

REPORT OF GENERAL MANAGER

NO. 05-45

DATE February 16, 2005

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BELLEVUE RECREATION CENTER - OUTDOOR REFURBISHMENT  
(W.O. # E170340F) - REVIEW OF BIDS AND AWARD OF CONTRACT

* K. Chan	<u>ka</u>	J. Kolb	_____
J. Combs	_____	F. Mok	_____
H. Fujita	_____	R. Regan	_____

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

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Reject the bid of Ecology Construction Inc., as non-responsive for failure to meet the Good Faith Effort subcontracting requirements;
2. Find that Los Angeles Engineering, Inc., whose base bid was \$1,614,900.00, is the as the lowest responsible bidder for Bellevue Recreation Center - Outdoor Refurbishment (W.O. # E170340F);
3. Award the contract with Deductive Alternate Nos. 4 and 7 in the amounts of \$35,000.00 and \$215,000.00 respectively, in the total award \$1,364,900.00 to Los Angeles Engineering, Inc., all according to plans and specifications;
4. Authorize the Chief Accounting Employee to encumber funds in the amount of \$1,364,900.00 from the following fund and account numbers under the awarding authority of this Board Report;

<u>FUND</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
43K (PROP K-YR8)	W435	\$ 1,099,599.00
43L (PROP K-YR8)	W435	\$ 265,301.00

5. Request the City Attorney to prepare a contract after which the President and Secretary be authorized to execute the same after the appropriate signatures by the other parties thereto and approval as to form by the City Attorney have been obtained thereon;

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6. Rescind the Board's prior approval of the batting cage and field lighting (poles and lights) components of the project;
7. Instruct staff to prepare an Initial Study which would be the basis for determining the appropriate level CEQA compliance for the field lighting and batting cage;
8. Instruct staff to prepare on the basis of the Initial Study the appropriate CEQA documentation for the field lighting and batting cage;
9. Authorize the City Attorney to negotiate settlement of the Bellevue Park Neighborhood Association vs. City of Los Angeles, BS093045 based on the actions approved by the Board in this report; and
10. Approve the first change order as outlined in the body of this report in the amount of \$33,920.00 subject to full execution of the contract.

SUMMARY:

On September 14, 2004, the Board approved final plans and call for bids for the Bellevue Recreation Center - Outdoor Refurbishment, W.O. E170340F, located at 826 Lucille Ave, Los Angeles, CA, 90026 (Board Report No. 04-281).

On November 16, 2004, the following bids were received:

<u>BIDDER #1: Ecology Construction Company, Inc.</u>		<u>Bid Amount</u>
Base Bid		\$1,443,135.75
Deductive Alternate No. 1	Play Equipment	\$ 79,990.00
Deductive Alternate No. 2	Drinking Fountains	\$ 3,000.00
Deductive Alternate No. 3	Basketball Court Lighting	\$ 8,000.00
Deductive Alternate No. 4	Batting Cage	\$ 34,539.00
Deductive Alternate No. 5	Picnic Pavilion and Tables	\$ 89,375.00
Deductive Alternate No. 6	Concrete Walk and Retaining Wall	\$ 64,900.00
Deductive Alternate No. 7	Baseball Field Lighting, Poles, and Foundation	\$ 235,000.00

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### BIDDER #2: Los Angeles Engineering, Inc.,

		<u>Bid Amount</u>
Base Bid		\$1,614,900.00
Deductive Alternate No. 1	Play Equipment	\$ 75,000.00
Deductive Alternate No. 2	Drinking Fountains	\$ 6,000.00
Deductive Alternate No. 3	Basketball Court Lighting	\$ 6,500.00
Deductive Alternate No. 4	Batting Cage	\$ 35,000.00
Deductive Alternate No. 5	Picnic Pavilion and Tables	\$ 80,000.00
Deductive Alternate No. 6	Concrete Walk and Retaining Wall	\$ 78,000.00
Deductive Alternate No. 7	Baseball Field Lighting, Poles, and Foundation	\$ 215,000.00

### BIDDER #3: Simgel Co., Inc.,

		<u>Bid Amount</u>
Base Bid		\$1,757,226.00
Deductive Alternate No. 1	Play Equipment	\$ 100,000.00
Deductive Alternate No. 2	Drinking Fountains	\$ 10,000.00
Deductive Alternate No. 3	Basketball Court Lighting	\$ 30,000.00
Deductive Alternate No. 4	Batting Cage	\$ 20,000.00
Deductive Alternate No. 5	Picnic Pavilion and Tables	\$ 60,000.00
Deductive Alternate No. 6	Concrete Walk and Retaining Wall	\$ 100,000.00
Deductive Alternate No. 7	Baseball Field Lighting, Poles, and Foundation	\$ 40,000.00

Ecology Construction Company, Inc., (Ecology) submitted the lowest base bid, as shown above, but failed to meet the Good Faith Effort contained in the bid requirements. Ecology claimed to have performed subcontractor outreach, but could only document the outreach efforts to achieve a score of 60 out of a possible 100 points. The Board's policy consists with the Mayor's Directives, is that bidders must receive 75 points to be considered responsive.

Los Angeles Engineering, Inc., submitted the next lowest base bid, as shown above. The project was presented to the Proposition K Steering Committee on February 9, 2005, and the Steering Committee are recommending that the Board award the Base Bid less Deductive Alternate Nos. 4 and 7, in the amount of \$1,364,900.00, at this time.

These deductive alternates are being exercised due to CEQA litigation filed on behalf of a local community group who oppose these items. The litigation is based on a challenge of the CEQA clearance for the sports-field lighting and batting cage components of the project. However, after discussion with the City Attorney, we consulted with the proposed Contractor to determine the cost if we were to add back Alternate No. 7 via a two-phase Change Order upon execution of the contract. The first phase of the change order is to add the associated underground conduit and pull boxes to accommodate the future possibility of installing the sportsfield lighting system as designed, when new CEQA documents have been completed. This would allow the contractor, upon final

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resolution of the CEQA lawsuit to install the conduit at the appropriate time to prevent coming back in the future and damaging any previously installed new work. Staff will request final approval of the second phase of the change order only if and when the City receives a favorable ruling or CEQA is complete. The City Attorney and Council District 13 concur with this approach.

Staff has reviewed the outreach effort made by Los Angeles Engineering, Inc., and based on the documents submitted, has determined that a "good faith" effort has been made. The contractor obtained a MBE/WBE participation of 3.2% and satisfied 90 of the 100-point requirements outlined by the Board's outreach program. The outreach Document Package is on file in the Board Office and a synopsis of said package is attached.

There are sufficient funds in the following accounts to award the contract:

<u>FUND</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>
43K (PROP K-YR8)	W435	\$ 1,099,599.00
43L (PROP K-YR8)	W435	\$ 495,530.00

The City Attorney and staff have reviewed the bids submitted by Los Angeles Engineering, Inc., and found them to be in order. Los Angeles Engineering, Inc., is the lowest responsible bidder.

Staff reviewed the responsiveness and work performance of Los Angeles Engineering, Inc., on past Department projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance (OCC) indicated that there have been no labor compliance violations and that all other legal requirements has been complied with by the bidder.

Prepared by Mike Shull, Recreational and Cultural Facilities Program, Bureau of Engineering.

## GUIDELINES FOR EVALUATION OF GOOD FAITH EFFORT CHECKLIST

**Bidder:** LOS ANGELES ENGINEERING

**Bid Date:** November 16, 2004

**Project Name:** BELLEVUE RECREATION CENTER- OUTDOOR REFURBISHMENT - W.D. #E170340F

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
1	The bidder's or proposer's efforts to obtain participation by MBEs, WBEs and other business enterprises could reasonably be expected by the Board of Recreation and Park Commissioners (the "Board") to produce a level of participation by interested subcontractors, including 15% MBE and 2% WBE.		0	0
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 617-0439, or by mail to the Recreation and Parks Dept., Planning and Development Branch, 200 N. Main Street, Room 709, Los Angeles, California 90012.		10	10
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.		13	13
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a placeholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.		9	9
5 Letters to Potential Subs	A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelope or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.		10	
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.		5	5
8 Outreach Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
<b>TOTAL POINTS ACHIEVED</b>				90
<b>MBE = 3.2% WBE = 0% OBE = 27.3%</b>			<b>MBE/WBE ACHIEVED: 3.2</b>	
<b>PRIME = 72.7%</b>				