

APPROVED
NOV 21 2011

REPORT OF GENERAL MANAGER

NO. 11-299

DATE November 21, 2011

BOARD OF RECREATION
AND PARK COMMISSIONERS

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AMENDMENT NO. 4 TO CONSULTANT CONTRACT NO. 3029 WITH
WITHERS & SANDGREN, LTD., FOR AS-NEEDED LANDSCAPING
ARCHITECTURAL DESIGN SERVICES

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

K. Regan _____
*M. Shull *[Signature]*
N. Williams _____

[Signature]
General Manager

Approved *[Signature]*

Disapproved _____

Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Amendment No. 4 to Contract No. 3029 with Withers & Sandgren, Ltd., for as-needed landscaping architectural design services, substantially in the form on file in the Board Office, to extend the term of the contract by one year, for a new total of twelve (12) years and increasing the contract amount by \$100,000 from \$1,200,000 to \$1,300,000, and to incorporate rate increases through 2013, subject to approval of the Mayor, the City Council, and the City Attorney as to form;
2. Find pursuant to Charter Section 1022 and Los Angeles Administrative Code Section 10.05(a)(10) that the Department of Recreation and Parks (RAP) does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks in a timely manner, that it is more feasible and economical to secure these services by contract; and the use of the use of competitive bidding would be undesirable, impractical or impossible;
3. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that competitive bidding is not practicable or advantageous as it is necessary for the RAP to be able to call on contractors to perform this work as needed on a temporary and occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as needed contractors

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each individual project is assigned on the basis of availability of an as-needed contractor to perform the work, the price to be charged and the unique expertise of the as-needed contractor;

4. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form; and,
5. Authorize the Board President and Secretary to execute the Amendment upon receipt of the necessary approvals.

SUMMARY:

On September 5, 2001, RAP entered into a personal services contract (Contract No. 3029) with Withers, Sandgren & Smith, Ltd., for as-needed landscaping architectural design services. The term was for six (6) years, expiring on September 4, 2007, and the amount was for \$600,000.

Amendment No. 1, which changed the name to Withers & Sandgren, Ltd., was executed on May 5, 2004. Amendment No. 2, which was executed on November 15, 2006, extended the contract term by three (3) years, for a total of nine (9) years and increased the contract amount by \$300,000, for a new contract total amount of \$900,000.

On November 19, 2008, Amendment No. 3 was executed which extended the contract term by two (2) years, for a total of eleven (11) years and increased the contract amount by \$300,000, for a new total contract amount of \$1,200,000.

The firm has worked on several RAP projects including, but not limited to the following: Elysian Park Master Plan and Taylor Yard Project – Phase II. At this time, the consultant has been assigned work with the Rosecrans Recreation Center - Sports Fields Improvements and Stormwater Enhancements Project that will extend beyond the term of the current contract. The RAP does not have available personnel to perform these specialized professional tasks in a timely manner due to the existing demand on staff's workload, therefore, making it impossible to meet other project requirements and deadlines. This proposed Amendment also incorporates a new hourly rate schedule. The adjustment in yearly hourly rates for 2013 is an acceptable industry practice and conforms to normal cost of living adjustments. This Amendment will allow this consultant to continue working on the various projects through completion of those projects.

This Amendment is recommended in compliance with all RAP and City procedures, policies and laws applicable to the awarding of the contracts. Principals of Withers and Sandgren, Ltd., are not employees or officials of the City; are free to make recommendations or perform the services specified in the contract; and have no authority, with respect to the City's decisions relating to the project, beyond fulfilling the provisions of the Contract.

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FISCAL IMPACT STATEMENT:

The approval of this Amendment has no impact on the Department's General Fund. All compensation to Withers and Sandgren, Ltd., will be provided in the funding of each individual project.

This Report was prepared by Gino Ogtong, Management Analyst II, Planning, Construction and Maintenance Division.