

APPROVED
NOV 20 2013

REPORT OF GENERAL MANAGER

NO. 13-289

DATE November 20, 2013

**BOARD OF RECREATION
& PARK COMMISSIONERS**

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: SPECIALTY CONCRETE STRUCTURES – SUPPLEMENTAL AGREEMENTS TO CONTRACT NUMBERS 3328, 3329, 3330, 3334, AND 3335 TO EXTEND THE CONTRACT TERMS AND INCREASE CONTRACT AMOUNT

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

V. Israel for

General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

1. Approve the proposed Supplemental Agreements to Specialty Concrete Structures Contracts with Spohn Ranch, Inc. (Contract No. 3328), California Skateparks, Inc. (Contract No. 3329), Gary L. Barton Corporation (Contract No. 3330), California Commercial Pools, Inc. (Contract No. 3334), and Grindline Skateparks, Inc. (Contract No. 3335), substantially in the form on file in the Board Office, extending the term of each contract by two (2) additional one (1) year options to renew at the full discretion of the General Manager for a total contract term of five (5) years, and increasing the aggregate annual total amount for all five (5) contracts an additional \$7,000,000.00 per year making the total aggregate contract amount of all five (5) as-needed contracts an amount not-to-exceed \$35,000,000.00, subject to approval of the Mayor and the City Council, and the City Attorney as to form;
2. Find, in accordance with Charter Section 1022, that the Department of Recreation and Parks (Department) does not have, available in its employ, personnel with sufficient time or the necessary expertise to undertake specialized concrete structures in a timely manner, and it is more feasible, economical and in the Department's best interest, to secure these services by contract with several contractors to perform this work as-needed and on an occasional, but frequent basis, without engaging in a new competitive bidding process for each individual project to be performed;

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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 Department to be able to call on contractors to perform this work as-needed and on an occasional, but frequent, basis without engaging in a new competitive process for each individual project to be performed; however, from among as-needed contractors 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. Find, in accordance with Charter Section 372, that obtaining competitive proposals or bids for each individual project for which work may be performed pursuant to this agreement is not reasonably practicable or compatible with the Department's interests of having available as-needed contractors who are assigned various projects on the basis of availability, price, and expertise, and that it is therefore necessary to have several as-needed contractors for this type of service available when called upon by the Department to perform services;
5. Direct the Board Secretary to transmit the proposed Supplemental Agreements to the Mayor in accordance with Executive Directive No. 3, and concurrently to the City Attorney for review and approval as to form; and,
6. Upon receipt of the necessary approvals, authorize the Board President and Secretary to execute the Supplemental Agreements.

SUMMARY:

On July 14, 2010, the Board of Recreation and Park Commissioners (Board) approved the award of specialty concrete structures contracts to work on current and future construction projects such as pool facility construction/rehabilitation, skate park/plaza construction/rehabilitation and miscellaneous concrete work associated with a multitude of park facilities including historical structures (Board Report No. 10-189). The term of the contracts was for one (1) year with two (2) one-year options to renew. The Department exercised the renewal options with all five (5) contractors. These contracts were executed at various times and consequently the expiration dates differ but are within a month or so of each other. Below is list of the contractors, contract numbers, and the expiration dates.

<u>CONTRACTOR</u>	<u>CONTRACT NO.</u>	<u>EXPIRATION DATE</u>
Spohn Ranch, Inc.	3328	November 4, 2013
California Skateparks, Inc.	3329	November 14, 2013
Gary L. Barton Corporation	3330	November 4, 2013
California Commercial Pools, Inc.	3334	December 7, 2013

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Grindline Skateparks, Inc.

3335

December 7, 2013

The annual aggregate total contract amount for all five (5) contracts was not-to-exceed \$7,000,000.00 per year, thus making the total aggregate contract amount for all 5 contracts an amount not-to-exceed \$21,000,000.00. The aggregate contract amount is an estimate, and the Department does not guarantee that the contract maximum amount will be reached. The construction services that the Department is requesting shall be on an as-needed basis and the Department guarantees no minimum amount of business or compensation. Contracts awarded are subject to funding availability and early termination by Department, as provided in the Standard Provisions for City Contracts (Rev. 3/09).

These contractors were pre-qualified through a Request for Qualification by providing evidence of their qualifications and meeting one (1) of two (2) minimum qualifications as stated below:

- 1). Bidder must have completed the construction and/or reconstruction of fifteen (15) commercial size pools in the last three (3) years. These pool projects must have been permitted and signed off final by the County of Los Angeles, Department of Public Health, Bureau of Environmental Protection. Bidder must have performed seventy-five percent (75%) of all work related to these projects; and
- 2). Bidder must have completed the construction and/or reconstruction of ten (10) *cast in place*, skate parks/plazas in the last two (2) years with a minimum area of 10,000 square feet (s.f.) each. Bidder must have performed seventy-five (75%) of all work related to these projects.

Over the past years, these contractors have provided the needed construction services for public pool facility construction/rehabilitation, skate park/plaza construction/rehabilitation and miscellaneous concrete work associated with a multitude of park facilities including historical structures throughout the City. At this time, these contractors have been assigned work on the Peck Park Skate Park and Stoner Skate Park Soundwall projects that will extend beyond the current term of their contracts. The Department does not have available personnel to perform these specialized professional tasks in a timely manner due to the existing staff workloads; therefore, it is impossible for existing staff to take on additional project requirements with deadlines.

It is the intent of staff to seek additional specialty concrete structures contracts to work on future construction projects within the next twenty-four (24) months.

Therefore, staff is requesting that the term of each of the five (5) existing as-needed contracts be extended an additional two (2) years, renewal in one (1) year options to renew at the full discretion of the General Manager. Staff is requesting to increase the aggregate annual total amount for all five

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(5) contracts an additional \$7,000,000.00 per year making the total aggregate total amount of all five (5) as-needed contracts an amount not-to-exceed \$35,000,000.00.

The proposed Supplemental Agreements are in compliance with all Department and City procedures, policies and laws applicable to the award of contracts. Principals of the firm 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 proposed amended contract.

Funding for projects will be provided from various funding sources.

FISCAL IMPACT STATEMENT:

Execution of these Supplemental Agreements has no impact to the Department's General Fund.

This Report was prepared by Gino Ogtong, Management Analyst II and reviewed by Cid Macaraeg, Senior Management Analyst II and Michael A. Shull, Assistant General Manager, Planning, Construction and Maintenance Branch.