

REPORT OF GENERAL MANAGER

NO. 05-86

DATE April 6, 2005

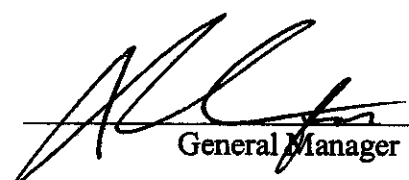
C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AMENDMENT TO PERSONAL SERVICES CONTRACT NO. 3148 WITH DK ENVIRONMENTAL FOR THE CLEARING AND DISPOSAL OF AQUATIC VEGETATION FOR AN ADDITIONAL 2 ACRES AT MACHADO LAKE WITH USE OF SPECIAL EQUIPMENT

K. Chan _____
J. Combs _____
H. Fujita _____
B. Jensen _____

J. Kolb _____
F. Mok _____
*K. Regan YKR


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve an amendment to a personal services contract, substantially in the form attached, subject to the approval of the Mayor and the City Council, with DK Environmental for clearing an additional two acres of channels of emergent aquatic vegetation in Lake Machado, and extending compensation by \$55,878, to a maximum of \$339,728;
2. Find that in accordance with Charter Section 1022, the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks in a timely manner, and it is more feasible and economical to secure the services by contract;
3. Direct the Board Secretary to transmit the proposed amendment to the Mayor in accordance with Executive Directive 16, and to the City Attorney for review as to form, for expedited approval of this amendment due to the urgent necessity to reduce public health threats at Lake Machado;
4. Authorize the Board President and Secretary to execute the amendment upon receipt of necessary approvals.

REPORT OF GENERAL MANAGER

PAGE 2

NO. 05-86

SUMMARY:

On November 3, 2004, the Board approved Report No. 04-333 for the issuance of a Personal Services Contract to DK Environmental for the clearing and disposal of 10 acres of aquatic vegetation at Machado Lake with the use of special equipment. Contract 3148 with DK Environmental was executed on January 5, 2005, which authorized the contractor to clear channels of emergent vegetation at Machado Lake.

In the process of completing the contract, the Los Angeles area was inundated with heavy and continuous rainfall. To the Department's benefit, the increase in water level in remote and inaccessible areas of Machado Lake allowed us to target additional mosquito habitats and breeding grounds. Because Machado Lake's water level rose by an additional 6 1/2 inches, the Department took advantage of this opportunity and authorized DK Environmental to clear additional channels/areas (approximately two acres) of the lake previously inaccessible by specialized equipment. Areas that have never been maintained because of the lakes' low water level are located close to the Wilmington drain and may serve as breeding grounds for mosquitoes. This is the first and only time that the Department has been able to enter these areas. Removal of aquatic vegetation, trash, and debris from an additional two acres of Machado Lake will reduce the amount of mosquito habitats and potential health hazards to the public and patrons. Also, removal of emergent vegetation is restricted to September 16, 2004 through March 14, 2005, as imposed by the California Department of Fish and Game, to ensure protection of the environment where the native endangered species nest at other times of the year. The Department has an on-going aquatic vegetation management program designed to control the mosquito population by limiting the amount of emergent and floating vegetation available to mosquitoes as a breeding habitat.

In light of increasing concerns over the spread of the West Nile Virus in Los Angeles County, the Greater Los Angeles County Vector Control Mosquito Abatement District inspected the lake and issued an order against the Department of Recreation and Parks on March 1, 2004, requiring clearance of lake vegetation to the ideal conditions of 1991-1992. The Department has aerial photos of the lake in 1991-1992 documenting the conditions to which we must revert. Alterations to the lake environment require an annual permit from the Department of Fish and Game before any work can commence. On September 23, 2004, Recreation and Parks secured the proper permits from Fish and Game. Amendment No. 2 to the Streambed Alteration Agreement No. 1600-2003-5053-R5 restricts the area, the method, the type, and the design of vegetation to be removed.

Current work is performed under a competitively bid contract by DK Environmental, who utilizes a specialized "cookie cutter" boat, which enables the vegetation to be cut in water as shallow as two feet. The Department of Recreation and Parks does not own a "cookie cutter"

REPORT OF GENERAL MANAGER

PAGE 3

NO. 05-86

boat, nor can one be rented. DK Environmental's use of a specially designed and built "cookie cutter" allows them to minimize their use of other equipment and equipment operators, and shorten the time frame for completion of work. The owner of the firm, Dave McNabb, is very familiar with Lake Machado, having been the project manager who oversaw the clearing of the lake while working for Aquatics Unlimited in the early 90s. DK Environmental was also contracted last year to clear 2.5 acres of vegetation at Machado Lake.

Due to the public health concerns, there was an urgent necessity to begin and complete the specified work by March 14, 2005. Given the strict timelines permitted for the cutting of aquatic vegetation, the potential health hazards if the Department fails to clear this vegetation, and the infeasibility of performing this work with Department or other City forces because of unavailability of the special equipment, staff authorized DK Environmental to clear and dispose of aquatic vegetations from an additional two acres and recommends that the Department amend the contract with DK Environmental to reflect this additional work. A ratification clause is included in the amendment to cover this work performed prior to the execution of this amendment.

FISCAL IMPACT :

Sufficient funding is available in the Department's account, 3040, Contractual Services, subsequent to Council action in August 2004 transferring additional funds to Recreation and Parks for this purpose. Sufficient funds were transferred in accordance with CF # 04-0600-521.

Report prepared by Gino Ogtong, Pacific Region

AMENDMENT TO CONTRACT NO. 3148 BETWEEN THE CITY OF LOS ANGELES,
DEPARTMENT OF RECREATION AND PARKS AND D K ENVIRONMENTAL TO THE
MEET THE COMPLIANCE REQUIREMENTS OF LOS ANGELES COUNTY VECTOR
CONTROL, FOR CLEARANCE AND DISPOSAL OF AQUATIC VEGETATION AT
MACHADO LAKE IN KEN MALLOY HARBOR REGIONAL PARK

THIS AMENDMENT TO CONTRACT NO. 3148 is made and entered into this _____
day of _____, by and between the City of Los Angeles, a municipal
corporation, acting by order of and through its Board of Recreation and Park Commissioners
(hereinafter referred to as DEPARTMENT) and McNabb Construction Inc, D.B.A. DK
Environmental, a California Corporation (herein referred to as CONTRACTOR).

WITNESSETH

WHEREAS, on January 5, 2005, the Board of Recreation and Park Commissioners
executed CONTRACT NO. 3148; and

WHEREAS, Contract No. 3148 only authorized the clearing and disposal of 10 acres of
aquatic vegetation in Machado Lake, in the amount \$283,850 and the clearance and disposal of
an additional 2 acres of aquatic vegetation are needed to comply with Los Angeles County
Vector Control; and

WHEREAS, the removal of the emergent vegetation, consisting primarily of cattail and
bulrush, is considered an urgent necessity because of its resulting threat to the health and safety
of the residents of Los Angeles, the clearance is also restricted to September 16, 2004 through
March 14, 2005, as imposed by the California Department of Fish and Game, to ensure the
protection of this environment where the native endangered species nest; and

WHEREAS, the DEPARTMENT does not have available personnel with sufficient time
and expertise to perform these services, and therefore, it is more economical and feasible for
CONTRACTOR to perform these services.

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. Article 6.1 Compensation shall be amended to increase amount from \$283,850 to
\$339,728.

2. Article 3.1 Vegetation Removal shall be amended to increase the contracted area from an estimated 10 acres to 12 acres of floating and emergent aquatic vegetation.
3. At the request of the CITY, and because of the need therefore, CONTRACTOR began performance of the services required hereunder prior to the execution hereof. By its execution hereof, CITY hereby accepts such services, subject to all of the terms, covenants and conditions of this agreement and ratifies this agreement with CONTRACTOR for such services.
4. All other terms and conditions of the CONTRACT shall remain unchanged.

IN WITNESS WHEREOF, parties hereto have caused this AMENDMENT to CONTRACT NO. 3148 to be executed by their duly authorized representatives.

Executed this _____ day
of _____, 2005

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

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 2005

McNabb Construction Inc.
dba D K Environmental
A California Corporation

By _____
PRESIDENT

By _____
SECRETARY

Approved as to Form:

Date: _____

ROCKARD J. DELGADILLO,
City Attorney

By _____
SR. ASSISTANT CITY ATTORNEY