

APPROVED
JUN 06 2012

REPORT OF GENERAL MANAGER

NO. 12-174

DATE June 6, 2012

**BOARD OF RECREATION
& PARK COMMISSIONERS**

C.D. 2

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LOS ANGELES RIVERFRONT PARK – PHASE II (W.O. #E170406F) PROJECT
– REVIEW OF BIDS AND AWARD OF CONTRACT

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

[Signature]
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Waive, as an informality, pursuant to Charter Section 371(c), the late submittal by Simgel Co., Inc., of form BCA 168 Enhanced Electrical Safety Policy for the Los Angeles Riverfront Park – Phase II (W.O. #E170406F) project;
2. Find Simgel Co., Inc., with a base bid of \$2,992,000, to be the lowest responsive and responsible bidder for the Los Angeles Riverfront Park – Phase II (W.O. #E170406F) project;
3. Award the contract to Simgel Co., Inc., for a base contract amount of \$2,992,000, plus Additive Alternates No. 1, 2, 3 and 4, in the amount of \$1,020,000, resulting in the total award amount of \$4,012,000, all according to the plans and specifications;
4. Authorize the Chief Accounting Employee to encumber \$4,012,000 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 15	43K/10/10H232	\$ 3,638,778
Proposition K - Year 15	43L/10/10H232	\$ 373,222
Total:		\$ 4,012,000

REPORT OF GENERAL MANAGER

PG. 2

NO. 12-174

5. Direct staff to prepare a contract and authorize the Board President and Secretary to execute the contract, subject to City Attorney approval as to form.

SUMMARY:

On April 4, 2012, the Board approved final plans and call for bids for the Los Angeles Riverfront Park – Phase II (W.O. #E170406F) project (Board Report No. 12-111).

The plans call for the construction of public recreational improvements along two river reaches. These reaches are located along the south bank of the Los Angeles River, between Sepulveda Boulevard and Kester Avenue, and between Coldwater Canyon Boulevard and Whitsett Avenue. The improvements include, but are not limited to, ornamental fencing, landscaping, irrigation system, gateways and vehicle ramps, paving, seating, environmental education signage, and recreational trails. Plans for this project were prepared by Mia Lehrer and Associates, a consultant landscape architectural firm.

In addition, four Additive Alternates were identified, with the work associated with each Additive Alternate described as follows:

Additive Alternate No. 1 – Site Lighting (luminaries).

Additive Alternate No. 2 – Entry Signage.

Additive Alternate No. 3 – Interpretive Environmental Signage.

Additive Alternate No. 4 – Small Park

On May 8, 2012, eight (8) bids were received for this project. The lowest responsive and responsible bidder is Singel Co., Inc., with a base bid amount of \$2,992,000, which is \$ 1,008,000 below the City Engineer's cost estimate of \$4,000,000. The bid amounts received are as follows:

BIDDERS	BASE BID	ADD. ALT #1	ADD ALT. #2	ADD ALT. #3	ADD ALT. #4
Singel Co., Inc.	\$ 2,992,000	\$ 700,000	\$ 80,000	\$ 90,000	\$150,000
Environmental Construction, Inc.	\$ 3,151,567	\$ 411,770	\$ 66,840	\$115,530	\$ 87,996
Los Angeles Engineering, Inc.	\$ 3,448,426	\$ 350,000	\$230,000	\$ 45,000	\$ 90,000
C.S. Legacy Construction, Inc.	\$ 3,790,034	\$ 46,302	\$ 39,474	\$ 69,457	\$146,311
Masters Contracting Corporation	\$ 3,913,000	\$ 379,200	\$ 39,500	\$ 62,000	\$ 62,000
C. A. Rasmussen, Inc.	\$ 3,966,000	\$ 360,000	\$ 28,000	\$ 45,000	\$ 53,000
Land Forms Construction	\$ 4,013,880	\$ 328,957	\$ 56,660	\$101,592	\$ 64,776
Union Engineering Company, Inc.	\$ 4,681,153	\$ 345,135	\$ 28,868	\$ 41,568	\$ 91,796

REPORT OF GENERAL MANAGER

PG. 3

NO. 12-174

The bid specifications stated that the low bidder would be determined to be the responsible and responsive bidder submitting the lowest base bid without the consideration of any additive alternate. Simgel Co., Inc. submitted the lowest base bid, as shown above.

It should be noted that this project requires a Use Agreement between the City and the County of Los Angeles. The County of Los Angeles approved the Use Agreement on January 10, 2012. The Board approved the same Use Agreement (Board Report No. 12-110) on April 4, 2012. The Board approval stipulated that the Mayor's Office and City Council also approve the Use Agreement. Currently, the City Administrative Officer is preparing a report for the Mayor and City Council's approval. In preparation for a potential delay, the bid documents included a clause that would allow the start of construction to be delayed up to 90 days after the award of the construction contract without additional monetary compensation.

It is recommended that Simgel Co., Inc. is the lowest responsive and responsible bidder. There are sufficient funds to award the contract including Additive Alternates Nos. 1, 2, 3 and 4. It is therefore recommended that the Board award the Base Bid (\$2,992,000) plus all Additive Alternates (\$1,020,000), for a total award amount of \$4,012,000. Sufficient funds are available to award the construction contract and project contingencies from the following accounts:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCT NO.</u>
Proposition K Year 10	43K/10/10A232
Proposition K Year 10	43L/10/10A232
Proposition K Year 15	46A/10/10H232
Proposition K Year 15	43K/10/10H232
Proposition K Year 15	43L/10/10H232

The project is subject to the City's new Business Inclusion Program (BIP), in compliance with the Mayor's Directive No. 14, which replaces the former Minority Business Enterprise (MBE), Women Business Enterprise (WBE), and Other Business Enterprise (OBE) Good Faith Effort Subcontractor Outreach Program. In addition to the former MBE/WBE/OBE outreach categories, the Business Inclusion Program adds outreach for Small Business Enterprise (SBE), Emerging Business Enterprise (EBE) and Disabled Veteran Business Enterprise (DVBE). Simgel Construction Inc. has successfully uploaded all of the required BIP outreach supporting documentation to the Los Angeles Business Virtual Assistance Network (LABAVN). Staff has evaluated the outreach documentation and determined that Simgel Co., Inc. is in compliance with the BIP outreach requirements. The outreach documentation package is on file in the Board Office, and a synopsis of the said package is attached.

Simgel Co., Inc. did not submit form BCA 168 – Enhanced Electrical Safety Policy with its bid package. This form is required by the bid solicitation document only. This form refers to a Public Works policy that is applicable to projects with on-site electrical work estimated at \$100,000 or

REPORT OF GENERAL MANAGER

PG. 4

NO. 12-174

more. However, the base project does not contain more than \$100,000 of on-site electrical work. This policy is applicable to additive alternate work and not the base bid.

The bidder has since submitted the form and pursuant to Charter Section 371(c) the Board may waive the late submittal as an informality, in that late submittal of the form does not affect the bid price, nor does it provide the bidder with any competitive advantage over other bidders.

The City Attorney and staff have reviewed the bid submitted by Simgel Co., Inc. and found it to be in order. Staff recommends that the Board find Simgel Co., Inc. to be the lowest responsive and responsible bidder.

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 complied with by the bidder.

Staff has determined that the project has been previously evaluated for compliance with the California Environmental Quality Act (CEQA) and was found to be categorically exempt pursuant to Article III, Section 1 (d), Class 4 (1 3) with no exceptions. The scope of work that formed the basis of this exempt determination is substantially the same and the current environmental conditions have not changed. Therefore, the exemption is still valid for the project including the award of the construction contract.

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 Jaime Contreras, Project Manager, Recreational and Cultural Facilities Program; Bureau of Engineering (BOE). Reviewed by Neil L. Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; Deborah Weintraub, Chief Deputy City Engineer, BOE; and by Michael A. Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

**CITY OF LOS ANGELES
GUIDELINES FOR EVALUATION OF THE BUSINESS INCLUSION PROGRAM
(BIP) OUTREACH CHECKLIST**

Bidder: Simgel Co., Inc.

Bid Date: 05/08/12

Project Name: LOS ANGELES RIVERFRONT PARK PROJECT – PHASE II

W.O. #: E170406F

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Credit						
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet, or b) Submit a letter either by e-mail, mail, or fax to the Bureau of Engineering, Project Award and Control (PAC) on certifying it is informed of the BIP project requirements and has participated in a City-sponsored or City approved matchmaking event in the past 12 months. Note: If the RFB states that the pre-bid meeting is mandatory, then attendance at the pre-bid meeting is the only way to pass this indicator.		✓						
3 Work Areas	Proof of this must be demonstrated in Indicator 4. The notification must be performed using the BAVN's BIP Outreach Reports system.	(Automatic after meeting Indicator 4 requirements)	✓						
4 Written Notice to Sub-contractors	E-mail or fax notification in each of the selected potential work areas to available MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs for each anticipated work area to be performed. The notification must be performed using the BAVN's BIP Outreach Reports system. The notification may be to potential sub-bidders/ subcontractors either currently registered on the BAVN or added to the BAVN by the bidder. Letters must contain areas of work selected to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number. Bidders are required to send notifications to a sufficient number of firms in each potential sub work area as determined by the City. Typically, the sufficient number of firms is determined by the total number of potential sub-bidders/ subcontractors in each sub work area.		✓						
5 Plans, specifications and requirements	Include, in Indicator 4, information detailing how, where, and when the bidder will make the required information available to interested potential sub-bidders/ subcontractors. The notification must be performed using the BAVN's BIP Outreach Reports system.	(Automatic after meeting Indicator 4 requirements)	✓						
6 Negotiate in Good Faith	a) Copies of all potential MBE/WBE/SBE/EBE/DVBE/OBE bids or quotes received must be submitted prior to award of a contract; and b) Online Summary Sheet must be completed, listing the bids or quotes received, the name of the sub-bidder/ subcontractor who submitted the bid or quote, and a brief reason given for selection/ non-selection of each subcontractor. The reasons for selection/non-selection should be included in the Notes section of the online Summary Sheet. If the bidder elects to perform a listed work area with its own forces, they must include a bid/ quote for comparison purposes and an explanation must be provided and included on the Summary Sheet. All bids/ quotes received, regardless of whether or not the bidder outreached to the sub-bidder/ subcontractor, must be submitted. To this extent, the City expects the bidder to submit a bid/ quote from each sub-bidder/ subcontractor listed on the Summary Sheet. The Summary Sheet must be performed using the BAVN's BIP Outreach Reports system and must be submitted by 4:30 p.m. the following City working day after the date bids are received by the Board of Public Works. If a bid/quote is submitted by a sub-bidder/subcontractor that is not registered on the BAVN, the contractor is required to add that firm to their Summary Sheet.		✓						
7 Bonds	Include, in Indicator 4, information about the bidder's efforts to assist with bonds, lines of credit, and insurance. The notification must be performed using the BAVN's BIP Outreach Reports system.	(Automatic after meeting Indicator 4 requirements)	✓						
Prime % = 97%									
<table style="width: 100%; border: none;"> <tr> <td style="width: 16.6%;">MBE%= 0%</td> <td style="width: 16.6%;">WBE%= 0%</td> <td style="width: 16.6%;">SBE%= 1%</td> <td style="width: 16.6%;">EBE%= 0%</td> <td style="width: 16.6%;">DVBE%= 3%</td> <td style="width: 16.6%;">OBE%= 0%</td> </tr> </table>				MBE%= 0%	WBE%= 0%	SBE%= 1%	EBE%= 0%	DVBE%= 3%	OBE%= 0%
MBE%= 0%	WBE%= 0%	SBE%= 1%	EBE%= 0%	DVBE%= 3%	OBE%= 0%				

RESPONSIVE