

REPORT OF GENERAL MANAGER

APPROVED

NO. 10-082

DATE April 7, 2010

APR 07 2010

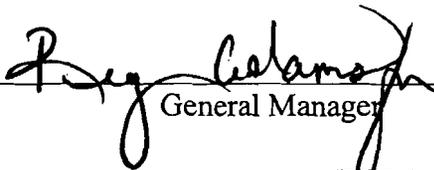
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BOARD OF RECREATION
and PARK COMMISSIONERS

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PERSHING SQUARE PARK – WINTER THEME LIGHTING REQUEST FOR PROPOSALS – REJECTION OF ALL PROPOSALS RECEIVED, RETURN OF PROPOSAL DEPOSITS AND DIRECTION TO RELEASE A NEW REQUEST FOR PROPOSALS

R. Adams _____	J. Kolb _____
H. Fujita _____	*F. Mok <u>NDW</u>
S. Huntley _____	K. Regan _____
V. Israel _____	M. Shull _____



 General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Reject all three proposals received on October 13, 2009, in response to the Winter Theme Lighting at Pershing Square Park Request for Proposals (RFP) on the basis that they are non-responsive to the Level I RFP requirements; and,
2. Direct staff to return all proposal deposits to each proposer; and,
3. Authorize staff to release a new RFP for Winter Theme Lighting at Pershing Square Park.

SUMMARY:

On April 15, 2009, the Board approved the release of the Winter Theme Lighting at Pershing Square Park RFP in order to select a responsible contractor to enter into a multi-year contract to provide for the design, rental, installation, maintenance, and removal of outdoor winter theme lighting at Pershing Square Park (Board Report No. 09-087).

The RFP was released on June 23, 2009. The proposal conference was held on August 4, 2009. The Department received three proposals on October 13, 2009:

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- Dekra-Lite Industries, Inc.
- Mobile Illumination, Inc., Proposal “A”
- Mobile Illumination, Inc., Proposal “B”

As stipulated in the RFP, evaluation of the proposals would occur in two levels. Level I would be a check and review for required compliance and submittal documents and Level II would be a comprehensive evaluation of the proposal by a panel. Proposers must successfully pass Level I to proceed to Level II.

Staff performed a Level I review of the following required documents:

Compliance Documents:

- 1) Proposer’s Signature Declaration and Affidavit
- 2) Disposition of Proposals
- 3) Affirmative Action Plan
- 4) Contractor Responsibility Ordinance Statement
- 5) Equal Benefits Ordinance Statement
- 6) Living Wage Ordinance/Service Contractor Worker Retention Ordinance (only required if applying for an exemption)
- 7) Good Faith Effort Requirement – MBE/WBE/OBE Subcontractor Mandatory Outreach Program
- 8) CEC Form 50

Submittal Documents:

- 1) Cover Letter
- 2) Proposal Deposit
- 3) Experience and Qualifications
- 4) Proposed Compensation
- 5) Proposed Design

During the Level I review, the Good Faith Effort (GFE) Outreach of each proposal was reviewed by staff. The GFE Outreach is a City requirement (Mayor Executive Directive No. 2001-26) that the proposers make a good faith effort to provide a portion of the operation to Minority Business Enterprises/Women Business Enterprise/Other Business Enterprises (MBE/WBE/OBE) subcontractors. This City requirement has also been adopted by the Board as the Board’s policy (Board Report No. 177-89) and is consistent with Citywide practice. Pursuant to the program, proposers are to determine what portions of their operation may be subcontracted and then obtain offers from interested subcontractors to participate in operations. Proposers are required to score 75 points out of 100 in this subcontractor outreach effort as described in the RFP. If the proposer achieves a score of 75 or more points, the proposer has made a good faith effort and is responsive to the RFP requirement. A score of less than 75 points indicates failure to comply and non-

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responsiveness to the RFP requirement. The following are the GFE scores for each of the three proposals:

<u>Proposer</u>	<u>Score</u>	<u>Pass/Fail</u>	
Dekra-Lite Industries, Inc.	64	Fail	(Attachment A1)
Mobile Illumination, Inc., Proposal "A"	34	Fail	(Attachment A2)
Mobile Illumination, Inc., Proposal "B"	34	Fail	(Attachment A3)

Although none of the proposals passed the GFE portion of the RFP, staff continued the Level I review. Staff found that the three proposals successfully passed the other Level I evaluation requirements (Attachment B).

Based on the above, there are no responsive proposers to the RFP. Staff recommends that all three proposals be rejected, the proposal deposits be returned, and a new RFP for Winter Theme Lighting at Pershing Square Park be released.

FISCAL IMPACT STATEMENT:

Failure to award a contract for Winter Theme Lighting at Pershing Square Park has no impact on the Department's General Fund.

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

**DEPARTMENT OF RECREATION AND PARKS
WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP
GOOD FAITH EFFORT OUTREACH SCORING SUMMARY
DEKRA-LITE INDUSTRIES, INC.**

Indicator		Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE Participation	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	15	
6.	Follow-Up on Initial Solicitation	10	0	Detailed telephone logs of follow-up calls made to firms solicited in Indicator No. 5 are required to be provided. The phone logs were incomplete and the proposer did not follow up with all firms to which it sent written notices to in Indicator No. 5.
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	10	
9.	Negotiated in Good Faith	26	0	Documentation of all proposals/quotations received is required to be provided. The proposer selected two subcontractors but did not provide appropriate documentation (such as copies of potential subcontractor proposals or quotations and a summary sheet of subcontractor proposals and reason for selection or non-selection).
10.	Bond, Lines of Credit, and Insurance	5	5	
TOTAL SCORE:		100	64	75 points is required for passing - Proposal failed

**DEPARTMENT OF RECREATION AND PARKS
WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP
GOOD FAITH EFFORT OUTREACH SCORING SUMMARY
MOBILE ILLUMINATION, INC. PROPOSAL "A"**

Indicator		Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE Participation	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	0	Copies of all letters sent to potential subcontractors and proof of mailing are required to be provided. No documentation was provided for this Indicator.
6.	Follow-Up on Initial Solicitation	10	0	Detailed telephone logs of follow-up calls made to firms solicited in Indicator No. 5 are required to be provided. This documentation was not provided, as there were no letters sent for Indicator No. 5.
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	0	The proposer is required to provide proof of mailing to specified placement organizations for assistance in outreach to MBE/WBE/OBEs, along with proof of mailing. Of the seven required organizations, only one was contacted and the proof provided (fax transmission) was unclear and cannot be verified by staff.
9.	Negotiated in Good Faith	26	0	Documentation of all proposals/quotations received is required to be provided. The proposer stated that no proposals nor inquiries were received. As an insufficient outreach was performed based on Indicator Nos. 5 and 6, the proposer did not attempt to negotiate in good faith.
10.	Bond, Lines of Credit, and Insurance	5	0	A statement that the proposer will assist MBE/WBE/OBEs in obtaining lines of credit, bonds, and/or insurance, must be provided in either Indicator No. 4 (Advertisement) or Indicator No. 5 (Written Notices to Subconsultants). The advertisement did not include any type of assistance and there were no written notices provided for Indicator No. 5.
TOTAL SCORE:		100	34	75 points is required for passing - Proposal failed

**DEPARTMENT OF RECREATION AND PARKS
WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP
GOOD FAITH EFFORT OUTREACH SCORING SUMMARY
MOBILE ILLUMINATION, INC. PROPOSAL "B"**

Indicator		Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE Participation	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	0	Copies of all letters sent to potential subcontractors and proof of mailing are required to be provided. No documentation was provided for this Indicator.
6.	Follow-Up on Initial Solicitation	10	0	Detailed telephone logs of follow-up calls made to firms solicited in Indicator No. 5 are required to be provided. This documentation was not provided, as there were no letters sent for Indicator No. 5.
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	0	The proposer is required to provide proof of mailing to specified placement organizations for assistance in outreach to MBE/WBE/OBEs, along with proof of mailing. Of the seven required organizations, only one was contacted and the proof provided (fax transmission) was unclear and cannot be verified by staff.
9.	Negotiated in Good Faith	26	0	Documentation of all proposals/quotations received is required to be provided. The proposer stated that no proposals nor inquiries were received. As an insufficient outreach was performed based on Indicator Nos. 5 and 6, the proposer did not attempt to negotiate in good faith.
10.	Bond, Lines of Credit, and Insurance	5	0	A statement that the proposer will assist MBE/WBE/OBEs in obtaining lines of credit, bonds, and/or insurance, must be provided in either Indicator No. 4 (Advertisement) or Indicator No. 5 (Written Notices to Subconsultants). The advertisement did not include any type of assistance and there were no written notices provided for Indicator No. 5.
TOTAL SCORE:		100	34	75 points is required for passing - Proposal failed

**DEPARTMENT OF RECREATION AND PARKS
WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP
LEVEL I EVALUATION SUMMARY**

		Dekra-Lite Industries, Inc.		Mobile Illumination, Inc. "A"		Mobile Illumination, Inc. "B"	
Compliance Documents		Submitted	In Compliance	Submitted	In Compliance	Submitted	In Compliance
1.	Proposer's Signature Declaration and Affidavit	Yes	Yes	Yes	Yes	Yes	Yes
2.	Disposition of Proposals	Yes	Yes	Yes	Yes	Yes	Yes
3.	Affirmative Action Plan	Yes	Yes	Yes	Yes	Yes	Yes
4.	Contractor Responsibility Ordinance (CRO) Statement	Yes	Yes	Yes	Yes	Yes	Yes
5.	Equal Benefits Ordinance (EBO) Statement	Yes	Yes	Yes	Yes	Yes	Yes
6.	Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO)	Yes	Yes	Yes	Yes	Yes	Yes
7.	Good Faith Effort Requirement - MBE/WBE/OBE Subcontractor Mandatory Outreach Program	Yes	Failed	Yes	Failed	Yes	Failed
8.	Bidder Certification City Ethics Commission (CEC) Form 50	Yes	Yes	Yes	Yes	Yes	Yes
II. Proposal Items							
1.	Cover Letter	Yes	Yes	Yes	Yes	Yes	Yes
2.	Proposal Deposit	Yes	Yes	Yes	Yes	Yes	Yes
3.	Experience and Qualifications	Yes	Yes	Yes	Yes	Yes	Yes
	i. Experience and Qualifications of Firm and Key Personnel	Yes	Yes	Yes	Yes	Yes	Yes
	ii. Experience with Similar Contracts	Yes	Yes	Yes	Yes	Yes	Yes
	iii. References	Yes	Yes	Yes	Yes	Yes	Yes
4.	Proposed Compensation	Yes	Yes	Yes	Yes	Yes	Yes
5.	Proposed Design	Yes	Yes	Yes	Yes	Yes	Yes