

APPROVED
OCT 05 2011

REPORT OF GENERAL MANAGER

NO. 11-281

DATE October 5, 2011

BOARD OF RECREATION
AND PARK COMMISSIONERS

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CULVER SLAUSON RECREATION CENTER – PHASE II (YOUTH COMMUNITY CENTER) (PRJ20550) (W.O. #E1907289) PROJECT – REVIEW OF BIDS AND AWARD OF CONTRACT

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>MS</u>
V. Israel	_____	N. Williams	_____

[Signature]
General Manager

Approved as amended See Attached Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Find the bid of E. Avico, Inc., for the Culver Slauson Recreation Center – Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project to be non-responsive for its failure to comply with the Board’s subcontractor outreach policy requiring “a good faith effort” to include Minority Business Enterprise, Women Business Enterprise, and Other Business Enterprise (MBE/WBE/OBE) subcontractors;
2. Find Nile Advanced Construction, Inc., with a base bid of \$1,888,000, to be the lowest responsive and responsible bidder for the Culver Slauson Recreation Center – Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project;
3. Award a contract for the Culver Slauson Recreation Center – Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project to Nile Advanced Construction, Inc., for a total award amount of \$1,888,000, all according to plans and specifications;
4. Authorize the Department’s Chief Accounting Employee to encumber funds in the amount of \$1,888,000 from the following fund and account numbers under the awarding authority of this Board Report; and,

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<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCT. NO.</u>	<u>ENCUMBRANCE AMOUNT</u>
Quimby Fund	302/89/89460K-CS	\$ 0
Zone Change Park Fees Fund	302/89/89440K-CS	\$ 888,000
Proposition K Year 14	43K/10/10G266	\$ 100,000
Proposition K Year 15	43K/10/10H266	\$ 900,000
Total:		\$1,888,000

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

SUMMARY:

On May 20, 2011, the Board approved the final plans and call for bids for the Culver Slauson Recreation Center - Phase II (Youth Community Center) (PRJ20550) (W.O. #E1907289) project, located at 5072 South Slauson Avenue, Los Angeles, California 90230 (Board Report No. 11-125). Plans and specifications for this project were prepared by the Department of Public Works, Bureau of Engineering (BOE), Architectural Division.

The proposed scope includes the demolition of the existing 980 square-foot Youth Community Center building, basketball and volleyball courts; and the construction of a new 2,875 square-foot Youth Community Center building, basketball/volleyball courts, parking lot re-striping to increase parking from 13 spaces to 15 spaces, landscaping, irrigation, security lighting and basketball/volleyball court lighting.

The City Engineer's estimate was \$2,120,000. Two Deductive Alternates were identified, with the work associated with each Deductive Alternate described as follows:

Deductive Alternate No. 1:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award for deletion of all work associated with the outdoor concrete benches, as shown in the plans and specifications.

Deductive Alternate No. 2:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award for deletion of all work associated with the outdoor concrete seating wall, as shown in the plans and specifications, and replacing outdoor concrete seating wall with 6-inch thick reinforcing concrete paving with medium broom finish to match surrounding areas, as shown in the plans and specifications.

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On July 19, 2011, the Board received a total of seventeen (17) bids as follows:

<u>Bidders</u>	<u>Base Bid</u>	<u>Ded. Alt. 1</u>	<u>Ded. Alt. 2</u>
E. Avico, Inc.	\$1,423,657	\$12,000	\$9,000
Nile Advanced Construction, Inc.	\$1,888,000	\$ 2,400	\$ 900
AMD Construction Group, Inc.	\$1,964,000	\$11,103	\$4,158
G2K Construction, Inc.	\$1,988,888	\$ 4,000	\$5,000
Landshapes	\$1,994,600	\$ 5,600	\$2,300
Trimax Construction Corp.	\$2,058,000	\$ 3,000	\$4,500
Axis Construction, Inc.	\$2,067,800	\$10,000	\$4,000
Cal City Construction, Inc.	\$2,090,000	\$ 7,000	\$5,000
Mackone Development, Inc.	\$2,107,564	\$ 0	\$4,000
NSA Construction Group, Inc.	\$2,109,008	\$12,000	\$4,000
Delmac Construction & Development, Inc.	\$2,116,000	\$15,000	\$9,800
Cavecche Engineering & Construction Co., Inc.	\$2,127,099	\$ 5,400	\$5,500
Mallcraft, Inc.	\$2,160,000	\$ 5,000	\$5,000
Los Angeles Engineering, Inc.	\$2,447,800	\$ 6,363	\$5,765
Morillo Construction, Inc.	\$2,521,000	\$ 6,875	\$2,550
Shefir Construction, Inc.	\$2,540,000	\$ 2,500	\$3,500
AVA Builder, Inc.	\$2,620,000	\$ 4,580	\$9,000

The bid documents stated that the determination of the lowest bidder would be based on the Base Bid, which includes the Deductive Alternates. This project is also subject to the Minority Business Enterprise, Women Business Enterprise, and other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program. In order to comply with the Good Faith Effort Outreach (GFE) requirements of the Subcontractor Outreach Program, bidders must submit GFE documentation sufficient to achieve a minimum of 75 out of 100 GFE evaluation points as outlined in the Board's Outreach Program.

E. Avico, Inc. submitted the apparent lowest Base Bid as indicated above. However, E. Avico, Inc. was deemed non-responsive for failing to comply with the requirements of the MBE/WBE/OBE Subcontractor Outreach Program. E. Avico, Inc., achieved only 74 out of 100 GFE evaluation points as indicated on Exhibit A.

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Nile Advanced Construction, Inc., the apparent second lowest bidder, achieved a MBE/WBE participation of 2.2%, and satisfied 90 out of the 100-point requirements outlined by the Board's outreach program which requires a score of at least 75 points out of 100 to achieve a "good faith" effort. The outreach document package is on file in the Board Office, and a synopsis of the said package is attached (Exhibit B). The City Attorney and staff have reviewed the bid submitted by Nile Advanced Construction, Inc., and found it to be in order. Therefore, staff recommends that the Board find Nile Advanced Construction, Inc., to be the lowest responsive and responsible bidder. There is sufficient funding to award the entire project without exercising any of the Deductive Alternates.

The Department of Public Works, Office of Contract Compliance (OCC) indicated that there have been no labor compliance violations and that all other legal requirements have been met by the bidder.

In accordance with the requirements of the California Environmental Quality Act (CEQA), staff has determined that the original Proposition K project was categorically exempt from CEQA pursuant to Article III, Section 1, Class 1(11d) and Class 3(17) of the City CEQA Guidelines. A Notice of Exemption was filed with the Los Angeles County Clerk on June 10, 2010. Subsequent to the approval of the Proposition K grant, the project scope was expanded to include parking lot re-striping, landscaping, irrigation, security lighting and basketball/volleyball court lighting through additional funding. These project elements are categorically exempt pursuant to Article III, Section 1 of the City CEQA Guidelines, the parking lot improvements specifically under Class 1(3) since it consists of the operation or minor alteration of existing parking lots not involving the removal of scenic resources; lighting improvements under Class 1(12) since it consists of outdoor lighting for security and operations; and landscaping improvements under Class 4(3) since it consists of new tree planting or landscaping not involving the removal of mature, scenic trees. No additional CEQA documentation is required.

FISCAL IMPACT STATEMENT:

At this time there is no fiscal impact to the Department's General Fund for this award of contract. However, once this project is completed operational maintenance cost will be determined. Upon project completion, a request for funding will be submitted in future Department annual budget requests.

This report was prepared by Willis Yip, Project Manager, Bureau of Engineering (BOE) Architectural Division. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; Deborah Weintraub, Chief Deputy City Engineer, BOE; and Michael A. Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

GOOD FAITH EFFORT CHECKLIST

Bidder: E. Avico Inc. Bid Date: July 19, 2011

PROJECT: Culver Slauson Recreation Center – Phase II (Youth Community Center) (W.O.#E1907289)

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	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.	Not all bids/quotes were received.	26	0
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			74	
MBE/WBE % ACHIEVED:			0.16%/0%	

MBE = 0.16% WBE = 0% OBE = 41.34% PRIME = 58.5%

*WITHDREW

NON-RESPONSIVE

GOOD FAITH EFFORT CHECKLIST

Bidder: Nile Advanced Construction, Inc. Bid Date: July 19, 2011PROJECT: Culver Slauson Recreation Center – Phase II (Youth Community Center) (W.O.#E1907289)

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.	Did not submit letters to outreach agencies 15 CD prior to bid due date	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:			0.2%/2%	

MBE = 0.2% WBE = 2% OBE = 47.8% PRIME = 50%

RESPONSIVE

EXCERPT FROM THE MINUTES OF THE REGULAR MEETING
BOARD OF RECREATION AND PARK COMMISSIONERS
OCTOBER 5, 2011

GENERAL MANAGER'S REPORT:

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CULVER SLAUSON RECREATION CENTER – PHASE ii (YOUTH
COMMUNITY CENTER) (PRJ20550) (W.O. #E1907289) PROJECT -
REVIEW OF BIDS AND AWARD OF CONTRACT

The above item was described and presented to the Board by Department staff. Public comments were invited, however, no requests for public comment were received.. A detailed discussion by the Commission ensued.

Michael Shull, Superintendent, Planning, Construction and Maintenance Division, requested that the report be amended to include the following language on Page 4, line 7, of the report:

“The game court lighting, consisting of six (6) poles with metal halide fixtures, is a potential environmental issue since the game courts are proposed to be relocated to the mid-northerly perimeter of the recreation center near residential properties. To avoid any nuisance spillover lighting from affecting the residences, the fixtures will be properly shielded and angled downward. The lights will also have individual power switches so they can be easily turned off when not in use. These measures will enable the game court lighting to be in compliance with Chapter 9, Section 93.0117 of the Los Angeles Municipal Code, which requires that the illumination at the property line not exceed two (2) foot-candles.”

Motion

It was moved by Vice President Alvarez, seconded by Commissioner Stanley, that the amendment to General Manager's Report No. 11-281 be approved. The motion carried unanimously.