

APPROVED

MAY 07 2014

BOARD OF RECREATION
AND PARK COMMISSIONERS

REPORT OF GENERAL MANAGER

NO. 14-111

DATE May 7, 2014

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED GENERAL PARK BUILDING CONSTRUCTION – AWARD OF CONTRACT

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

M. [Signature]
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATIONS:

That the Board:

- 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 general park building 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 competitive bidding process for each individual project to be performed;
- 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;

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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 general park building construction projects;
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 firm;
6. Approve the proposed contract (Contract), substantially in the form on file in the Board Office, between the Department and the firm for as-needed general park building construction services for an up to three (3) year contract that will coincide with the existing general park building 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;

Contractor:

- 1) Design Space Modular Buildings, Inc.
10631 Banana Avenue
Fontana, California 92337
7. Direct the Board Secretary to transmit the Contract 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 Contract upon receipt of the necessary approvals.

SUMMARY:

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

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current park facility infrastructures.

These contracts will provide the Department with additional resources to perform general park building 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 general park building construction services projects.

On the June 5, 2013, the Board approved the award of the General Park Building Construction contracts to CXT, Inc, United Riggers & Erectors, Inc., and USA Shade & Fabric Structures, Inc., (Board Report No. 13-145). Although Department staff is currently pleased with the qualifications of our existing contractors, the Department desires to have more than three (3) General Park Building Construction contractors on the pre-qualified list. In order to obtain more competitive bids for the Department projects, it will be beneficial to have additional contractors added to our pre-qualified list of General Park Building Construction contractors. Also, having a limited number of contractors on the list, a contractor might hit 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 four (4) General Park Building Construction contractors with the addition of this contractor.

On September 11, 2013, the Board approved the re-release of a Request for Qualifications (RFQ) for General Park Building Construction (Board Report No. 13-229), which was released November 1, 2013. On January 14, 2014, the Department received nine (9) proposals in response to the RFQ. The responders were:

- 1) Design Space Modular Buildings, Inc.
- 2) Ford E.C., Inc.
- 3) G2K Construction, Inc.
- 4) Newman Midland Corporation
- 5) Structure Cast
- 6) T.B. Penick & Sons, Inc.
- 7) Tony B. Hayward, Inc.
- 8) USS Cal Builders, Inc.
- 9) Ventura Construction, Inc.

General Park Building Construction services include but is not limited to the construction and renovation of building structures found in public park facilities such as recreation centers, child care facilities, field restrooms, concession buildings, shade structures, bathhouse buildings, pedestrian bridges, multi-purpose buildings, field houses and community centers. It may also provide for the installation of pre-fabricated offices, restrooms, concession buildings, storage buildings and field houses. Work will include, but not be limited to, demolition, wood framing, masonry walls, concrete

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walls, footings and slabs, ceramic tile work, stucco, drywall, plastering toilet room accessories and partitions, cabinetry, painting, millwork, vinyl, ceramic tile and carpet, associated plumbing, electrical and mechanical work and to bring facilities into compliance with the Americans with Disabilities Act (ADA).

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

1) General Park Building Construction:

Qualified Responders must have a minimum of ten (10) years of experience constructing park building for governmental agencies (Municipal, State and/or Federal). Responder must have performed twenty percent (20%) of all work submitted under this qualifier. Qualified Responders must provide the following:

A. Provide at least five (5) new municipal building structures. All project 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).

2) Pre-Fabricated Concrete Buildings:

Qualified Responders must have a minimum of five (5) years of experience constructing park building for governmental agencies (Municipal, State and/or Federal). Responder must have performed seventy-five percent (75%) of all work submitted under this qualifier. Qualified Responders must provide the following:

A. Provide at least twenty (20) new park building structures that are certified by the State of California/ Department of Housing and Community Development. 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).

3) Pre-Fabricated Buildings:

Qualified Responders must have a minimum of ten (10) years of experience constructing park building for governmental agencies (Municipal, State and/or Federal). Responder must have performed seventy-five percent (75%) of all work submitted under this qualifier. Qualified Responders must provide the following:

A. Provide at least twenty (20) new park building structures that are certified by the State of California/Department of Housing and Community Development. 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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4) Shade Structures:

Qualified Responders must have a minimum of ten (10) years of experience designing, engineering, fabricating and installing shade structures for governmental agencies (Municipal, State and/or Federal). Responder must have performed seventy-five percent (75%) of all work submitted under this qualifier. Responder must have a City of Los Angeles approved fabricators license and be accredited by the International Accreditation Service (IAS) for Structural Steel Fabrication under UBC 97 and 2000 Section 1701.7 and IBC 2010 Section 1704.2.2 for all projects submitted under this qualification. Qualified Responders must provide the following:

- A. Provide at least ten (10) new shade structure in the City of Los Angeles. 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).

Only one (1) of the nine (9) responders submitted a responsive submittal to this RFQ. Eight (8) 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 on Exhibit A.

- 1) Ford E.C., Inc.
10850 Wilshire Boulevard, #380
Los Angeles, California 90024
- 2) G2K Construction, Inc.
28348 Roadside Drive, #205
Agoura Hills, California 91301
- 3) Newman Midland Corporation
9242 Walker Street, Suite A
Cypress, California 90630
- 4) Structure Cast
8261 McCutchen Road
Bakersfield, CA 93311
- 5) T.B. Penick & Sons, Inc.
15435 Innovation Drive, Suite 100
San Diego, California 92128

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- 6) Toby B. Hayward, Inc.
1951 South Myrtle Avenue
Monrovia, California 91016
- 7) USS Cal Builders, Inc.
8051 Main Street
Stanton, California 90680
- 8) Ventura Construction, Inc.
1316 Pathfinder Avenue
Westlake Village, California 91362

The following responder met the minimum requirements for the RFQ for General Park Building Construction as specified above and the qualifications thereof:

- 1) Design Space Modular Buildings, Inc.
10631 Banana Avenue
Fontana, California 92337
Qualified for: Pre-Fabricated Buildings

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 responder met and/or exceeded the minimum qualifications as set forth in the RFQ.

Once it was determined that the responder 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 respondent who met our minimum qualifications responded favorably to these questions and highly recommended the respective respondent. It was then determined that the above listed Respondent should be selected as a pre-qualified General Park Building Construction contractor and eligible to bid on future Department projects.

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

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The Department is seeking authorization for Board President and Secretary to execute contract for the qualified responder, subject to City Attorney and Mayor approval. The selected pre-qualified contractor is recommended to the Board for an up to three (3) year contract, but will be awarded a contract term expiration that will coincide with the existing awarded general park building 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 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 this as-needed contract 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 GENERAL PARK BUILDING CONSTRUCTION

"NON RESPONSIVE" RESPONDERS	REASONS FOR 'NON-RESPONSIVENESS"
Ford EC, Inc.	<ol style="list-style-type: none"> 1) Responder did meet minimum Qualifications. Responder provided qualifications for only 4 of 5 required "New" municipal building structures.
G2K	<ol style="list-style-type: none"> 1) Responder did not sign the "Pledge of Compliance with Contractor Responsibility Ordinance Form" on Page 66 of RFQ, 2) Responder did not provide a complete answer for question #2 on page 69 of RFQ document, Responder did not provide all of the requested information, 3) Responder did not submit their BIP selected sub-contractor list on "Schedule A", Page 127 of RFQ document, 4) Responder did not meet the minimum qualifications for "General Building Construction", Responder submitted only 2 of the 5 required "New" building construction projects.
KASA Construction	<ol style="list-style-type: none"> 1) Responder did not complete the Business Inclusion Program,
Newman Midland Corp.	<ol style="list-style-type: none"> 1) Responder did not sign Form "C" on page 85 of RFQ document.
Structure Cast	<ol style="list-style-type: none"> 1) Responder did not submit two (2) Originally Signed copies of the RFQ. Responder only provided one (1) originally signed Response Package.
T.B. Penick & Sons, Inc.	<ol style="list-style-type: none"> 1) Responder did not submit two originally signed RFQ responses, 2) Responder did not fill out the "Contractor Government Project Reference Sheet" on page 40 of RFQ document, 3) Responder did not provide a complete answer to question #1 of the Contractor Responsibility Questionnaire (CRQ) on page 69 of RFQ, 4) Responder did not provide a complete answer to question #4 of CRQ on page 69 of RFQ, 5) Responder did not sign page 73 of the RFQ document.
Toby B. Hayward, Inc.	<ol style="list-style-type: none"> 1) Responder did not submit their "Schedule A" form filled out for the BIP requirement, 2) Responder did not provide sufficient qualifications for "General Park Building Construction", note Responder did

"NON RESPONSIVE" RESPONDERS	REASONS FOR 'NON-RESPONSIVENESS"
	not provide any evidence of "New municipal building structures" as stated on page 10 of RFQ document.
USS Cal Builders, Inc.	1) Responder did not provide an answer to question #14 of "Contractor Responsibility Questionnaire" (CRQ) on page 71 of RFQ document, 2) Responder did not sign the CRQ certification on page 73 of RFQ.
Ventura Construction, Inc.	1) Responder did not provide complete answer to question #13 of the Contractor Responsibility Ordinance Form (CRQ), page 71 of RFQ document, 2) Responder did not answer question # 14 of CRQ on page 71 of RFQ document, 3) Responder did not provide sufficient qualifications as required on pages 10-11 of RFQ document.