

APPROVED
MAY 20 2011

REPORT OF GENERAL MANAGER

NO. 11-126

DATE May 20, 2011

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BENNY POTTER WEST ADAMS AVENUE MEMORIAL PARK
(W.O. #E170486F) PROJECT – REVIEW OF BIDS AND AWARD OF
CONTRACT

R. Adams _____ K. Regan _____
H. Fujita _____ *M. Shull Alex for
V. Israel _____ N. Williams _____

[Signature]
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Find Micon Construction, Inc. (Micon), to be non-responsive as City Ethics Commission (CEC) Form 50 (Bidder Certification) was not submitted with their bid package;
2. Find Pima Corporation (dba Advanced Construction), with a base bid of \$297,900, to be the lowest responsive and responsible bidder for the Benny Potter West Adams Avenue Memorial Park (Benny Potter Park) (W.O. #E170486F) Project;
3. Award the contract to Pima Corporation, in the total contract amount of \$297,900, all according to the plans and specifications;
4. Authorize the Chief Accounting Employee to encumber up to \$297,900 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>Encumbrance Amount</u>
Proposition K – Year 12	43K/10/E864	\$107,756
Proposition K – Year 13	43K/10/F864	\$40,000
Proposition K – Year 14	43K/10/G864	\$150,144
Proposition K – Year 14 ¹	TBD	
Total:		\$297,900

REPORT OF GENERAL MANAGER

PG. 2 NO. 11-126

1 Availability of funding is subject to City Council's approval of the Engineer's Report for Fiscal Year 2011-12.

5. Authorize the Board President and Secretary to execute the contract, subject to the approval of the City Attorney as to form.

SUMMARY:

On February 18, 2011, the Board of Recreation and Park Commissioners (Board) approved the final plans and call for bids for the Benny Potter West Adams Avenue Memorial Park (Benny Potter Park) (W.O. #E170486F) Project, located at 2327 West 24th Street, Los Angeles, CA 90018 (Board Report No. 11-048). Plans for this Project were prepared by the Bureau of Engineering (BOE). The Project's scope of work consists of:

1. Demolition, site preparation and grading.
2. Installation of new permeable paving walkways.
3. Installation of new concrete paving and headers.
4. Installation of new decomposed granite paving.
5. Installation of new picnic tables, barbecues and a drinking fountain.
6. Installation of a new pre-fabricated metal picnic shelter.
7. Installation of solar-powered security lighting.
8. Installation of a new irrigation system.
9. Installation of new trees, shrubs and lawn.
10. Installation of fitness equipment.

On April 12, 2011, fifteen (15) bids were received for this Project. The lowest responsive and responsible bidder is Pima Corporation (dba Advanced Construction), with a base bid amount of \$297,900, which is \$127,850 below the City Engineer's cost estimate of \$425,750. The bids received are as follows:

<u>Bidders</u>	<u>Base Bid</u>
1 Micon Construction, Inc.	\$ 276,046.00
2 Pima Corporation (dba Advanced Construction)	\$ 297,900.00
3 Ventura Construction, Inc.	\$ 303,000.00
4 Geronimo Concrete, Inc.	\$ 324,800.00
5 C.S. Legacy Construction, Inc.	\$ 329,707.00
6 STL Landscape, Inc.	\$ 330,000.00
7 E. Avico, Inc.	\$ 333,657.26
8 LH Engineering Co., Inc.	\$ 345,500.00
9 LandShapes	\$ 350,200.00
10 Ian Thomas Group	\$ 373,000.00
11 1 st California Construction, Inc.	\$ 386,900.00

REPORT OF GENERAL MANAGER

PG. 3 NO. 11-126

	<u>Bidders</u>	<u>Base Bid</u>
12	YAKAR	\$ 387,989.00
13	Bitech Construction Co., Inc.	\$ 392,227.02
14	California Landscape & Design, Inc.	\$ 410,000.00
15	Allied Building Contractors, Inc.	\$ 425,025.00

Pima Corporation (dba Advanced Construction), submitted the lowest responsive and responsible bid.

Micon submitted the apparent lowest base bid, but failed to include the Bidder Certification, CEC Form 50, with its bid as is required by Los Angeles Municipal Code Section 48.09(H) and the Instructions to Bidders. Said requirement is not available under the ordinance consequently, it is recommended that Micon be declared non-responsive. Micon has submitted a letter dated April 14, 2011 (Attachment A), requesting to be released from its bid due to clerical error. Inasmuch as it is recommended that Micon be deemed non-responsive due to missing the CEC Form 50 in their bid package, their letter has been received and filed. Pima Corporation (dba Advanced Construction) has also submitted a letter dated April 15, 2011 (Attachment B), protesting Micon's bid for failing to provide the Bidder Certification CEC Form 50 as part of Micon's Bid Package. Again, inasmuch as it has been previously recommended herein that Micon be deemed non-responsive, Pima Corporation's (dba Advanced Construction) letter will also be received and filed. It is, therefore, recommended that the Project be awarded to Pima Corporation (dba Advanced Construction), for a total construction contract amount of \$297,900. Sufficient funds are available for the construction of this Project from Proposition K funds.

Staff has reviewed the subcontractor outreach effort made by Pima Corporation, and based on the documents submitted, has determined that a "good faith" effort has been made. Pima Corporation 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 Pima Corporation, and found it to be in order.

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

In accordance with the requirements of the California Environmental Quality Act, 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 1(k), Class 11(3) (accessory structures). A Notice of Exemption

REPORT OF GENERAL MANAGER

PG. 4 NO. 11-126

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 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 Fang Chang 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, Construction and Maintenance Division, Department of Recreation and Parks.

GOOD FAITH EFFORT CHECKLIST

Bidder: Pima Corporation (dba Advanced Construction) Bid Date: April 12, 2011

PROJECT: Benny Potter W. Adams Memorial Park (Benny Potter Park) Proj. (E170486F)

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	10
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	0
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%/0%

MBE= 0% WBE= 0% OBE= 2% PRIME= 98%

RESPONSIVE

ATTACHMENT A

Letter from Micon Construction

Dated: April 14, 2011

BOARD OF RECREATION AND PARK COMMISSIONERS

2011 APR 14 PM 2:13

CALIFORNIA | ARIZONA | NEVADA



PLAYGROUNDS
CONCRETE FOUNDATIONS
GENERAL CONSTRUCTION
SITE DEVELOPMENT

www.miconconstruction.com
info@miconconstruction.com

1816 Sierra Madre Circle
Placentia, CA 92870
T 800 949 0203
F 714 666 1007
State Contractor License
CA 744198 AZ-ROC 154926

fax

Send to: CITY OF LOS ANGELES From: RUTH LEPKE
BOARD OF RECREATION & PARK
Attention: COMMISSIONERS Date: 04.14.11
MARY E. ALVAREZ

Fax number: 213.202.2410 Pages: 4

RE: BENNY POTTER WEST ADAMS MEMORIAL PARK
WD#E170486F

- URGENT
- REPLY ASAP
- PLEASE COMMENT
- PLEASE REVIEW
- FOR YOUR INFORMATION

Notes/Comments:

REQUEST TO BE RELEASED FROM BID

MICON CONSTRUCTION

GENERAL BUILDING CONTRACTORS

License #744198 CA # 154926 AZ

April 14, 2011

City of Los Angeles
Board of Recreation & Park Commissioners
221 North Figueroa Street
Suite 1510
Los Angeles, CA 90012

VIA FAX: 213.202.2610
ATTN: Mary E. Alvarez
PROJ: Benny Potter West Adams Memorial Park (Benny Potter Park)
Project E170486F

Dear Ms. Alvarez:

~~In reviewing our bid, we have discovered a clerical error that would be detrimental to our~~
Company on accepting this project. Attached is our breakdown indicating Item#9 (highlighted on
page 2) Cost for Landscape 90 day Maintenance was not calculated in the bid total.

We respectfully request to be released from our bid for the above mentioned project.

Thank you for your patience in this matter. We hope to work with you on future projects.

Should you have any questions, please feel free to call me.

Sincerely,
MICON CONSTRUCTION



Ruth Lepke
Project Coordinator

REL/kh

Benny Potter Park Bid Date: 04.12.11 at 3:00pm				
	UNIT	COST	ITEM SUB TOTAL	BID ITEM TOTAL
Lump Sum Bid				
1	Demolition, Site Preparation & Grading	LS	\$ 63,661.47	\$ 63,661.47
	<i>Mobilization</i>			
	Provide Construction sign	LS \$	1,260.00	
	Project management	LS \$	2,100.00	
	Permit/ permit acquisition cost	EA \$	1,575.00	
	Provide/ maintain temp fence	LF \$	2,982.00	
	Storage bins	Mo \$	1,280.00	
	Bond, Insurance	LS \$	8,450.00	
	Construction Survey (Micon layout)	LS \$	787.50	
	Temporary water meter and service	LS \$	1,050.00	
	Temporary shfters	Mo \$	945.00	
	Office, Phone for use by city	Mo \$	1,575.00	
	Storm water pollution control. Comply w/ state regs	LS \$	210.00	
	City ethics compliance	LS \$	157.50	
	Slavery disclosure ordinance	LS \$	157.50	
	Business Integrity compliance	LS \$	157.50	
	Minority business enterprise compliance	LS \$	157.50	
	Business outreach program	LS \$	157.50	
	Apprenticeship utilization compliance	LS \$	157.50	
	Affirmative action program	LS \$	157.50	
	Monthly ethnicity composition reports	LS \$	157.50	
	Equal benefits program- collective bargaining	LS \$	157.50	
	<i>Demo (Site Total 28,520 SF)</i>			
	Remove & dispose of (E) turf (use herbicide)	SF \$	5,578.88	
	Remove & dispose of (E) DG	SF \$	1,528.80	
	Remove planter area	SF \$	724.50	
	Remove & dispose of concrete curb & gutter	LF \$	3,792.76	
	Remove & dispose of concrete mow curb	LF \$	1,131.80	
	Remove & dispose of picnic table pads	SF \$	2,418.05	
	Remove & dispose of picnic tables	EA \$	588.00	
	Remove & dispose of small trees (4" to 12" caliber +/-)	EA \$	378.00	
	Remove all above ground irrigation parts for salvage	LS \$	546.00	
	Remove drinking fountain & sump	LS \$	210.00	
	Remove & dispose of chain link fence	LF \$	453.00	
	<i>Grading</i>			
	Cut to fill, balance site	SF \$	13,475.70	
	Construct landscape mounds	EA \$	2,635.00	
	Fine grade for sidewalks, DG pathway	SF \$	5,390.28	
		LS \$	-	
2	Installation of Permeable Paving Walkways	LS	\$ 14,117.25	\$ 14,117.25
	Provide crushed miscellaneous base	Tons \$	5,586.00	
	Place & compact 4" crushed base under concrete walks	SF \$	2,882.88	
	Place & compact 6" crushed base under DG	SF \$	5,648.37	
		LS \$	-	
3	Installation of Concrete Paving & Headers	LS	\$ 28,414.61	\$ 28,414.61
	Construct 8" Wide X 5 1/2" Tall, concrete mow curb w/ # 3 cant.	LF \$	11,918.03	
	Construct 5 1/2" thick walk w/ # 4 @ 24" O.C./ E.W.	SF \$	16,496.48	
		LS \$	-	
4	Installation of Decomposed Granite Path	LS	\$ 11,025.11	\$ 11,025.11
	Provide DG w/ stabilizer solution	Tons \$	4,725.00	
	Place & compact DG in two lifts	SF \$	6,300.11	
		LS \$	-	
5	Installation of Picnic Tables, Barbeques & Drinking Fountain	LS	\$ 22,730.40	\$ 22,730.40
	<i>Picnic Tables</i>			
	Provide standard Quickcrete picnic tables # QLBT96PT	EA \$	7,006.60	
	Provide ADA Quickcrete picnic tables # QLBT102PTADA	EA \$	3,386.25	
	Install Quickcrete picnic tables, attache to slab w/ epoxy	EA \$	1,890.00	
	<i>Drinking fountain</i>			
	Provide MDF HI-Lo fountain # 840 SM-02 w/ SS	EA \$	2,727.80	
	Provide 24" x 24" cast iron cover & frame	EA \$	420.00	
	Construct 6" slab/ footing w/ monolithic curb for drain sump	LS \$	945.00	
	Construct 3/4" type L copper line from POC to fountain. Wrap above grade	LF \$	2,184.00	
	Construct 48" SQ X 4' 11" deep drain sump w/ 3/4" gravel and fabric	LS \$	787.50	
	Install drinking fountain	LS \$	525.00	

Benny Potter Park Bld Date: 04.12.11 at 3:00pm				
	UNIT	COST	ITEM SUB TOTAL	BID ITEM TOTAL
Lump Sum Bid				
<i>Barbeques</i>				
Provide single grill pedestal BBQ's	EA	\$ 1,680.00		
Install Barbeque grills	EA	\$ 446.25		
Provide hot coals receptacle by Quickcrete	EA	\$ 627.90		
Install hot coals	EA	\$ 105.00		
6 Installation of Prefabricated Picnic Shelter	LS		\$ 44,982.00	\$ 44,982.00
Provide Polygon CHE24X34MR	EA	\$ 31,122.00		
Excavate & install concrete footings (assume sizes of 8' deep X 36" dia)	EA	\$ 4,620.00		
Assemble/ erect two tiered polygon gable end shade structure	LS	\$ 9,240.00		
	LS	\$ -		
7 Installation of Solar Powered Security Lighting	LS		\$ 31,479.00	\$ 31,479.00
Provide light pole by Union Metal	EA	\$ -		
Provide 1" dia X 36" long anchor bolts w/ nuts & washers	EA	\$ -		
Provide Solar light by Eagle # HLS-35E/14 - 425.881.7009	EA	\$ -		
Auger/ excavate light pole bases 30" dia X 4' pour reinforced standard	EA	\$ -		
Install poles & fixtures (500 lbs, 20' tall)	EA	\$ -		
	LS	\$ 31,479.00		
8 Installation of Irrigation System	LS		\$ 24,752.00	\$ 24,752.00
Construct new irrigation system complete	LS	\$ 24,752.00		
	LS	\$ -		
9 Installation of Tree, Shrubs & Lawn	LS		\$ -	\$ -
Provide & install Trees	LS	\$ -		
Provide & install shrubs	LS	\$ -		
Provide & install new turf	LS	\$ -		
Landscape including 90 day maintenance	LS	\$ 24,780.00		
	SF	\$ -		
10 Installation of Fitness Equipment	LS		\$ 34,885.20	\$ 34,885.20
Provide Greenfields equipment total	EA	\$ 28,585.20		
Provide Greenfields Single Elliptical Cross Trainer HP2009-5-03	EA	\$ -		
Provide Greenfields 2 Person Sit-Up Bench GR2005-1-19	EA	\$ -		
Provide Greenfields 2 Person Lat Pull-Down & Chest Combo GR2005-1-48	EA	\$ -		
Provide Greenfields 4 Person Pendulum AB & Dip Station GR2005-1-22	EA	\$ -		
Provide Greenfields Upright Bike GR2005-1-69	EA	\$ -		
Provide Greenfields 2 Person Cross Country Ski GR2005-1-26	EA	\$ -		
Provide Greenfields Single Butterfly GR2005-1-08	EA	\$ -		
Provide Greenfields Rower GR2005-1-01	EA	\$ -		
Install Greenfields Fitness Equipment	LS	\$ 8,300.00		
	LS	\$ -		
BENNY POTTER PARK TOTAL:			\$ 276,046.94	

ATTACHMENT B

Letter from Pima Corporation
(dba Advanced Construction)

Dated: April 15, 2011

PIMA CORPORATION**Lic. # 698859**

2001 S. Barrington Ave., Ste. 312, Los Angeles, CA. 90025

Ph : 310-231-7060

Fax : 310-231-0411

By FAX TRANSMITTAL & Fed Ex.

Date: April 14, 2009
Attention: Mary R. Alvarez
Board Secretary
City of Los Angeles,
Board of Recreation and Parks Commissioners
221 N. Figueroa Street, Suite 1510
Los Angeles, CA, 90012

Ph: 213-202-2640
Fax: 213-202-2610

**Re: Bid Protest, Benny Potter West Adams Avenue Memorial Park Project
(W.O.#E170486F)**

Number of pages transmitted, including this sheet: 1 Page(s).

Dear Mary Alvarez:

Pima Corporation is protesting the apparent low bidder, Micon Construction Company for non compliance in accordance with requirements as set forth in the Notice Inviting Bids, Instruction to Bidders, Information for Bidders, Bid Documents, and under the California Public Contract Code.

The bid proposal as submitted by Micon Construction failed to provide the Bidder Certification CEC Form 50 as part of their Bid Package documentation.

Considering the above, Pima Corporation requests that the Board declare Micon Construction's bid Non-Responsive, and select the bid of Pima Corporation as the lowest responsible bidder by the Board of Recreation and Parks Commissioners.

We request the Board of Recreation and Parks Commissioners' action or formal response as soon as possible.

Very truly yours,


Bijan Pirouz,
President

Bid Protest R P PK 4.15.11