



**BOARD REPORT**

NO. 16-161

DATE July 13, 2016

C.D. 3

**BOARD OF RECREATION AND PARK COMMISSIONERS**

SUBJECT: DANIELS FIELD SPORTS CENTER – RENOVATE RESTROOMS (PRJ20534) (W.O. #E170104F) PROJECT – AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS, THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF ENGINEERING, AND THE DEPARTMENT OF GENERAL SERVICES, CONSTRUCTION FORCES

AP Diaz	_____	V. Israel	_____
<i>for</i> R. Barajas	<u>CSD</u>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

  
 \_\_\_\_\_  
 General Manager

Approved ✓ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATIONS

1. Approve a proposed Amendment to the Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), the Department of Public Works, the Bureau of Engineering (BOE), and the Department of General Services (GSD), Construction Forces to increase the total construction funding for the Daniels Field Sports Center – Renovate Restrooms (PRJ20534) (W.O. #E170104F) project by Forty Five Thousand One Hundred Seventy Five Dollars (\$45,175.00), for a total construction cost not-to-exceed Five Hundred Seventy Five Thousand One Hundred Seventy Five Dollars (\$575,175.00), subject to approval of the City Attorney as to form;
2. Direct the Board Secretary to transmit the proposed Amendment to the City Attorney for review and approval as to form; ,
3. Authorize the General Manager to execute the Amendment, subsequent to the approval of the City Attorney as to form; and,
4. Authorize RAP to make technical corrections, as necessary, to the transactions included in this Report to implement RAP's intentions.

BOARD REPORT

PG. 2 NO. 16-161

SUMMARY

The Daniels Field Sports Center – Renovate Restrooms (PRJ20534) (W.O. #E170104F) project (Project) is located at 845 West 12<sup>th</sup> Street, San Pedro, CA 90731. The Project scope consists of remodeling the existing restrooms to comply with the American Disabilities Act (ADA).

On June 6, 2012, the Board approved a MOU to establish responsibilities between RAP, BOE, and GSD for the construction of the Project, for a not-to-exceed amount of Five Hundred Thirty Thousand Dollars (\$530,000.00) (Report No. 12-176). Under the authority of the approved Report No. 12-176, the Project was included in the First Construction Projects Report (CPR) for Fiscal Year 2014-15, prepared by the Office of the City Administrative Officer (CAO), for approval by the City Council and Mayor to transfer fund appropriations to GSD. The CPR was approved by the City and the Mayor on October, 2015 (Council File No. 14-1284). GSD has completed all Contract Work to date.

Additional miscellaneous construction work, which was not part of the original scope of work, was necessary to complete the Project. This additional miscellaneous construction work includes asbestos and lead abatement, replacement of glazing in windows, replacement of light fixtures, and graffiti removal. Lead and asbestos was found within the frames, paint and putty surrounding the window glazing inside the restroom building. Vandalism to the building prior to construction commencement included graffiti as well as broken window glazing and light fixtures. It was determined that issuing this miscellaneous construction work to GSD would be more cost effective and will expedite completion, since GSD has successfully completed similar work on other City-owned buildings in the past and GSD is currently on-site performing construction work.

It is therefore recommended that the Amendment to the MOU which increases the not-to-exceed construction funding from Five Hundred Thirty Thousand (\$530,000.00) to Five Hundred Seventy Five Thousand One Hundred Seventy Five Dollars (\$575,175.00) be approved. This will increase the MOU amount by Forty Five Thousand One Hundred Seventy Five Dollars (\$45,175.00) and will be consistent with the revised construction funding amount, as stated in the 3<sup>rd</sup> CPR of Fiscal Year 2015-2016, which approves transferring Sixty Four Thousand Dollars (\$64,000.00) to GSD. The Project change order log is shown in Attachment 1. The Funds are available in the following fund and account:

<u>Funding Source</u>	<u>Fund No./Dept. No./Acct. No.</u>	<u>Funding for Proposed MOU Amendment</u>	<u>Total Project Funding</u>
Sites and Facilities	209/88/88LAB5	\$45,175.00	\$575,175.00

TREES AND SHADE

This project consists of the interior renovation and Americans with Disabilities' Act (ADA) upgrade of a restroom and bathhouse and does not include trees or shade.

## BOARD REPORT

PG. 3 NO. 16-161

### ENVIRONMENTAL IMPACT STATEMENT

In compliance with the (CEQA), Staff has determined that the underlying project associated with the MOU, as amended, has been previously evaluated for environmental significance and processed in accordance with the City CEQA Guidelines on May 18, 2012. Therefore, the amendment to the MOU is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2(i) of the City CEQA Guidelines.

### FISCAL IMPACT STATEMENT

The estimated costs for the design, development, and construction of the proposed park improvements are anticipated to be funded by Sites and Facilities therefore will not impact the RAP's General Fund.

This Report was prepared by Meghan Aldrich, Project Manager, BOE, Recreational and Cultural Facilities Division. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Division, BOE; Deborah Weintraub, Chief Deputy City Engineer, BOE; and Cathie Santo Domingo, Superintendent, Planning, Construction and Maintenance Division.

### Attachments

1. Amendment Memorandum of Understanding
2. Change Order Log

AMENDMENT  
TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN

THE DEPARTMENT OF RECREATION AND PARKS

THE DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING

AND

THE DEPARTMENT OF GENERAL SERVICES  
CONSTRUCTION FORCES

FOR THE CONSTRUCTION OF THE

DANIELS FIELD SPORTS CENTER – RENOVATE RESTROOMS  
(PRJ20534) (W.O. #E170104F)

845 West 12<sup>th</sup> Street  
San Pedro, CA 90731

## AMENDMENT TO MEMORANDUM OF UNDERSTANDING

This Amendment to Memorandum of Understanding (MOU) for the construction of the Daniels Field Sports Center – Renovate Restrooms (PRJ20534) (W.O. #E170104F) project is made and entered into by and between the Department of Recreation and Parks, hereinafter referred to as RAP; the Department of Public Works, the Bureau of Engineering, hereinafter referred to as BOE; and the Department of General Services, the Construction Forces, hereinafter referred to as GSD.

### WITNESSETH

WHEREAS, the parties entered into an MOU for the construction of the Daniels Field Sports Center – Renovate Restrooms (PRJ20534) (W.O. #E170104F) project, located at 845 West 12<sup>th</sup> Street San Pedro, California 90731, on June 28, 2012, for the construction work of the proposed project; and

WHEREAS, BOE and GSD have reviewed and negotiated the final price submitted by GSD, and the parties hereby agree to revise the construction funding amount necessary to complete the construction of the project; and

WHEREAS, there is adequate available funding to fund this increase in construction funding amount with the funds from the project's contingency account; and

NOW, THEREFORE, RAP, BOE, and GSD agree to enter into and abide by the terms and conditions of the MOU, as amended herein. The following section is hereby amended as follows:

### ARTICLE VII – PAYMENT

#### A. COMPENSATION

1. GSD agrees to do all the work for a not-to-exceed total construction funding amount of Five Hundred Seventy Five Thousand One Hundred Seventy Five Dollars (\$575,175.00). Any cost incurred in excess of the base price amount without prior written authorization shall not be eligible for reimbursement. With the approval of the City Council and the Mayor, BOE shall authorize the expenditure of an amount not to exceed Five Hundred Seventy Five Thousand, One Hundred Seventy Five Dollars (\$575,175.00) for the complete and satisfactory performance of the terms of this MOU.

The funds are available in the following account:

<u>Funding Source</u>	<u>Fund No./Dept. No./Acct. No.</u>	<u>Funding for Proposed MOU Amendment</u>	<u>Total Project Funding</u>
Sites and Facilities	209/88/88LAB5	\$45,175.00	\$575,175.00

The transfer of cash to GSD shall be on an as-needed basis, upon review and approval of expenditure reports submitted by GSD and approval of these reports by the BOE Project Manager.

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

Signature Page to Follow

IN WITNESS WHEREOF, RAP, GSD and BOE have caused this Amendment to the MOU to be executed by their duly authorized representatives.

For: Department of Recreation and Parks

\_\_\_\_\_  
Michael A. Shull, General Manager

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

For: Bureau of Engineering, Department of Public Works

\_\_\_\_\_  
Gary Lee Moore, PE, ENV SP, City Engineer

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

For: Department of General Services

\_\_\_\_\_  
Tony M. Royster, General Manager

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

Approved as to form:  
MICHAEL N. FEUER, City Attorney

By: \_\_\_\_\_  
Strefan E. Fauble, Deputy City Attorney

Date: \_\_\_\_\_

DANIEL'S FIELD - RESTROOM RENOVATION PROJECT  
Change Order Log

ATTACHMENT 1

NO	SCOPE OF OF WORK	CHANGE ORDER AMOUNT	TYPE
1	Permit Fees	\$ 2,485.00	Change in Scope
2	Replace Existing Non-Load Bearing Exterior Wall	\$ 6,400.00	Unforeseen Condition
3	Additional Ceiling Replacement	\$ 7,643.00	Unforeseen Condition
4	Install New Drain Lines at 105 and 106	\$ 3,500.00	Unforeseen Condition
5	Vent Piping Changes to rooms 101 and 102	\$ 3,600.00	Unforeseen Condition
6	Gas Earthquake Valve	\$ 3,383.00	Category 4
7	Asbestos Lead Abatement, Glazing and Light Fixture Replacement, Graffiti Removal	\$ 64,000.00	Change in Scope
	<i>Total:</i>	\$ 91,011.00	

SUMMARY BY TYPE	AMOUNT	Percentage
Unforeseen Condition	\$21,143.00	4%
Error and Ommission	\$0.00	0%
Change in Scope	\$66,485.00	14%
Category 4 - items under estimated or excluded by GSD	\$3,383.00	1%
Total Amount:	\$91,011.00	19%