

APPROVED

REPORT OF GENERAL MANAGER

JUN 02 2010

NO. 10-134

DATE June 2, 2010

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK – OUTDOOR FACILITIES REFURBISHMENT AND EROSION CONTROL PROJECT (W.O. #E170491F) – REVIEW OF BIDS AND AWARD OF CONTRACT

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

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

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find Simgel Co., Inc., with a base bid of \$396,000, to be the lowest responsive and responsible bidder for the Lincoln Park – Outdoor Facilities Refurbishment and Erosion Control (W.O. #E170491F) project;
2. Award the contract to Simgel Co., Inc., for a total contract amount of \$396,000, all according to the plans and specifications;
3. Authorize the Chief Accounting Employee to encumber \$396,000 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./Acct No.</u>	<u>Award Amount</u>
Proposition K – Yr 13	43K/10/ F262	\$396,000
Total Funding:		\$396,000

REPORT OF GENERAL MANAGER

PG. 2

NO. 10-134

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

SUMMARY:

On March 3, 2010, the Board approved the final plans and call for bids for the Lincoln Park – Outdoor Facilities Refurbishment and Erosion Control (W.O. #E170491F) project, located at 3501 Valley Boulevard, Los Angeles, CA (Board Report No. 10-049). The project components include refurbishment of athletic and picnic facilities, roadways, erosion control and irrigation. Plans for this project were prepared by the Bureau of Engineering (BOE), Architectural Division.

On May 4, 2010, seven (7) bids were received for this project. The lowest responsive and responsible bidder was determined to be Simgel Co., Inc., with a base bid amount of \$396,000, which is \$204,000 below the City Engineer’s cost estimate of \$600,000. The bid amounts received are as follows:

Bidders	Base Bid
Simgel Co., Inc.	\$396,000.00
C.S. Legacy Construction, Inc.	\$400,586.00
Oceanstate Development, Inc.	\$433,000.00
Y&M Construction, Inc.	\$446,035.00
LSC Construction	\$489,752.08
E. Avico, Inc.	\$497,990.00
Landshapes	\$530,500.00

Oceanstate Development, Inc., filed a bid protest (Attachment A), claiming that the first bidder (Simgel Co., Inc.) did not list any suppliers or subcontractors; and that the second bidder, C.S. Legacy Construction, Inc., did not list any suppliers for the exercise equipment and park furnishings, or subcontractors at all, as required per Schedule “A” in the Bid Documents. The protest letter also claimed that since this information was not listed, it should not be counted towards the 50% required to be performed by the prime contractor, as required in Addendum #2 to the bid documents, therefore, both the first and second bidders should be deemed non-responsive and their bids be rejected. The bid documents required that the exercise equipment be from Greenfields Equipment.

Simgel Co., Inc. provided a response letter (Attachment B), in which an electronic mail (email) from the manufacturer states “Yes, a general contractor, in this case Simgel Co., Inc. can install the Greenfields Equipment, as in this particular case of Lincoln Park, a Greenfield representative will be present on site at the day of installation.”

REPORT OF GENERAL MANAGER

PG. 3 NO. 19-134

Therefore, as Simgel Co. Inc., or any other General Contractor can install the Greenfields Equipment, no installer needs to be specified. The Greenfields Equipment is specifically identified in the bid package, therefore, it does not need to be identified in Schedule "A". In addition, the City Attorney has previously opined that there is no legal reason that suppliers need to be identified in Schedule "A". Oceanstate's bid protest is determined to have no merit.

It is recommended that the project be awarded to Simgel Co., Inc. for a total construction contract amount of \$396,000. The available in the following account:

<u>Funding Source</u>	<u>Fund/Dept./Acct No.</u>	<u>Award Amount</u>
Proposition K -- Yr 13	43K/10/ F262	<u>\$396,000</u>
Total Funding:		\$396,000

Staff has reviewed the subcontractor outreach effort made by Simgel Co., Inc. and based on the documents submitted, has determined that a "good faith" effort has been made. Simgel Co., Inc., satisfied 90 of the 100-point requirements 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.

Staff reviewed the responsiveness and work performance of Simgel Co., Inc., on past Department projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance has indicated that there have been no labor compliance violations and that all other legal requirements have been complied with by the bidder.

The City Attorney and staff have reviewed the bid submitted by Simgel Co., Inc., and found it to be in order. Staff recommends that the Board find Simgel Co., Inc., to be the lowest responsive and responsible bidder.

Staff has determined that the project will consist of the construction and placement of new accessory structures including retaining walls and walkways, and minor alteration to the condition of the land, including grading on slopes less than 15% for the purpose of new gardening, tree planting, or landscaping. Therefore, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3 (6) Class 4 (1, 3) and 11 (3), of the 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.

REPORT OF GENERAL MANAGER

PG. 4 NO. 10-134

This report was prepared by Ray Araujo, 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.

GOOD FAITH EFFORT CHECKLIST- EVALUATION DRAFT WORK

Bidder: Simgel Co. Inc. Bid Date: May 4, 2010

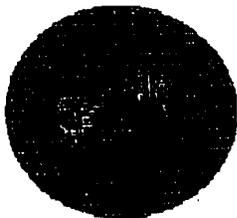
PROJECT: Lincoln Park Outdoor Facilities Refurbishment (W.O. #E170491F)

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	10
TOTAL POINTS ACHIEVED			90	

MBE/WBE % ACHIEVED: 0%

MBE= 0% WBE= 0% OBE= 0% PRIME= 100%

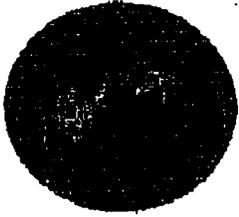
RESPONSIVE



OCEANSTATE DEVELOPMENT, INC.

FAX- URGENT	
To: Mary E. Alvarez	Fax #: 213-202-2610
From: Rick A. Cardello	Date: 5/6/10
Re: Protest for Lincoln Park Bid	
Pages: 2	
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> As per your request	
Please see attached.	

3034 W. Main St.
Alhambra CA 91802
Phone: 626-293-8000 Fax: 626-293-8001



OCEANSTATE DEVELOPMENT, INC.

Protest

May 6, 2010

City of Los Angeles
The Secretary of the Board
Of Recreation and Parks Commissioners
221 N. Figueroa St. Suite 1510
Los Angeles CA 90012

RE: Lincoln Park, Bid May 4, 2010

On review of the low bid for Lincoln Park it is obvious that there are no supplier and or subcontractors listed for many trades. First bidder did not list any supplier or subcontractor at all, second bidder did not list any supplier for exercise equipment and park furnishing. As per plan, they are specifically called out naming the supplier for each product. ~~As per Schedule A, all subcontractors and suppliers who will perform work are required to be listed.~~

It is our opinion that the cost of these should not be counted toward the 50 percent required by the prime contractor as per Addendum 2. Both bid 1 and bid 2 are non-responsive and should be rejected.

After we are allowed to review the complete bid packages for the first two bids, further protest maybe forth coming. Please review and respond.

Respectfully,

A handwritten signature in black ink, appearing to read "Rick A. Cardello". The signature is written in a cursive, somewhat stylized font.

Rick A. Cardello
President



SIMGEL CO. INC.

General Building Contractor
State License #638371

Date: May 12, 2010

Fax No. : 213-202-2610

Total pages: 4

To: The City of Los Angeles
Recreation and Parks Commission Board Office
221 North Figueroa Street , Room 1510
Los Angeles , CA. 90012

BOARD OF RECREATION
AND PARK COMMISSIONERS
2010 MAY 12 PM 1:24

Attention: Ms. Mary Alvarez , Secretary of The Board

Ref.: Lincoln Park- Outdoor Facilities Refurbishment And Erosion Control Project
W.O. # B 170491F

Dear Ms. Mary Alvarez ,

We have been notified that there is a protest against our Bid for the above project for not listing Suppliers and subcontractors working on the project.

Please take this letter as our respond for this protest.

On page 16 of the bid package ,states that :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 grater , must be listed , regardless if they are MBE/WBE or not.

(On page 16 doesn't say to mention suppliers who don't work on project(Bare supplier).

There are some suppliers who work on site . For example : On Arroyo Seco Park Project , with The City of Los Angeles, Dep. Of Recreation and Parks (Bided May 11/2010) the plans are asking for a Supplier for the Play Equipment (from Landscape Structure) .This supplier has his own certified installers and no other company could install them. In this case we should list the Supplier .Or for example an Elevator company or Air conditioning supplier or equipment supplier who supplies and also is involved in work on site should be list the supplier because they DO WORK on site. They send they certified crew for installation work.

But for Lincoln Park Project the case is different. We discussed the installation of Exercise Equipment with the Supplier (Greenfield Fitness) before Bid and they confirmed that Simgel Co. Inc. as a General contractor can install the Equipment and Greenfield Fitness is only bare supplier and we don't need to list them. A copy of their confirmation is enclosed . This supplier is spelled out on the plans and we are obligated to use them and there is no option that we can introduce. There are always suppliers who

supply material or equipment and we never list them like: Concrete, Rocks , Base , Asphalt, Sand, Steel tubes, conduits, Concrete pull boxes , Blocks , Steel posts....etc. The exercise equipment will be sent to the site in a container (purchased from Supplier) and will be assembled and installed by Singel Co. Inc. (the general contractor)on site.

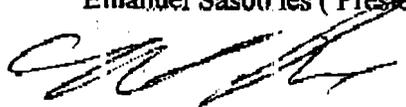
We have performed several projects successfully for The City of Los Angeles , Department of Recreation and Parks (as mentioned in B Attachments City of Los Angeles responsibility Questionnaire) Hanson Dam with Mr. Sam Vohra – Griffith Park Soccer Field Restroom Building with Mr. Richard Practor and Gary Hallajian – Venice Parking Lot and Wilshire – LaBrea Parking lots with Mr. Sam Agajanianetc. and we had never listed bare supplier in Schedule A. For Griffith park and Hanson Dam Park The plans have been asking for Concrete blocks from Angeles block or Concrete with special strength or roof panels form Specific supplier. We did get the contract and finished the project without listing suppliers who don't work on site. . We have to order the specified material or equipment then after approval submittal we can use it . That is what we did for these two Park Projects with the very same spec. for Lincoln Park. The purpose of this Schedule for listing supplier is for reaching the goal of MBE/WBE for supplier ½ of listed amount would be considered and for subcontractor %100 of amount.

Even the Labor Compliance is not considering the labors working on the Equipment or Supplier yard under converge of Prevailing wage and other City Labor codes , ordinances and requirements unless they work on site of project. So the definition of NO WORK ON PROJECT on page 16 means working on site project not the supplier's yard.

It is very standard practice not to list suppliers who don't work on project site. Greenfield Fitness is also a supplier who doesn't do work on project and don't need to be listed .

We have a background of 19 years work for public work agencies and successfully finished several projects for The City of Los Angeles (Dep. Of Rec. and Park and Public Works) within the time and budget ,following all rules and regulations without getting even one Non-Compliance note or violation. We are also member of Concrete and labor Unions and we are pretty much qualified to perform this project with the best quality per plan and spec.

Sincerely
Singel Co. Inc.
Emanuel Sasonies (President)



2010 MAY 12 PM 1:24
BOARD OF RECREATION
AND PARK COMMISSIONERS

**SCHEDULE "A"
SUBCONTRACTORS AND SUPPLIERS**

The Prime Contractor shall perform, with its own organization, Contract work amounting to at least 20 percent of the Base Bid Price, unless otherwise instructed.

PROJECT TITLE <i>Lincoln Park Outdoor Facility</i>		PROJECT No. <i>W.O.#E170491F</i>	NAME OF PERSON COMPLETING THIS FORM <i>Emmanuel SAsiones</i>		
BIDDER (NAME OF FIRM) <i>SIMGEL Co. Inc.</i>		ADDRESS / CITY / STATE / ZIP CODE <i>2035 Westwood Blvd #212 LA CA 90025</i>			
CONTRACTOR'S LICENSE NO. <i>63871</i>	LICENSE CATEGORIES <i>A, B, C8</i>	EXPIRATION DATE <i>2/29/2013</i>	YEARS IN BUSINESS <i>19</i>	TELEPHONE No. <i>310-475-7663</i> FAX No. <i>310-475-3831</i>	
Type of Ownership: <input type="checkbox"/> Sole Ownership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Joint Venture		Is Bidder an MBE or WBE as defined in the MBE/WBE & Other Business Outreach Program? MINORITY Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> WOMEN Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

DOLLAR PARTICIPATION OF ALL SUBCONTRACTORS AND SUPPLIERS

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. (Per Ordinance No. 150,595, Section 10.14 "Provisions Pertaining to Listing of Subcontractors Page 17").

DESCRIPTION OF BASE BID WORK TO BE PROVIDED DIRECTLY BY PRIME BIDDER: <i>Partial Demo - Grade, Concrete, Stone</i>	DOLLAR VALUE OF BASE BID TO BE PERFORMED BY PRIME BIDDER: <i>\$ 396,000.00</i>
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SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED (*if supplying or subcontracting for add/deduct alternate items, please note herein)	MBE	WBE	DBE	DOLLAR VALUE OF SUBCONTRACTOR OR SUPPLIES (*note if add/deduct item)
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$
	<input type="checkbox"/>	<input type="checkbox"/>						Base: \$ Add's: \$ Ded's: \$

CONTINUED ON NEXT PAGE

PERCENTAGE OF MBE/WBE PARTICIPATION

Total combined dollar value of MBE/WBE subcontractors and suppliers portions of work. Do not include prime bidder's portion unless it is a Joint Venture, in which case the value of work to be performed by one of the Joint Venturer's who is an MBE or a WBE may be included.

TOTAL MBE'S / MOUNT: \$ 0.00 = 0.00 %

BASE BID AMOUNT: 396,000.00

TOTAL WBE'S / MOUNT: \$ 0.00 = 0.00 %

BASE BID AMOUNT: 396,000.00

Emmanuel SAsiones
Signature of Person Completing Form

President
Title

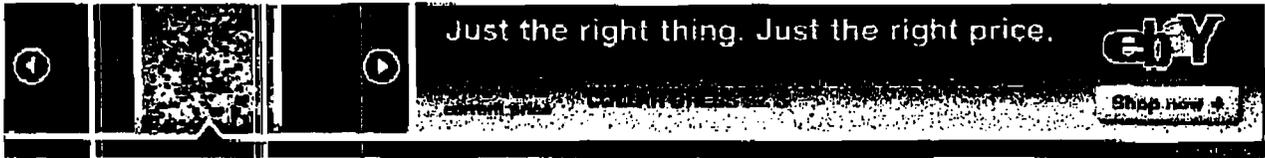
4/27/10
Date

MUST BE SUBMITTED WITH THE BID

Hi, Singel Sign Out New Mail Help

Search

Web Search



Mail Contacts Calendar Notepad What's New? Mobile Mail Options

Check Mail New

Try the new att.net Mail

Get Debt Wise from Equifax

Previous | Next | Back to Messages

Mark as Unread | Print

Delete Reply Forward Spam Move...

- Folders [A-Z]
- Inbox (81)
- Drafts (49)
- Sent
- Spam (210) [Empty]
- Trash [Empty]
- My Photos
- My Attachments

Re:

Tuesday, May 11, 2010 12:20 PM

From: "Sam Mendelsohn" <Sam@Greenfieldsfitness.com>
To: "Emanuel Sasoones" <simgelcompany@yahoo.com>

Emanuel

Yes, a general contractor, in this case Singel Co. Inc. can install the Greenfields Equipment, as in this particular case of Lincoln Park, a Greenfields representative will be present on site at the day of installation.

Thank you

Sam

On Tue, May 11, 2010 at 11:02 AM, Emanuel Sasoones <simgelcompany@yahoo.com> wrote:

Sam,

Please confirm, as we discussed over the phone before the bid date as well, that Singel Co. Inc., as a general contractor, can install the exercise equipment ourselves. This is a formality that the City wants to make sure that we can install them ourselves since we did not list an installer as a subcontractor.

Truly

Emanuel Sasoones
Singel Co. Inc.

— On Tue, 5/4/10, Sam Mendelsohn <Sam@Greenfieldsfitness.com> wrote:

From: Sam Mendelsohn <Sam@Greenfieldsfitness.com>
Subject: Re:
To: sasoones@sbcglobal.net
Date: Tuesday, May 4, 2010, 12:31 PM

Here you go.

Thank you

Sam Mendelsohn

Bed & Breakfast package
from Doubletree Hotels

Breakfast for up to 2 adults & 2 children

BOARD OF RECREATION AND PARK COMMISSIONERS
2010 MAY 12 PM 1:24