

**APPROVED**

REPORT OF GENERAL MANAGER

NO. 10-152

JUN 16 2010

DATE June 16, 2010

C.D. 2

**BOARD OF RECREATION  
and PARK COMMISSIONERS**

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ORO VISTA PARK – PARK DEVELOPMENT (W.O. #E170480F) – RESCISSION OF AWARD AND MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS, THE BUREAU OF ENGINEERING, AND THE DEPARTMENT OF GENERAL SERVICES

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

\_\_\_\_\_ *[Signature]*  
General Manager

Approved *[Signature]*      Disapproved \_\_\_\_\_      Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Rescind the actions taken on Board Report No. 10-135, which was approved on June 2, 2010;
2. Reject all the bids for the Oro Vista Park – Park Development (W.O. #E170480F) project;
3. Approve a proposed Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), the Bureau of Engineering (BOE), and the Department of General Services (GSD), to provide for construction services for the Oro Vista Park – Park Development (W.O. #E170480F) project;
4. Authorize the Department’s Chief Accounting Employee, subject to City Council and Mayor approval, to request the City Administrative Office (CAO) to include in the CAO report to the City Council a recommendation that the following appropriations, in the amount of \$322,000 including contingency be approved for the construction of the Oro Vista Park – Park Development (W.O. #E170480F) project;

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From:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT/ACCOUNT NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Proposition K Year 12	43K/10/E478	\$ 42,000
Proposition K Year 13	43K/10/F478	<u>\$280,000</u>
Total		\$322,000

To:

GSD Account F140 and from there to the appropriate GSD accounts in Fund 100, Department 40, as follows:

1014 – Construction Salaries	\$ 27,000
1101 – Construction Salaries Hiring Hall	\$ 110,000
1121 – Construction Salaries Hiring Hall Fringe Benefits	\$ 50,000
3180 – Construction Materials and Supplies	<u>\$ 135,000</u>
TOTAL	\$ 322,000

and transfer cash to GSD on an as needed basis, upon review and approval of the expenditure reports submitted by GSD and approval of these reports by the BOE Project Manager;

5. Direct the Board Secretary to transmit forthwith the MOU to the City Attorney for review and approval as to form; and,
6. Authorize the General Manager to execute the proposed MOU prior to June 30, 2010, subject to and upon receipt of approval of the City Attorney as to form.

SUMMARY:

On April 7, 2010, the Board of Recreation and Park Commissioners approved the final plans and call for bids for the Oro Vista Park – Park Development (W.O. #E170480F) project, located at 11101 North Oro Vista Avenue, Sunland, CA 91040 (Board Report No. 10-066). The Department of Public Works, Bureau of Engineering staff prepared plans for this project, and the City Engineer's estimate for the construction cost of the base bid for this project is \$280,000.

The following is a general list of the improvements that are to be completed:

1. Construction of an equestrian and trail staging area with permeable surface parking for cars and horse trailers.

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2. Landscape with native plants appropriate to the location, including a demonstration garden.
3. Picnic tables and, if funding permits, a shade structure.
4. Amenities for equestrians.
5. Trails linking to existing hiking and riding trails.

The demolition of the residential structure formerly located on site was completed by the Department of General Services in 2009. The following improvements were included in the bid as additive/deductive alternates in order to gain flexibility in providing the maximum scope possible with the available funding.

ADDITIVE ALTERNATES

Additive Alternate No. 1 - Planting and irrigation in the demonstration garden

Additive Alternate No. 2 - Information signs in the demonstration garden

Additive Alternate No. 3 - Shade Structure

Additive Alternate No. 4 - Entry Pilaster

Additive Alternate No. 5 - Grubbing and clearing of the natural paths

On May 11, 2010, eight (8) bids were received for this project. The bid amounts received are as follows:

Bidders	Bid Amount	Bid Alt. #1	Add. Alt. #2	Bid Alt. #3	Add. Alt. #4	Bid Alt. #5
Maccor Construction	\$176,000	\$17,000	\$10,000	\$18,000	\$5,000	\$12,000
E. Avico Inc.	\$226,418.93	\$37,856	\$12,096	\$20,048	\$10,080	\$47,600
K & H Construction Inc.	\$247,905	\$32,361	\$7,576	\$36,458	\$6,825	\$15,240
Oceanstate Development, Inc.	\$258,000	\$22,000	\$5,000	\$20,000	\$10,000	\$12,500
C.S. Legacy Construction Inc.	\$258,710	\$8,803	\$9,680	\$30,798	\$5,957	\$34,610
KASA Construction, Inc.	\$259,000	\$17,000	\$12,000	\$26,000	\$7,000	\$12,000
Vincor Construction, Inc.	\$286,000	\$190,000	\$3,200	\$28,000	\$10,500	\$7,200
Y & M Construction, Inc.	\$298,700	\$13,000	\$15,000	\$21,000	\$5,000	\$32,700

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The Bid Documents indicated that the bid would be awarded to the lowest responsive and responsible bidder based on the base bid submitted.

The first apparent low bidder, Maccor Construction, received a score of 36 out of 100 "Good Faith Effort" (GFE) evaluation points based on the documentation they submitted. Therefore, their bid is non-responsive for failing to achieve a minimum GFE evaluation score of 75 points.

On June 2, 2010, staff recommended the award of the project to the second low bidder, E. Avico, Inc., under Board Report No. 10-135. However, upon further review of the documentation submitted, E. Avico, Inc., staff found an error in the evaluation and corrected the GFE score for E. Avico, Inc. E. Avico, Inc., received a score of 54 out of the 100 GFE evaluation points, not the 90 points that were initially noted. Therefore, their bid is also found to be non-responsive.

Since the first apparent low bidder and the second apparent low bidder were both found to be non-responsive, additional evaluation needs to be made to recommend award of the contract. There is now insufficient time remaining to complete a thorough review of the remaining bidders or to re-bid the project and insufficient staff to perform this additional evaluation in such a short time frame. Given the time constraints to award the construction contract and obligate the Proposition K funds before the end of the current Fiscal Year 2009-2010 (June 30, 2010), it is recommended that GSD be selected to construct the project, in accordance with Section 22.535(a)(5) of the Los Angeles Municipal Code.

Sufficient funds are available for the project and for project contingencies from the following fund sources.

<u>Funding Source</u>	<u>Fund/Dept./Acct. No.</u>
Proposition K – Yr 12	43K/10/E478
Proposition K – Yr 13	43K/10/F478
RAP*	205/88/EM06

\* Transfer from CD 2 via Council Action under Council File 09-1148

GSD has not prepared a construction cost estimate for the project. The BOE construction cost estimate for the project is \$280,000. A construction contingency in the amount of \$42,000 is also being recommended for appropriation to GSD, however, use of the contingency will require advance written approval by the BOE Project Manager or his designated representative. Upon approval of the Board and the City Council, a total of \$322,000 from Proposition K funds will be requested for appropriation to GSD.

Upon execution of the MOU and the approval of the fund appropriation and transfer to GSD accounts, GSD will begin work immediately. Completion of construction is estimated to take three hundred sixty –five (365) calendar days.

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In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed improvements will not have a significant impact on the environment. This project has been determined to be Categorical Exempt per City CEQA Guidelines Article III, Section 1a, Class 1(11) (existing facilities) and Class 11(2, 3) (accessory structures). A Notice of Exemption was filed with the Los Angeles City Clerk's Office on July 11, 2008, and posted by the County Clerk's Office on July 11, 2008.

### FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's budget because the project's constructed costs will be fully funded by the above listed funding sources specifically identified and approved for use of 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 Cathie Santo Domingo for Jaime Contreras, Project Manager, Recreational and Cultural Facilities Program; and reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program; by Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and by Michael A. Shull, Superintendent, Planning and Construction, Department of Recreation and Parks.