

APPROVED

REPORT OF GENERAL MANAGER

OCT 20 2010

NO. 10-275

DATE: October 20, 2010

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 2, 12

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VAN NUYS-SHERMAN OAKS RECREATION CENTER - UNIVERSAL ACCESS PLAYGROUND (#1208L)(W.O. #E1904599) AND DEARBORN PARK - UNIVERSAL ACCESS PLAYGROUND (#1209L)(W.O. #E1904603) - CHANGE ORDERS TO CONTRACT NO. 3313

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

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board approve two credit Change Orders in the amounts of \$300,988 and \$225,503, for the deletion of work from Contract No. 3313 with Pima Corporation (Pima), as outlined in the Summary of this report.

SUMMARY:

On April 21, 2010, the Board awarded a construction contract (Contract No. 3313) in the amount of \$1,269,105 to Pima, under Board Report No. 10-086 for the Van Nuys-Sherman Oaks Recreation Center - Universal Access Playground (#1208L)(W.O. #E1904599) and Dearborn Park - Universal Access Playground (#1209L)(W.O. #E1904603) projects, located at 14201 Huston Street, Sherman Oaks, CA 91423 and 17141 Nordhoff Street, Northridge, CA 91330, respectively. Contract No. 3313 was executed on June 2, 2010. The projects call for the development of new universally accessible playgrounds (UAP) with playground equipment on rubberized resilient surface, benches, drinking fountains, landscaping, and irrigation.

The construction is being accelerated in order to meet the State Proposition 40 grant deadline. Among all the materials and equipment to be delivered and installed for the projects, the playground equipment requires the longest lead time. Landscape Structures, Inc. (LSI) was approved by the Board (Board Report No. 08-279) as the sole-source manufacturer for the playground equipment. In order to expedite the fabrication and delivery of the playground equipment, LSI requires a deposit

REPORT OF GENERAL MANAGER

PG. 2 NO. 10-275

payment in advance. However, under the terms and provisions of the contract, City cannot make payment to the contractor until after the goods and services are received. Another available option to expedite the delivery of the playground equipment is for the City to purchase it directly from the manufacturer through RecWest Outdoor Products, Inc. (RecWest), who is a local sales representative of LSI products and a contract vendor with the City. By issuing a Contract Purchase Order (CPO) to RecWest, order can be placed with LSI to begin fabrication immediately. RecWest/LSI submitted price quotes to the Department to supply the playground equipment, and Pima has agreed to credit Change Orders in the same amounts. The credit due City is \$300,988 for the Van Nuys-Sherman Oaks Recreation Center UAP, and \$225,503 for the Dearborn Park UAP. Therefore, a total of \$526,491 will be deducted from the awarded contract amount of \$1,269,105 for the material costs of the playground equipment. The cash flow loans from the Public Works Trust Fund (PWTF) Proposition 12/40 cash flow account have been approved to provide funds for the issuance of the CPO's. The City will purchase the playground equipment by issuing CPO's to RecWest. The playground equipment will be fabricated and delivered to the job site by LSI, and will be installed by Pima per contract. The Supplemental Agreement Change Orders and price proposals from RecWest/LSI are attached. The Supplemental Agreement Change Orders will be executed upon the approval of this Board Report.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department as a result of the Change Orders, as these are credit Change Orders. The funds necessary to purchase of the playground equipment are covered by the projects' Proposition 40 funding, and the CPO's are issued by using cash flow loans from the PWTF account.

This report was prepared by Paul Tseng, Bureau of Engineering (BOE) Architectural Division. Reviewed by Neil Drucker, Program Manager, BOE Recreational and Cultural Facilities Program; Deborah Weintraub, AIA, Chief Deputy City Engineer, BOE; and by Mike Shull, Superintendent, Planning and Construction Division, Department of Recreation and Parks.

City of Los Angeles – Department of Public Works – Bureau of Engineering
SUPPLEMENTAL AGREEMENT CHANGE ORDER

Project Title Van Nuys-Sherman Oaks Rec Center UAP			Project No. G557	Change Order No. 001	File No. 8-8-1	Page 1 of 2
Work Order Number E1904599	Contract Number 3313	Bid Item No. N/A	Subject Play Equipment Procurement			
Contractor PIMA Corporation			Plan Reference			
<input type="checkbox"/> Changed/Unforeseen Conditions <input type="checkbox"/> Errors and Omissions <input checked="" type="checkbox"/> Change In Scope		Schedule Activity	Specification Reference			

1. Reason for Change:

Contractor's correspondence on August 18, 2010 indicated that Contractor is not able to meet the down payment request by the play equipment supplier, Landscape Structures (LSI), and therefore may not initiate the order for the play equipments. In response, the Department of Recreation and Parks is purchasing the play equipment from LSI in lieu of the Contractor by making full payment.

2. Description of Change:

Deduct change order shall be issued for the full amount of the material cost for the play equipment. LSI's charge for the play equipment is \$300,987.58 and this shall be the amount of credit to the City. Contractor is to provide installation of the play equipment per original contract.

3. Change in Contract Amount:

CREDIT TO CITY—AGREED PRICE
 Deduct from contract per item No. 2 above

DEDUCT
\$300,988.00

4. Change in Contract Duration:

No Time Extension.

SUPPLEMENTAL AGREEMENT CHANGE ORDER

Project Title Van Nuys-Sherman Oaks Rec Center UAP			Project No. G557	Change Order No. 001	File No. 8-8-1	Page 2 of 2
Work Order Number E1904599	Contract Number 3313	Bid Item No. N/A	Subject Play Equipment Procurement			
Contractor PIMA Corporation			Plan Reference			
<input type="checkbox"/> Changed/Unforeseen Conditions <input type="checkbox"/> Errors and Omissions <input checked="" type="checkbox"/> Change in Scope		Schedule Activity	Specification Reference			

Cost and Schedule Control Summary

Original Contract Amount	\$ 745,955.00	Original Contract Duration	409	Calendar Days
Previous C.O.'s Add/(Deduct)	\$ 0	Previous C.O.'s Add/(Deduct)	0	Calendar Days
This C.O. Add/(Deduct)	\$ (300,988.00)	This C.O. Add/(Deduct)	0	Calendar Days
Revised Contract Amount	\$ 444,967.00	Revised Contract Duration	409	Calendar Days
<input type="checkbox"/> B&A <input type="checkbox"/> Emergency Contract		Revised Contract Completion Date	July 25, 2011	

The compensation (time and cost) set forth in this Change Order comprises the total compensation due the CONTRACTOR, all Subcontractors, and all Suppliers, for the work or change defined in this Change Order, including impact on the unchanged work. By signing the Change Order, the CONTRACTOR acknowledges and agrees on behalf of himself, all Subcontractors, and all Suppliers, that the stipulated compensation includes payment for all work contained in the Change Order, plus all payment interruptions of schedules, extended field overhead costs, delay, and all impact, ripple effect or cumulative impact on all other work under this Contract. The signing of the Change Order indicates that the Change Order constitutes full mutual accord and satisfaction for the change, and that the time and cost under the Change Order constitutes the total equitable adjustment owed the CONTRACTOR, all Subcontractors, and all Suppliers, as a result of the change. The CONTRACTOR on behalf of himself, all Subcontractors, and all Suppliers, agrees to waive all rights, without exception or reservation of any whatsoever to file any further claim related to this Change Order. No further claim or request for equitable adjustment of any type shall rise out of or as a result of this Change Order or the impact of this Change Order on the remainder of the work under this Contract.

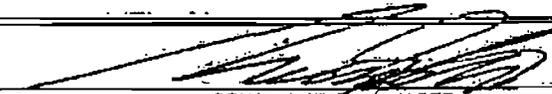
APPROVED BY THE BOARD OF RECREATION AND PARKS ON: _____

BOARD OF RECREATION AND PARKS: _____ MEMBER DATE: _____

BOARD OF RECREATION AND PARKS: _____ MEMBER DATE: _____

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE: _____ NAME DATE: _____

SUBMITTED BY:  _____ DATE: **8-27-10**
CONSTRUCTION MANAGER

APPROVED BY:  _____ DATE: _____
CONTRACTOR **8/27/10**

APPROVED BY: _____ DATE: _____
PROJECT MANAGER

APPROVED BY: _____ DATE: _____
SENIOR OR PRINCIPAL ENGINEER



CHECKS TO BE MADE OUT TO:
 LANDSCAPE STRUCTURES INC.
 SDS 12-0388
 P.O. BOX 88
 MINNEAPOLIS, MN 55486-0398

Proposal

PURCHASE ORDERS/CONTRACTS TO:
 LANDSCAPE STRUCTURES, INC.
 601 7TH ST. SOUTH,
 DELANO, MN 55328

Bill To: (Please fill in as necessary)

Mr. John Kolody
 City of Los Angeles, Facility Repair
 3900 Chevy Chase Drive
 Los Angeles CA 90039

Ship To: (Please fill in as necessary)

[Empty shipping address box]

Proposal No. 11963
 Acct Code: JKL05A
 Date: 8/9/2010

Resale #: [Empty]

Project Title:

Van Nuys-Sherman Oaks
 - Los Angeles

Notes:

This quote good until 30 days from date of this proposal:
SAME AS PROPOSAL NUMBER 10832
 We assume DIRECT BURY on all jobs unless otherwise advised by client.
 Proposal for materials only, FOB jobsite, NO assembly, NO offloading.

Location:

Terms:

NET 30 FROM INVOICE DATE
 8% PER ANNUM FINANCE CHARGE PER MONTH IMPOSED AFTER 30 DAYS OF INVOICE DATE
 (Terms Subject to credit approval by LSI)

We are pleased to submit this quote to supply the following items:

QTY	ITEM NO.	DESCRIPTION	Unit Wt	PRICE/UNIT	LBS. Wt	EXTENDED AMT
1	12018-1-11-1	Playbooster Playstructure w/Full Sail	7,153	\$61,794.00	7,153	\$61,794.00
		CoolTopper, Spring Platform w/Handhold, Accessible Super Scoop, Disc Climbers and Arch Swing Set with two full bucket seats.				
1	12018-1-11-2	Playbooster Playstructure w/Full Sail	26,833	\$226,101.00	26,833	\$226,101.00
		CoolToppers, Splash Circuit, Spring Across, Summit Climber, SeeSaw, Accessible Super Scoop, Sway Fun, Disc Climber, Elevated Sand Table, Single post CoolTopper w/cool mister, Independent Arch Swing w/two belt seats, Arch Swing ADD Bay w/two molded seats and Arch Tire Swing				
1	REFERENCE:	LANDSCAPE STRUCTURES, INC.		-\$23,031.60	0	-\$23,031.60
		U.S. COMM. CONTRACT 040377				
		Special Notes:				
		This proposal does not include site prep or installation				
		dimension				

SIGNATURE BELOW ACCEPTING THIS PRICE AS A PURCHASE ORDER ONLY UPON APPROVAL LANDSCAPE STRUCTURES INC.

CUSTOMER RECEIPT OF AN ORDER ACKNOWLEDGMENT CONSTITUTES SUCH APPROVAL

X

ACCEPTED BY:

GRISELDA VARGAS

264,863.40 →
 25,824.18 →
 10,300.00 →
 300,987.58 →

total Weight:	33986
Subtotal Material:	\$264,863.40
Installation:	
Sales Tax:	25,824.18
Freight:	\$10,300.00
TOTAL:	\$275,163.40

RECWEST OUTDOOR PRODUCTS, INC.
 REPRESENTATIVES OF LSI

\$301,077.58

City of Los Angeles – Department of Recreation and Parks
SUPPLEMENTAL AGREEMENT CHANGE ORDER

Project Title Dearborn Park UAP			Project No. G548	Change Order No. 101	File No. 8-8-1	Page 1 of 2
Work Order Number E1904603	Contract Number 3313	Bid Item No. N/A	Subject Play Equipment Procurement			
Contractor PIMA Corporation			Plan Reference			
<input type="checkbox"/> Changed/Unforeseen Conditions <input type="checkbox"/> Errors and Omissions <input checked="" type="checkbox"/> Change in Scope		Schedule Activity	Specification Reference			

1. Reason for Change:

Contractor's correspondence on August 18, 2010 indicated that Contractor is not able to meet the down payment request by the play equipment supplier, Landscape Structures (LSI), and therefore may not initiate the order for the play equipments. In response, the Department of Recreation and Parks is purchasing the play equipment from LSI in lieu of the Contractor by making full payment.

2. Description of Change:

Deduct change order shall be issued for the full amount of the material cost for the play equipment. LSI's charge for the play equipment is \$225,502.55, and this shall be the amount of credit to the City. Contractor is to provide installation of the play equipment per original contract.

3. Change in Contract Amount:

CREDIT TO CITY—AGREED PRICE
 Deduct from contract per item No. 2 above

DEDUCT
 \$225,503.00

4. Change in Contract Duration:

No Time Extension.

**City of Los Angeles – Department of Recreation and Parks
SUPPLEMENTAL AGREEMENT CHANGE ORDER**

Project Title Dearborn Park UAP			Project No. G548	Change Order No. 101	File No. 8-8-1	Page 2 of 2
Work Order Number E1904603	Contract Number 3313	Bid Item No. N/A	Subject Play Equipment Procurement			
Contractor PIMA Corporation			Plan Reference			
<input type="checkbox"/> Changed/Unforeseen Conditions <input type="checkbox"/> Errors and Omissions <input checked="" type="checkbox"/> Change in Scope		Schedule Activity	Specification Reference			

Cost and Schedule Control Summary

Original Contract Amount	\$ 523,150.00	Original Contract Duration	409	Calendar Days
Previous C.O.'s Add/(Deduct)	\$ 0	Previous C.O.'s Add/(Deduct)	0	Calendar Days
This C.O. Add/(Deduct)	\$ (225,503.00)	This C.O. Add/(Deduct)	0	Calendar Days
Revised Contract Amount	\$ 297,647.00	Revised Contract Duration	409	Calendar Days
<input type="checkbox"/> B&A <input type="checkbox"/> Emergency Contract		Revised Contract Completion Date	July 25, 2011	

The compensation (time and cost) set forth in this Change Order comprises the total compensation due the CONTRACTOR, all Subcontractors, and all Suppliers, for the work or change defined in this Change Order, including impact on the unchanged work. By signing the Change Order, the CONTRACTOR acknowledges and agrees on behalf of himself, all Subcontractors, and all Suppliers, that the stipulated compensation includes payment for all work contained in the Change Order, plus all payment interruptions of schedules, extended field overhead costs, delay, and all impact, ripple effect or cumulative impact on all other work under this Contract. The signing of the Change Order indicates that the Change Order constitutes full mutual accord and satisfaction for the change, and that the time and cost under the Change Order constitutes the total equitable adjustment owed the CONTRACTOR, all Subcontractors, and all Suppliers, as a result of the change. The CONTRACTOR on behalf of himself, all Subcontractors, and all Suppliers, agrees to waive all rights, without exception or reservation of any whatsoever to file any further claim related to this Change Order. No further claim or request for equitable adjustment of any type shall rise out of or as a result of this Change Order or the impact of this Change Order on the remainder of the work under this Contract.

APPROVED BY THE BOARD OF RECREATION AND PARKS ON: _____

BOARD OF RECREATION AND PARKS: _____ MEMBER _____ DATE: _____

BOARD OF RECREATION AND PARKS: _____ MEMBER _____ DATE: _____

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE: _____ NAME _____ DATE: _____

SUBMITTED BY:  _____ DATE: 8-27-10
CONSTRUCTION MANAGER

APPROVED BY:  _____ DATE: _____
CONTRACTOR 8/27/10

APPROVED BY: _____ PROJECT MANAGER _____ DATE: _____

APPROVED BY: _____ SENIOR OR PRINCIPAL ENGINEER _____ DATE: _____



CHECKS TO BE MADE OUT TO:
 LANDSCAPE STRUCTURES INC.
 SDS 12-0385
 P.O. BOX 88
 MINNEAPOLIS, MN 55488-0285

Proposal

PURCHASE ORDERS/CONTRACTS TO:
 LANDSCAPE STRUCTURES, INC.
 601 7TH ST. SOUTH,
 DELANO, MN 55328

Bill To: (Please fill in as necessary)

Mr. John Kolody
 City of Los Angeles, Facility Repair
 3900 Chevy Chase Drive
 Los Angeles CA 90039

Ship To: (Please fill in as necessary)

Proposal No. 11964
 Acct Code: JKLOSA
 Date: 8/9/2010

Resale #: _____

Project Title:
 Dearborn
 Location: Los Angeles, CA

Notes: This quote good until 30 days from date of this proposal:
SAME AS PROPOSAL NUMBER 10831
 We assume DIRECT BURY on all jobs unless otherwise advised by client.
 Proposal for materials only, FOB jobsite, NO assembly, NO offloading.

Terms: NET 30 FROM INVOICE DATE
 01.50% FINANCE CHARGE PER MONTH IMPOSED AFTER 30 DAYS OF INVOICE DATE
 (Terms Subject to credit approval by LSI)

We are pleased to submit this quote to supply the following items:

QTY	ITEM NO.	DESCRIPTION	Unit Wt	PRICE/UNIT	LBS. WT	EXTENDED AMT
1	12681-1-11-1	Playbooster Playstructure w/Full Sail CoolTopper, Single Post CoolTopper, Elevated Sand Tables, Spring Riders Car, T-Rex, Motorcycle, Rhino-Dino, Seesaw, Super Scoop, Accessible Super Scoop and Independent Arch Swing w. two full bucket seats.	7,027	\$66,847.00	7,027	\$66,847.00
1	12681-1-11-2	Playbooster Playstructure w/ Full Sail CoolToppers, Saddle Spinner, Disc Climbers, Arch Swing w/two belt seats, ADD Bay w/ two Molded Seats.	17,602	\$148,467.00	17,602	\$148,467.00
1	REFERENCE:	LANDSCAPE STRUCTURES, INC. U.S COMM. CONTRACT 040377		-\$17,225.12	0	-\$17,225.12
		Special Notes: This proposal does not include site prep or installation. Equipment only. Site dimensions must be verified "by others".				
SIGNATURE BELOW ACCEPTING THIS PROPOSAL WILL CONSTITUTE A PURCHASE ORDER ONLY UPON APPROVAL BY: LANDSCAPE STRUCTURES INC.					Total Weight:	24629

CUSTOMER RECEIPT OF AN ORDER ACKNOWLEDGMENT
 CONSTITUTES SUCH APPROVAL.
 X
 ACCEPTED BY _____ DATE _____
 GRISELDA VARGAS

Subtotal Material:	\$198,088.88
Installation:	
Sales Tax :	19,318.88
Freight:	\$8,100.00
TOTAL:	\$206,188.88

RECWEST OUTDOOR PRODUCTS, INC. (818) 735-3838
 REPRESENTATIVES OF LSI

\$225,502.55