Park Services Attendant	El Pueblo, Rec & Parks, Zoo	5/27/2010
Painter	Airports, LACC, GSD, Harbor, PD, Sanitation, Rec & Parks, DOT	12/23/2009

Carpenter	Airports, LACC DWP, Fire GSD, Harbor, PD, Sanitation, Street Services, Rec & Parks	2/6/2010
Public Relations Specialist	Airports, Animal Services, LACC, Cultural Affairs, DWP, EL Pueblo, PD, Zoo, Library, Harbor, Disability	3/17/09
Accountant	Various	Continuous exam
Custodian	Airports, GSD, Harbor, PD, Sanitation, Rec & Parks, Zoo	No list
Maintenance Laborer	Public Works, Airports, other	Continuous exam
Security Officer	Airports, GSD, Harbor, LAPD	10/10/09
Mechanical Repairer	Various	12/29/10

If yes,

- Which class(es) and Department(s): See above.
- Is there sufficient Department staff available to perform the work? Yes No
- Is there a current eligible list for the class(es)? Yes No Expiration Date: See above.
- Estimated time to fill position(s) through CSC process? 2 to 8 months depending on the class.
- Can the requesting department continue to employ staff hired for the project after project completion? Yes No
- 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: City employees can perform some of the services the Department seeks to contract, such as building the platform to accommodate the ice rink, painting the utility trailer, operating the rental service, marketing the ice rink, providing security, managing the cash flow and other miscellaneous duties. The Department does not have the equipment or expertise to install and maintain the ice for skating, nor the equipment or supplies to operate rental services. Since installing and maintaining the ice for the ice skating rink is a core function of this contract, the Department believes that contracting the service would be more cost effective. The Personnel Department finds that there is not a classification with expertise in installing and maintaining ice for outdoor ice rinks.

Submitted by:

Cathy T. Tanaka
Cathy T. Tanaka

Reviewed by:

Shelly Del Rosario
Shelly Del Rosario

Approved by:

Shannon C. Pascual
Shannon C. Pascual

Date:

3/13/09