

APPROVED
07-13-2016

BOARD REPORT

NO. 16-158

DATE July 13, 2016

C.D. ALL

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AS-NEEDED GENERAL PARK BUILDING CONSTRUCTION –SUPPLEMENTAL AGREEMENTS TO VARIOUS CONTRACTS

AP Diaz	_____	V. Israel	_____
R. Barajas	_____	K. Regan	_____
H. Fujita	_____	*N. Williams	<u>NW</u>



 General Manager

Approved

Disapproved _____

Withdrawn _____

RECOMMENDATIONS

1. Approve a proposed Supplemental Agreement to each of the four contracts listed in Attachment 1, herein included as Attachment 2, between the City of Los Angeles Department of Recreation and Parks (RAP) and each of the listed contractors for as-needed general park building construction services, which include:

- 1) general park building construction
- 2) pre-fabricated concrete buildings
- 3) pre-fabricated buildings
- 4) shade structures

to extend the term of each contract from three years to six years, subject to approval of the Mayor in accordance with Executive Directive No. 3, of the City Council, and of the City Attorney as to form;

- 2. Find, in accordance with Charter Section 1022, that RAP 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 and feasible to secure these services by contract;
- 3. Direct the Board Secretary to transmit forthwith each proposed Supplemental Agreement to the Mayor in accordance with Executive Directive No. 3 and, concurrently to the City Attorney, for review and approval as to form; and
- 4. Authorize the Board President and Secretary to execute each Supplemental Agreement upon receipt of the necessary approvals.

SUMMARY:

RAP continues to have a need for general park building construction services that staff cannot

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provide; therefore, one or more general park building construction service contracts are required. Currently, RAP has contracts with four contractors in place for 1) general park building construction, 2) pre-fabricated concrete buildings, 3) pre-fabricated buildings, and 4) shade structures.

On April 3, 2013, the Board approved a Request for Qualifications (RFQ) for General Park Building Construction, which was released April 5, 2013 (Report No. 13-088). On May 14, 2013, RAP received seven proposals in response to the RFQ for General Park Building Construction. Of those seven proposals, only three were deemed responsive to the RFQ. Award of contracts to each of the three contractors was approved by the Board on June 5, 2013 (Report No. 13-145).

Although, RAP has awarded each of the three contractors a contract, RAP desired to have more than three General Park Building Construction contractors on the pre-qualified list. On September 11, 2013, the Board approved the re-release of the RFQ for General Park Building Construction (Report No. 13-229), which was released on November 1, 2013. On January 14, 2014, RAP received nine proposals. Only one of the nine contractors was deemed responsive to the RFQ. On May 7, 2014, the Board approved the award to the responsive contractor (Report No. 14-111) for a total of four contractors on the As-Needed General Park Building Construction pre-qualified list.

The current contracts for the firms listed on Attachment 1 are set to expire on August 15, 2016. RAP requests that the Board approve the proposed Supplemental Agreements to extend the term of the contracts by three years to lengthen the total contract term to six (6) years with the expiration date of August 15, 2019. The contract amount will remain a not-to-exceed annual expenditure of Ten Million Dollars (\$10,000,000) per contract, and will permit the City of Los Angeles Public Works/Bureau of Engineering to piggyback.

Amending the term of these contracts will allow RAP to continue using the contractors' expertise and resources that otherwise cannot be performed by City staff for 1) general park building construction, 2) pre-fabricated concrete buildings, 3) pre-fabricated buildings, and 4) shade structures. There are several projects that are currently encumbered and will not be completed if all four contracts expire.

Because the contracts are set to expire August 15, 2016, RAP does not have sufficient time to complete Level I and Level II evaluations for the award of contracts pursuant to the Request for Qualifications (RFQ) that the Board approved and released on April 4, 2016 (Report No. 16-087). The As-Needed General Park Building Construction RFQ closed on June 21, 2016, and the Level I evaluation is currently being conducted by RAP staff.

RAP is seeking authorization to prepare Supplemental Agreements for each of the four contracts, and authorize the Board President and Secretary to execute these contracts, subject to approval of the Mayor, City Council, and City Attorney. Because the three-year extension increases the total term of each contract to six years, City Council approval is required. All other terms and conditions of the contracts remain unchanged.

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

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FISCAL IMPACT STATEMENT:

Executing these Supplemental Agreements has no impact to the RAP's General Fund.

This Report was prepared by Kai Wong, Management Analyst II, Finance Division.

LIST OF ATTACHMENTS/EXHIBITS

- 1) General Park Building Construction Contract List
- 2) Supplemental Agreements for:
 - a. CXT, Incorporated
 - b. Design Space Modular Buildings, Inc.
 - c. United Riggers & Erectors, Inc.
 - d. USA Shade & Fabric Structures, Inc.

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
FINANCE DIVISION
GENERAL PARK BUILDING CONSTRUCTION CONTRACT LIST

CONTRACTOR	ADDRESS	CONTRACT NO.	START DATE	END DATE
CXT, Incorporated	3808 N. Sullivan Road, Building 7 Spokane, WA 99216	3463	8/16/2013	8/15/2016
Design Space Modular Buildings, Inc.	10631 Banana Avenue Fontana, CA 92337	3497	8/16/2013	8/15/2016
United Riggers & Erectors, Inc.	4188 Valley Blvd. Walnut, CA 91789	3464	8/16/2013	8/15/2016
USA Shade & Fabric Structures, Inc.	1085 N. Main Street, Suite C Orange, CA 92867	3465	8/16/2013	8/15/2016

**SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3463
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
CXT, INCORPORATED
FOR
GENERAL PARK BUILDING CONSTRUCTION**

This SUPPLEMENTAL AGREEMENT to Contract No. 3463 is made and entered into this _____ day of _____, 201_, by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, hereinafter referred to as "CITY", and CXT, INCORPORATED, a corporation, hereinafter referred to as "CONTRACTOR".

RECITALS

WHEREAS, on August 16, 2013, CITY and CONTRACTOR entered into Contract No. 3463 ("CONTRACT") for General Park Building Construction services at various Department of Recreation and Parks ("DEPARTMENT") facilities; and,

WHEREAS, the CONTRACT will expire on August 15, 2016, and the expertise of CONTRACTOR is still required and it is the desire of CITY to continue services with the CONTRACTOR who has demonstrated its capability to perform quality General Park Building Construction services; and,

WHEREAS, the principal purpose of CITY entering into this SUPPLEMENTAL AGREEMENT is to continue to utilize the expertise and services of CONTRACTOR in ongoing and future DEPARTMENT projects; and,

WHEREAS, in accordance with a Charter 1022 determination, the CITY finds that the Department does not have sufficient personnel available in its employ to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto,

IT IS MUTUALLY AGREED that the CONTRACT be amended as follows:

1. **FULL FORCE AND EFFECT:** Except as specifically modified by this Supplemental Agreement, the terms and conditions contained in Contract No. 3463 between the CITY and CONTRACTOR, executed on August 16, 2013, are incorporated herein by this reference and shall remain in effect.

2. SECTION 2. TERM OF CONTRACT

Delete the Section in its entirety and replace with:

"The term of this contract shall be six (6) years from August 16, 2013 through August 15, 2019, subject however to earlier termination by DEPARTMENT as provided in Appendix A – The Standard Provisions for City Contracts."

3. SECTION 8. RATIFICATION

Add Section 8, "Ratification," as follows:

"At the request of the DEPARTMENT, and because of the need therefor, CONTRACTOR began performance of the services required hereunder prior to the execution hereof. By its execution hereof, City hereby accepts such service subject to all the terms, covenants, and conditions of this agreement, and ratifies its agreement with CONTRACTOR for such services."

All other terms and conditions of the CONTRACT shall remain unchanged.

(Signature Page to Follow)

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to CONTRACT No. 3497 to be executed by their duly authorized representatives.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners.

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

CXT, INCORPORATED, a Corporation

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

BY: _____
Deputy City Attorney

DATE: _____

**SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3497
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
DESIGN SPACE MODULAR BUILDINGS, INC.
FOR
GENERAL PARK BUILDING CONSTRUCTION**

This SUPPLEMENTAL AGREEMENT to Contract No. 3497 is made and entered into this _____ day of _____, 201_, by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, hereinafter referred to as "CITY", and DESIGN SPACE MODULAR BUILDINGS, INC., a corporation, hereinafter referred to as "CONTRACTOR".

RECITALS

WHEREAS, on August 16, 2013, CITY and CONTRACTOR entered into Contract No. 3497 ("CONTRACT") for General Park Building Construction services at various Department of Recreation and Parks ("DEPARTMENT") facilities; and,

WHEREAS, the CONTRACT will expire on August 15, 2016, and the expertise of CONTRACTOR is still required and it is the desire of CITY to continue services with the CONTRACTOR who has demonstrated its capability to perform quality General Park Building Construction services; and,

WHEREAS, the principal purpose of CITY entering into this SUPPLEMENTAL AGREEMENT is to continue to utilize the expertise and services of CONTRACTOR in ongoing and future DEPARTMENT projects; and,

WHEREAS, in accordance with a Charter 1022 determination, the CITY finds that the Department does not have sufficient personnel available in its employ to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto,

IT IS MUTUALLY AGREED that the CONTRACT be amended as follows:

1. **FULL FORCE AND EFFECT:** Except as specifically modified by this Supplemental Agreement, the terms and conditions contained in Contract No. 3497 between the CITY and CONTRACTOR, executed on August 16, 2013, are incorporated herein by this reference and shall remain in effect.

2. SECTION 2. TERM OF CONTRACT

Delete the Section in its entirety and replace with:

"The term of this contract shall be six (6) years from August 16, 2013 through August 15, 2019, subject however to earlier termination by DEPARTMENT as provided in Appendix A – The Standard Provisions for City Contracts."

3. SECTION 8. RATIFICATION

Add Section 8, "Ratification," as follows:

"At the request of the DEPARTMENT, and because of the need therefor, CONTRACTOR began performance of the services required hereunder prior to the execution hereof. By its execution hereof, City hereby accepts such service subject to all the terms, covenants, and conditions of this agreement, and ratifies its agreement with CONTRACTOR for such services."

All other terms and conditions of the CONTRACT shall remain unchanged.

(Signature Page to Follow)

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to CONTRACT No. 3497 to be executed by their duly authorized representatives.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners.

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

DESIGN SPACE MODULAR BUILDINGS, INC., a Corporation

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

BY: _____
Deputy City Attorney

DATE: _____

**SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3464
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
UNITED RIGGERS & ERECTORS, INC.
FOR
GENERAL PARK BUILDING CONSTRUCTION**

This SUPPLEMENTAL AGREEMENT to Contract No. 3464 is made and entered into this _____ day of _____, 201_, by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, hereinafter referred to as "CITY", and UNITED RIGGERS & ERECTORS, INC., a corporation, hereinafter referred to as "CONTRACTOR".

RECITALS

WHEREAS, on August 16, 2013, CITY and CONTRACTOR entered into Contract No. 3464 ("CONTRACT") for General Park Building Construction services at various Department of Recreation and Parks ("DEPARTMENT") facilities; and,

WHEREAS, the CONTRACT will expire on August 15, 2016, and the expertise of CONTRACTOR is still required and it is the desire of CITY to continue services with the CONTRACTOR who has demonstrated its capability to perform quality General Park Building Construction services; and,

WHEREAS, the principal purpose of CITY entering into this SUPPLEMENTAL AGREEMENT is to continue to utilize the expertise and services of CONTRACTOR in ongoing and future DEPARTMENT projects; and,

WHEREAS, in accordance with a Charter 1022 determination, the CITY finds that the Department does not have sufficient personnel available in its employ to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto,

IT IS MUTUALLY AGREED that the CONTRACT be amended as follows:

1. **FULL FORCE AND EFFECT:** Except as specifically modified by this Supplemental Agreement, the terms and conditions contained in Contract No. 3464 between the CITY and CONTRACTOR, executed on August 16, 2013, are incorporated herein by this reference and shall remain in effect.

2. SECTION 2. TERM OF CONTRACT

Delete the Section in its entirety and replace with:

"The term of this contract shall be six (6) years from August 16, 2013 through August 15, 2019, subject however to earlier termination by DEPARTMENT as provided in Appendix A – The Standard Provisions for City Contracts."

3. SECTION 8. RATIFICATION

Add Section 8, "Ratification," as follows:

"At the request of the DEPARTMENT, and because of the need therefor, CONTRACTOR began performance of the services required hereunder prior to the execution hereof. By its execution hereof, City hereby accepts such service subject to all the terms, covenants, and conditions of this agreement, and ratifies its agreement with CONTRACTOR for such services."

All other terms and conditions of the CONTRACT shall remain unchanged.

(Signature Page to Follow)

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to CONTRACT No. 3464 to be executed by their duly authorized representatives.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners.

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

UNITED RIGGERS & ERECTORS, INC., a Corporation

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

BY: _____
Deputy City Attorney

DATE: _____

**SUPPLEMENTAL AGREEMENT TO CONTRACT NO. 3465
BETWEEN
THE CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
AND
USA SHADE & FABRIC STRUCTURES, INC.
FOR
GENERAL PARK BUILDING CONSTRUCTION**

This SUPPLEMENTAL AGREEMENT to Contract No. 3465 is made and entered into this _____ day of _____, 201_, by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners, hereinafter referred to as "CITY", and USA SHADE & FABRIC STRUCTURES, INC., a corporation, hereinafter referred to as "CONTRACTOR".

RECITALS

WHEREAS, on August 16, 2013, CITY and CONTRACTOR entered into Contract No. 3465 ("CONTRACT") for General Park Building Construction services at various Department of Recreation and Parks ("DEPARTMENT") facilities; and,

WHEREAS, the CONTRACT will expire on August 15, 2016, and the expertise of CONTRACTOR is still required and it is the desire of CITY to continue services with the CONTRACTOR who has demonstrated its capability to perform quality General Park Building Construction services; and,

WHEREAS, the principal purpose of CITY entering into this SUPPLEMENTAL AGREEMENT is to continue to utilize the expertise and services of CONTRACTOR in ongoing and future DEPARTMENT projects; and,

WHEREAS, in accordance with a Charter 1022 determination, the CITY finds that the Department does not have sufficient personnel available in its employ to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto,

IT IS MUTUALLY AGREED that the CONTRACT be amended as follows:

1. **FULL FORCE AND EFFECT:** Except as specifically modified by this Supplemental Agreement, the terms and conditions contained in Contract No. 3465 between the CITY and CONTRACTOR, executed on August 16, 2013, are incorporated herein by this reference and shall remain in effect.

2. SECTION 2. TERM OF CONTRACT

Delete the Section in its entirety and replace with:

"The term of this contract shall be six (6) years from August 16, 2013 through "August 15, 2019, subject however to earlier termination by DEPARTMENT as provided in Appendix A – The Standard Provisions for City Contracts."

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All other terms and conditions of the CONTRACT shall remain unchanged.

(Signature Page to Follow)

IN WITNESS WHEREOF, the parties hereto have caused this Supplemental Agreement to CONTRACT No. 3465 to be executed by their duly authorized representatives.

THE CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Recreation and Park Commissioners.

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

USA SHADE & FABRIC STRUCTURES, INC., a Corporation

BY: _____
President

DATE: _____

BY: _____
Secretary

DATE: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER, City Attorney

BY: _____
Deputy City Attorney

DATE: _____