

APPROVED

REPORT OF GENERAL MANAGER

NO. 14-087

APR 23 2014

DATE April 23, 2014

**BOARD OF RECREATION
AND PARK COMMISSIONERS**

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED PARK FACILITY CONSTRUCTION – AWARD OF CONTRACTS

R. Adams	<u> </u>	V. Israel	<u> </u>
*R. Barajas	<u><i>[Signature]</i></u>	K. Regan	<u> </u>
H. Fujita	<u> </u>	N. Williams	<u> </u>

[Signature]
General Manager

Approved *[Signature]*

Disapproved

Withdrawn

RECOMMENDATIONS:

That the Board:

1. 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 necessary expertise to undertake all of the park facility construction projects 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 open competitive bidding process for each individual project to be performed;

2. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that a 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;

3. Find in accordance with Charter Section 371(e)(10), that use of competitive bidding would be undesirable, impractical or impossible or is otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department to provide park facility construction projects;

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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. Approve the selection process for the selection of qualified firms;
6. Approve the proposed contracts (Contracts), substantially in the form on file in the Board Office, between the Department and the following two (2) firms for as-needed park facility construction services for up to a three (3) year contract that will coincide with the existing park facility construction contracts (expiring on August 15, 2016), specifying the terms and conditions, subject to approval of the Mayor and the City Attorney as to form;

Contractors:

- 1) Evergreen Environmental, Inc.
10247 Bellegrave Avenue, #118
Mira Loma, California 91750
 - 2) Ross Trama (dba) R. Trama Construction
742 Legary Place
San Pedro, California 90732
7. Direct the Board Secretary to transmit the Contracts to the Mayor in accordance with Executive Directive No. 3 and concurrently, to the City Attorney for review and approval as to form; and,
 8. Authorize the Board President and Secretary to execute the Contracts upon receipt of the necessary approvals.

SUMMARY:

The Department is in need of park facility construction services, which current staffing can only provide on a limited basis. Therefore, one or more park facility construction contracts are required. With over 420 park locations under the jurisdiction of the Department, park facility construction services contracts are critical to maintaining and expanding our current park facility infrastructures.

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These contracts will provide the Department with additional resources to perform park facility construction services to help supplement current City forces. In addition, these contracts will provide the Department's Planning, Construction and Maintenance Branch a tool to meet current and future park facility construction projects.

On the June 5, 2013, the Board approved the award of the Park Facility Construction contracts to Chris Kelly dba. Childs Play, Commercial Paving and Coating, California Landscape & Design dba. California Skate Parks, Ohno Construction Company and United Riggers & Erectors, Inc. (Board Report No. 13-146). Although Department's staff is currently pleased with the qualifications of our existing contractors, it is desired to have more than five (5) Park Facility Construction contractors on the pre-qualified list. In order to obtain more competitive bids for Department projects, it will be beneficial to have additional Park Facility Construction contractors added to our pre-qualified list of Park Facility Construction contractors. Also, having a limited number of contractors on the list, a contractor might reach the contract ceiling amount limit and be disqualified from all future work. Having more contractors will allow for more projects to be done simultaneously. There will be a total of seven (7) Park Facility Construction contractors with the addition of these two (2) contractors.

On September 11, 2013, the Board approved a Request for Qualifications (RFQ) for Park Facility Construction (Board Report No. 13-229), which was released November 1, 2013. On January 14, 2014, the Department received thirteen (13) proposals in response to the RFQ. The responders were:

- 1) Arc Construction, Inc.
- 2) Byrom-Davey, Inc.
- 3) CSI Services, Inc.
- 4) Evergreen Environment, Inc.
- 5) Gary L. Barton Corporation
- 6) Innovative Construction Solutions, Inc.
- 7) KASA Construction, Inc.
- 8) Los Angeles Engineering, Inc.
- 9) Malibu Pacific Tennis Courts, Inc.
- 10) Palp Inc., dba Excel Paving Company
- 11) Ross Trama dba R. Trama Construction
- 12) Toby B. Hayward, Inc.
- 13) Ventura Construction, Inc.

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The park facility construction services RFQ is broken down into four (4) separate minimum requirements namely:

- 1) Asphalt Paving,
- 2) Flatwork Concrete,
- 3) Athletic Field Construction-Renovation, and
- 4) New Park Construction.

The various park facility construction services will include, but are not limited to, demolition, paving, resurfacing and coating of roadways, athletic and playing field/court surfaces, pathways, parking lots, and the construction of masonry and concrete walls. Also included are the grading of parking lots, open turf areas and athletic fields, installation of plumbing, electrical, fencing, asphalt, concrete and masonry work for construction of athletic fields/courts, field/court amenities, playground equipment and construction of new park facilities.

The responders were required to provide evidence of their qualifications by meeting at least one (1) of four (4) minimum requirements as stated below:

- 1) Asphalt Paving:
Qualified Responders must have a minimum of ten (10) years of asphalt paving experience working with governmental agencies (Municipal, State and/or Federal), performing asphalt paving projects with the following requirements:
 - A. Provide a list of projects where the total amount of asphalt paved met or exceeded 75,000 tons. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State and/or Federal).

- 2) Flatwork Concrete:
Qualified Responders must have a minimum of ten (10) years of flatwork concrete experience working with governmental agencies (Municipal, State and/or Federal), performing flatwork concrete projects with the following requirements:
 - A. Provide a list of projects where the total volume of concrete placed was at least 20,000 Cubic Yards (CY). All projects provided must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State and/or Federal).

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3) Athletic Field Construction-Renovations:

Qualified Responders must have a minimum of ten (10) years of soil grading activities for governmental agencies (Municipal, State and/or Federal). Qualified Responders must provide the following:

A. Provide a list of projects where the total graded areas was at least 100 acres. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State and/or Federal). Each project submitted for qualifications must have all of the following components:

- i. Soil Compaction
- ii. Drainage System(s)

4) New Park Construction:

Qualified Responders must have a minimum of five (5) years of experience constructing parks for governmental agencies (Municipal, State and/or Federal). Qualified Responders must provide the following:

A. Provide at least ten (10) new park construction projects. All projects submitted must have been performed from March 1, 2008 to present day. All projects must have been performed for a governmental agency (i.e. Municipal, State and/or Federal). Each project submitted for qualifications must have all of the following components:

- i. Playground and/or outdoor fitness equipment
- ii. Block wall and/or fencing
- iii. Pathways (Concrete, Asphalt, Decomposed Granite and/or Pavers)
- iv. Irrigation and Landscape

Only two (2) of the thirteen (13) responders submitted a responsive submittal to this RFQ. Eleven (11) responders failed to submit a complete submittal and/or failed to qualify, and thus were disqualified from any further review process. The following responders were disqualified because they submitted an incomplete RFQ package submittal response, specific details for the disqualifications can be found in Exhibit A.

- 1) Arc Construction, Inc.
3123 Harmony Place
La Crescenta, California 91214

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- 2) Byrom-Davey, Inc.
13220 Evening Creek Drive, #103
San Diego, California 92128
- 3) CSI Services, Inc.
PO Box 271
San Pedro, California 90733
- 4) Innovative Construction Solutions, Inc.
4011 West Chandler Avenue
Santa Ana, California 92705
- 5) Gary L. Barton Corporation
4700 Long Beach Boulevard
Long Beach, California 90805
- 6) KASA Construction, Inc.
15148 Sierra Bonita Lane
Chino, California 91710
- 7) Los Angeles Engineering, Inc.
633 North Barranca Avenue
Covina, California 91723
- 8) Malibu Pacific Tennis Courts, Inc.
31133 Via Colinas, Suite 107
Westlake Village, California 91362
- 9) Palp, Inc. dba Excel Paving Company
2230 Lemon Avenue
Long Beach, California 90806
- 10) Toby B. Hayward, Inc.
1951 S. Myrtle Avenue
Monrovia, California 91016
- 11) Ventura Construction, Inc.
1316 Pathfinder Avenue
Westlake Village, California 91362

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The following responders met the minimum requirements for the RFQ for Park Facility Construction as specified above:

- 1) Evergreen Environmental, Inc.
 10247 Bellegrave Avenue, #118
 Mira Loma, California 91750
 Qualified for: New Park Construction.

- 2) R. Trama Construction
 742 Legary Place
 San Pedro, California 90732
 Qualified for: Flatwork Concrete and New Park Construction.

RFQ responses were evaluated solely for the minimum qualifications (as stated in RFQ Document). The minimum qualifications as set forth determined the responder's knowledge and experience to perform the terms and specifications of this Contract. It was found through review and verification by Department staff that the above-listed responders met and/or exceeded the minimum qualifications as set forth in the RFQ.

Once it was determined that the responders had met all of the minimum qualifications, the staff verified with the references provided by the respondents. Questions were posed regarding respondent's ability to produce a quality product that met all necessary standards, in a timely manner. They were also asked whether the respondent was timely and effective in their correspondence with governing agencies. All of the references for the respondents who met our minimum qualifications responded favorably to these questions and highly recommended the respective respondent. It was then determined that the above listed Respondents should be selected as a pre-qualified Park Facility Construction contractors and eligible to bid on future Department projects.

All responders who submitted and qualified performed and passed the City's Business Inclusion Program (BIP) outreach.

The Department is seeking authorization for Board President and Secretary to execute contracts for the two (2) qualified responders, subject to City Attorney and Mayor approval. The selected pre-qualified contractors are recommended to the Board for up to a three (3) year contract, but will be awarded a contract term expiration that will coincide with the existing awarded park facility construction contracts that are already in place (expiring on August 15, 2016), in an amount not-to-exceed an annual expenditure of \$10,000,000.00 per contract. The 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; the Department, in entering into an agreement, guarantees no minimum amount of business or

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compensation. Contracts awarded through this RFQ shall be subject to funding availability and early termination by Department, as provided in the Standard Provisions for City Contracts (Rev. 03/09).

Funding for projects will be provided from various funding sources including to but not limited to Proposition K, Quimby, and Proposition 40.

FISCAL IMPACT STATEMENT:

Executing these as-needed contracts has no impact to the Department's General Fund.

This report was prepared by Jim Newsom, Management Analyst II, Planning, Construction and Maintenance Branch.

EXHIBIT A
REQUEST FOR QUALIFICATION
PARK FACILITY CONSTRUCTION

"NON RESPONSIVE" RESPONDERS	REASONS FOR 'NON-RESPONSIVENESS'
Arc Construction, Inc	1) Responder did not complete the City's Business Inclusion Program (BIP), Page 116-131 of RFQ document,
Byrom-Davey, Inc.	1) Responder did not complete the Governmental Reference Sheet on page 41 of the RFQ document, 2) Responder did not provide a complete answer to question #13 on Page 72 of RFQ, 3) Responder did not sign and date Form "C" on page 86 of RFQ, 4) Responder did not submit their schedule "A" on Page 128 of RFQ nor did they upload their summary sheet to LABAVN as instructed.
CSI Services, Inc.	1) Responder did not sign Form "C"-Child Care Declaration Statement on page 86 of RFQ document, 2) Responder did not provide sufficient evidence to qualify for any of the four (4) qualification on page 11 and 12 of RFQ document.
Gary L. Barton, Corp.	1) Responder did not sign Form "C" on page 86 of RFQ
Innovative Construction Solutions, Inc.	1) Responder did not attend the Mandatory Pre-Qualification meeting, 2) Responder did not sign and date the "Pledge of Compliance with Contractor Responsibility Ordinance Form" on page 67 of RFQ, 3) Responder did not sign and date the "Responsibility Questionnaire" on page 68 of the RFQ document, 4) Responder did not sign and date the "Responsibility Questionnaire Certification" on page 74 of the RFQ document, 5) Responder did not sign Form "C"-Child Care Declaration Statement on page 86 of RFQ document, 6) Responder did not complete the Business Inclusion Program.
KASA Construction	1) Responder did not complete the City's Business Inclusion Program (BIP), Page 116-131 of RFQ document, 2) Responder did not complete and sign Form "C", page 86 of RFQ.
Los Angeles Engineering, Inc.	1) Responder did not sign Form "C" on page 86 of RFQ, 2) Responder did not following instructions on submitting their qualifications on "Form G, page 133" as instructed, therefore Staff could not identify the Responders qualifications as requested on page 11-12 of RFQ document.

"NON RESPONSIVE" RESPONDERS	REASONS FOR 'NON-RESPONSIVENESS"
Malibu Pacific Tennis Courts, In.	<ol style="list-style-type: none"> 1) Responder did not provide complete response to question # 13 on Page 72 on Attachment "B", 2) Responder did not sign the "Responsibility Questionnaire" on page 74 of RFQ, 3) Responder did not meet the qualifications as stated in the RFQ.
Palp Inc. dba Excel Paving Co.	<ol style="list-style-type: none"> 1) Responder did not provide information on Attachment "A" as required for question C-4, page 70 of RFQ, 2) Responder did not provide additional information as requested for question F-13, page 72 of RFQ, 3) Responder provided the same answer for questions F-13 and F-14 on page 72 of RFQ document, while each question/ answer should have been separated, 4) Responder did not answer question H-23 on page 73 of RFQ, 5) Responder submitted a "Contractor Responsibility Questionnaire" (CRQ) that was dated 10/16/13 and did so with the claim that no information has changed since this original filing. Staff has found that Responder's information provided on the CRQ required updating, specifically pending litigation information.
Toby B. Hayward, Inc.	<ol style="list-style-type: none"> 1) Responder did not submit/meet the minimum 20,000 cubic yard minimum qualification for the "Concrete" qualifications.
Ventura Construction, Inc.	<ol style="list-style-type: none"> 1) Responder did not complete question #10 of Contractor Responsibility Questionnaire on page 71 of the RFQ Doc., 2) Responder did not complete question #14 of the Contractor Responsibility Questionnaire on Page 72 of the RFQ Doc., 3) Responder did not provide the minimum of ten (10) park facility projects as required in the RFQ qualification on page 12 of the RFQ.