

APPROVED

JUL 09 2014

REPORT OF GENERAL MANAGER

BOARD OF RECREATION  
AND PARK COMMISSIONERS

NO. 14-188

DATE: July 9, 2014

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: THE LUMMIS HOME – CANCELLATION OF THE REQUEST FOR PROPOSALS PROCESS, REJECTION OF PROPOSAL RECEIVED, AND AUTHORIZE STAFF TO NEGOTIATE A PARTNERSHIP AGREEMENT WITH OCCIDENTAL COLLEGE FOR THE OPERATION, MAINTENANCE, AND RESTORATION OF THE LUMMIS HOME

R. Adams  
H. Fujita  
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[Signature]

K. Regan  
M. Shull  
N. Williams

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\_\_\_\_\_  
\_\_\_\_\_

*as amended*

[Signature]  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Cancel the Request for Proposals (RFP) process for the Operation and Maintenance of the Lummis Home approved by the Board on October 16, 2013, and released on December 3, 2013;
2. Reject the proposal submitted on <sup>JUNE</sup>~~July~~ 10, 2014, in response to the RFP pursuant to Charter Section 371(c) and 372;
3. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks and that it is more economical to secure these services through a private organization;
4. Find, in accordance with Charter Section 371(e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that obtaining proposals would not be reasonably practicable or desirable and that the specialized skills and resources necessary to successfully operate and maintain the Lummis Home and ground makes it impracticable and undesirable to continue attempts to obtain proposals through a competitive bid process and is not in the best interest of the public, particularly the surrounding community. It is not practicable or advantageous to obtain proposals through a competitive bid process; and,

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5. Authorize the General Manager and staff to negotiate a long-term Partnership Agreement, subject to the approval of the Board, with Occidental College for the operation, maintenance, and restoration of the Lummis Home and to submit same for Board consideration.

### SUMMARY:

The Lummis Home is located at 200 East Avenue 43, Los Angeles, CA 90031 and was home to Charles Fletcher Lummis, the first City Editor of the Los Angeles Times and a founder of the Southwest Museum. The property was donated to the Southwest Museum in 1910, sold to the State of California in 1943, and acquired by the City in 1971. The property is designated as Los Angeles Historic-Cultural Monument No. 68 and is on the list of the National Register of Historic Places. The Historical Society of Southern California (Society) has operated the Lummis Home since 1971. The most current operating agreement was executed on August 14, 1989 and expired on August 13, 1999.

The Society currently operates on a month-to-month basis, providing docent tours and conservation exhibits for public enjoyment. Staff met with representatives of the Society on June 19, 2012 to initiate discussions regarding the Society's current operation and possible continued operation of the Lummis Home. The results of the discussions are documented in Board Report No. 13-173. The Society has stated that they will be leaving by the end of 2014.

Department staff determined that it was in the best interest of the public and the City to request that the Board authorize staff to release a Request for Proposal (RFP). An RFP process was recommended in order to solicit proposals from private organizations to operate, maintain, and restore the Lummis Home under terms and conditions set by the Department and approved by the Board to ensure the interest of the public was best served:

- On October 16, 2013, the Board approved a RFP in order to identify a responsible entity to operate and maintain the Lummis Home (Board Report No. 13-173).
- On November 25, 2013, the Department advertised the RFP for three (3) days with a release date of December 3, 2013, and a submittal due date of March 11, 2014.
- On December 3, 2013, the Department released the RFP. The RFP was posted on the Los Angeles Business Assistance Virtual Network (LABAVN) and on the Department website.
- On January 14, 2014, the Department hosted a pre-proposal conference to review the required compliance documents and the proposal submittal documents. A site walk-through was conducted immediately after the conference.

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- On February 10, 2014, Addendum No. 1 to the RFP was released which revised the due date from March 11, 2014, to June 10, 2014, in order to ensure sufficient time for interested parties to comply with the requirements of the RFP and to advertise the RFP.
- On March 18, 2014, the Department advertised the RFP with the revised submittal due date of June 10, 2014.
- On June 10, 2014, the Department received one (1) proposal in response to the RFP. The proposal was submitted by Occidental College.

On June 12, 2014, staff from the Board Office and the Concessions Unit reviewed the submitted proposal and found that the submitted proposal did not comply with the instructions of the RFP. The submitted proposal did not contain the ten (10) required compliance documents and did not provide the required Proposal Deposit (\$2,000). The submitted proposal is not responsive to the RFP (Attachment A).

### The Submitted Proposal

The proposal submitted by Occidental College, on file in the Board Office, is well-organized and contains vision and thought given to the historic preservation of the structure and site, and its place within the community in which it is located, and provides for the best interest of the public. The submitted proposal emphasizes the Lummis Home's capability as a: Public History Venue; Cultural Resource; and, Public Gardens.

The proposal states: "...these functions aim to restore the integral civic function of the Lummis Home to the larger community, rehabilitating not merely the physical shell of the historic residence, but its larger cultural mission as well."

Occidental College submitted a "deliberately unconventional response" to the RFP to demonstrate the difficulty in showcasing the opportunities and challenges to operate, maintain, and restore a historical structure for the benefit of the community within the confinement of the competitive bid process.

The competitive bid process, particularly the RFP process, is suited to obtain well-defined services from competing commercial entities (e.g., construction, retail operations, consultant services, etc.). Attempting to solicit proposals to meet the needs of a distinct and specialized function, such as museums services for a particular historical structure, requires flexibility in negotiations and consideration to the proposed relationship.

This flexibility and consideration will be necessary in order to meet the Mayor's "Back to Basic" priority to "Partner with citizens and civic groups to build a greater city" to "...increase access to

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parks...that enrich our quality of life.”

Staff recommends that the Board cancel the RFP process, reject the proposal, and authorize the General Manager and staff to negotiate terms and conditions of a proposed long-term Partnership Agreement, subject to the approval of the Board, with Occidental College to operate, maintain, and restore the Lummis Home. Staff will submit the proposed long-term Partnership Agreement for Board consideration upon the mutual agreement of the specific terms and conditions agreed upon between the Department and Occidental College.

### Occidental College

The proposing entity, Occidental College, is a world respected non-profit private coeducational organization. Occidental College is also a leader in the community and has been since it moved to Eagle Rock in 1914 from Highland Park. Occidental College’s mission is anchored by four cornerstones: excellence, equity, community and service. These building blocks have long been the basis for the College’s commitment to providing responsible leaders and citizens.

In 2013, Occidental College was named to the “President’s Higher Education Community Service Honor Roll with Distinction” in recognition of its exemplary community service.

Occidental College has over a century of continuous operation and maintenance of the 120-acre campus and 1.2 million square feet of building space and has developed a core expertise in historic preservation and operation of culturally significant structures. The college’s Facilities Management Department has a proven record of caring for historic buildings. In addition, Occidental College currently maintains more than forty (40) off-campus properties in Eagle Rock.

### Charter Section 371 (c) and 372

In accordance with Los Angeles City Charter Section 371(c): “The City shall reserve the right to reject any and all bids or proposals and to waive any informality in the bid or proposal when to do so would be to the advantage of the City. The City may also reject the bid or proposal of any bidder or proposer who has previously failed to timely and satisfactorily perform any contract with the City.”

In accordance with Los Angeles City Charter Section 372: “The right to reject any and all proposals or bids shall be reserved in all cases.”

### Charter Section 1022

Charter Section 1022 prohibits contracting work out that could be done by City employees unless the Board determines that it is more economical or feasible to contract out the service. Upon the Society leaving the Lummis Home at the end of 2014, the Department would be responsible for the maintenance and security of the structure and to the grounds. The Department would have to

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hire additional staff in order to provide tours of the Lummis Home and develop and implement a marketing plan in order to generate revenue to sustain the operation.

It is therefore more economical to secure these services through a private organization that would assume all costs of operation and maintenance in exchange for exclusive long-term use.

Charter Section 371(e)(10) / Los Angeles Administrative Code Section 10.15(a)(10)

The Department underwent an RFP process, advertised the RFP on two separate occasions, held a pre-proposal conference, and extended the due date by two (2) months in which to submit proposals.

The specialized skills and resources necessary to successfully operate and maintain the Lummis Home and grounds makes it impracticable and undesirable to continue attempts to obtain proposals through a competitive bid process and is not in the best interest of the public, particularly the surrounding community. Releasing another RFP would not accomplish the Department's goal, which is to find a responsible party to operate, maintain, and restore the Lummis Home for the enjoyment of the public.

It is therefore not practicable or advantageous to obtain proposals through a competitive bid process.

FISCAL IMPACT STATEMENT:

Canceling the RFP, rejecting the proposal, and authorizing the General Manager and staff to negotiate terms and conditions of a proposed long-term Partnership Agreement has no impact to the Department's General Fund.

This report was prepared by Vicki Israel, Assistant General Manager, Partnership and Revenue Branch, and Robert Morales, Senior Management Analyst II, Partnership Division

OCCIDENTAL COLLEGE  
THE LUMMIS HOME RFP  
LEVEL I EVALUATION

MINIMUM REQUIREMENTS		Meets Minimum	Comments	
A	Active registered California 501(c)(3) "Non-Profit"	Yes		
B	4 consecutive years between 2006-12 operating similar facility	Yes		
C	4 consecutive years between 2006-12 coordinating and implementing fund-raising events	--	Did not see this stated explicitly	
D	4 consecutive years between 2006-12 of coordinating rental activities of a similar facility	--	Did not see this stated explicitly	
<b>I. Compliance Documents</b>				
	Submitted	In Compliance	Comments	
1.	Affidavit of Non-Collusion	No	The 10 listed compliance items were not submitted.	
2.	Disposition of Proposals	No		
3.	Affirmative Action Plan	No		
4.	Contractor Responsibility Questionnaire	No		
5.	Equal Benefits Ordinance Statement	No		
6.	Living Wage/Service Contract Worker Retention Ordinance	No		
7.	BIP Outreach (See attached sheet)	No		
8.	CEC Form 50	No		
9.	CEC Form 55	No		
10.	First Source Hiring Ordinance	No		
<b>II. Submittal Documents</b>				
	Submitted	In Compliance	Comments	
11.	Proposal Submission Letter (Exhibit C)	Yes	Yes	
12.	Proposal Deposit	No	No	The \$2,000 proposal deposit was not submitted.
13.	Financial Plan	Yes	No	No financial documentation provided.
14.	Background and Experience	Yes	No	Missing org chart, contracts history, and business references.
15.	Operating Plan	Yes	Yes	
16.	Maintenance Plan	Yes	No	Missing cyclical maintenance plan.
17.	Preservation and Restoration Plan	Yes	No	Missing contingency plan, five-year rehabilitation plan, experience and qualifications of team members for preservation/restoration work