

APPROVED

JUN 02 2010

REPORT OF GENERAL MANAGER

NO. 10-132

DATE June 2, 2010

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ARROYO SECO- OUTDOOR REFURBISHMENT PROJECT (W.O. #E170490F)
- REVIEW OF BIDS AND AWARD OF CONTRACT

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

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

pro for

Kel Israel for

General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Y & M Construction, Inc., (Y&M) with a base bid of \$309,120, to be the lowest responsive and responsible bidder for the Arroyo Seco - Outdoor Refurbishment (W.O. #E170490F) project;
2. Award the contract to Y & M Construction, Inc, for a total award amount of \$309,120, all according to the plans and specifications;
3. Receive and file correspondence contained in Attachment "A" (correspondence from E. Avico, dated May 12, 2010);
4. Authorize the Chief Accounting Employee to encumber \$309,120 in available funds from the following fund and account numbers under the awarding authority of this Board Report; and,

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCOUNT NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K - YR 13	43K/10/F855	\$ 309,120
Total:		\$ 309,120

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4. Direct staff to prepare a contract and authorize the Board President and Secretary to execute the contract, subject to the approval of the City Attorney as to form.

SUMMARY:

On April 7, 2010, the Board of Recreation and Park Commissioners (Board) approved the final plans and call for bids for the Arroyo Seco – Outdoor Refurbishment (W.O. #E170490F) Project, located at 5566 Via Marisol, Los Angeles, CA 90042 (Board Report No. 10-065). The project components include replacement of existing light fixtures with new energy-efficient on existing six light poles, installation of twelve new light poles and fixtures to illuminate the parking lot and paths to the tennis courts, installation of two new wall-mounted lights inside the tunnel on Avenue 60, removal of existing play equipment and installation of new play equipment and the installation of a new “Smart” automated irrigation system.

On May 11, 2010, ten (10) bids were received for this project. The lowest responsive and responsible bidder is Y & M, with a base bid amount of \$309,120, which is \$190,880 below the City Engineer’s cost estimate of \$500,000.00. The bids received are as follows:

<u>Bidders</u>	<u>Base Bid</u>
Y & M Construction, Inc.	\$309,120
E. Avico	\$378,862
Oceanstate Development, Inc.	\$383,000
C.S. Legacy Construction, Inc.	\$384,457
Simgel Co., Inc.	\$394,720
K&H Construction, Inc.	\$471,694
Pima Corporation	\$472,482
Jasz Co	\$493,000
Vincor Construction, Inc.	\$494,000
Horizon Construction Company International, Inc.	\$637,800

E. Avico (Avico) filed a bid protest (Attachment “A”), claiming that, Y&M failed to list on Schedule A multiple subcontractors required for the project; and that Y & M failed to complete that form; and that Y&M listed T. J. Janca (who, according to Avico, is not a playground installer) to perform playground installation.

Based on the reading of previous opinion on similar issue, staff has determined that it is not mandatory to list all subcontractors required to complete this project. In addition, the City Attorney has previously opined that there is no legal reason that suppliers need to be identified in Schedule “A”. The prime contractor states that T.J. Janca has the license to perform, and has performed, playground installation. It is the prime contractor’s responsibility to provide a qualified

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installer and certified by the manufacturer. In addition, the bid plans state that the manufacturer's representative for each piece of play equipment installed shall visit the project site and provide a signed verification that the play equipment he represents is installed as indicated in the manufacturer's installation instructions. Therefore, Avico's bid protest is determined to have no merit.

The bid documents stated that the determination of the lowest bidder would be based on the Base Bid amount. Y & M submitted the lowest bid, as shown above. It is recommended that the project be awarded to Y & M for a total construction contract amount of \$309,120. The funds are available from the following accounts:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT/ACCT NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K – YR 13	43K/10/F855	\$309,120
Total:		\$309,120

Staff has reviewed the subcontractor outreach effort made by Y & M, and based on the documents submitted, has determined that a "good faith" effort has been made. Y & M, satisfied 90 of the 100-point requirement outlined by the Board's Outreach Program. The Outreach Document Package is on file in the Board Office and a synopsis of said package is attached. The City Attorney has reviewed the bid submitted by Y & M, and found it to be in order.

In compliance with the California Environmental Quality Act (CEQA), staff has determined that the project will consist of the refurbishment of an existing park facility, and therefore, is exempt from the provisions of the California Environment Quality Act (CEQA) pursuant to Article III, Section 1, Class I(1, 12) and Class 11(3) of the City CEQA Guidelines.

FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's General Fund as the project's construction 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 future budget requests.

This report was prepared by Ejike Mbaruguru, 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 Construction, Department of Recreation and Parks.

GOOD FAITH EFFORT CHECKLIST- EVALUATION DRAFT WORK

Bidder: Y & M Construction, Inc.

Bid Date: May 11, 2010

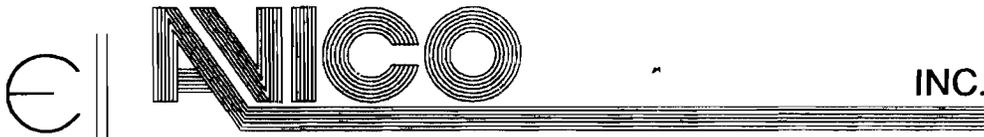
PROJECT: Arroyo Seco – Outdoor Refurbishment (W.O. # E170490F)

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposer'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) 847-0703, or by mail to the Bureau of Engineering, Project Award and Control Division, 1149 S. Broadway, 1 st Floor, Los Angeles, Ca. 90015.		10	0
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: 0 %

MBE= 0% WBE= 0% OBE= 21% PRIME= 82%

RESPONSIVE



Architectural, Structural Engineering Consultants & Construction Management
 Lic # 673967

BOARD OF RECREATION
 AND PARK COMMISSIONERS
 2010 MAY 17 AM 10:14

May 12, 2010

City of Los Angeles
 Board of Recreation and Parks
 221 North Figueroa Street, Suite 1510
 Los Angeles CA 90012

Attn : Ms. Mary Alvarez
 Re : Bid Protest
 Project No : W.O. #E170490F
 Project Name : Arroyo-Seco Outdoor Refurbishment

Dear Ms. Alvarez

Please consider this letter E. Avico Inc formal bid protest to the low bid submitted by Y & M Construction, Inc. on May 11, 2010.

E. Avico Inc. realizes that the City of Los Angeles, Board of Recreation and Parks is presently reviewing the bids submitted for this project and will likely make the following discoveries during their review.

Y & M Construction, Inc. failed to provide the following:

- 1./ Failed to list multiple subcontractors required to complete this project. Those subcontractors/suppliers not listed are: Playground equipment, playground surfacing, etc. to name a few. Per Ordinance No. 150,595. Section 10-14 "Provisions Pertaining to Listing of subcontractors Page 17..." "All Subcontractors and suppliers who will do work on this project valued in excess of one-half of one percent or \$10,000.00 whichever is greater, must be listed, regardless if they are MBE/WBE or not."
- 2./ Failure to complete the form. Per Instruction to bidders check list Section #2 it states..." (1) Blank spaces in the proposal must be properly filled in...(2)Section #7 (e) Have you listed on Schedule "A" all subcontractors, and suppliers and your firm regardless of the amount of money involved....."

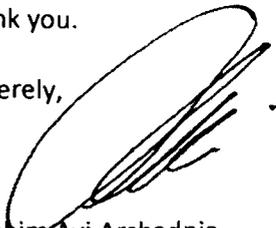
We realize certain items can be self-performed, but several items cannot be performed without the required specialty licenses. Y & M Construction has listed T.J. Janca to perform playground installation. This company does playground surfacing and not installation.

These are just a few examples of the level of non-responsiveness discovered by E. Avico Inc. just at first glance. We are certain that the City of Los Angeles Board of Recreation and Parks will also discover the same bid violation.

We thank you in advance for reviewing this Bid Protest and look forward to speaking with you in more detail on this matter.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ebrahim Avi Arshadnia', written over a large, light-colored oval scribble.

Ebrahim Avi Arshadnia
Vice President

T.J. Janca Construction, Inc.

General Contractor California
License 774195 - B&C-81/D-12

**Pro-Tect Turf Inc.**

Licensed Contractor Arizona
AZ License 148918/K-05

Exclusive Distributors and Installers of Pro-Tect Turf™

May 11, 2010

TO: ALL PRIME CONTRACTORS

SUBJECT: Playground Safety Surfacing
Arroyo Seco Outdoor Refurbishment – Los Angeles, CA
TJC #10-3379

Dear Estimator:

We have compiled the costs for the resilient safety surfacing using Pro-Tect Turf™. Our quote of **\$25,835.00** (\$11.92 per sq. ft.) is based on the following:

- Approximately 2,168 sq. ft. of Pro-Tect Turf™;
- Thickness as required for critical fall height. Unless otherwise noted, not to exceed 3½”.
- 100% designs and wear course colors per plans and specs.
- Prevailing wages.
- Use of aromatic binder.
- Use of California recycled tires.
- Removal of our construction debris.
- Standard five-year warranty.

Excludes:

- Concrete or sub-base prep.
- Aliphatic binder.
- HIC and GMAX testing.

Terms: Due 30 days from completion.

Square foot measurement is a minimum. If additional material and labor is required, it will be invoiced at the per sq. ft. charge noted above.

Please add T.J. Janca Construction, Inc., exclusive distributor and installer of Pro-Tect Turf™ to your bid list for future resilient playground surfacing.

Should you have any questions, please call.

Very truly yours,


Stephen Hughes
Estimator