PPROVED

SEP 0 1 2010

NO. 10-239

DATE September 1, 2010

BOARD OF RECREATION and PARK COMMISSIONERS

C.D. 9

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT:	PERSHING	SQUARE	PARK -	AWARD	OF	CONTRACT	TO	MOBILE
	ILLUMINA	rion, inc.	, FOR WI	NTER THE	ME I	LIGHTING		

R. Adams	*F. Mok 💹	<u>0M</u>		
H. Fujita	K.Regan			
S. Huntley	M. Shull			
V. Israel			Fres Clemich	
			General Manager	
Approved		Disapproved_	Withdrawn	_

RECOMMENDATIONS:

That the Board:

- 1. Approve a proposed Contract, substantially in the form on file in the Board Office, between the City of Los Angeles Department of Recreation and Parks (Department) and Mobile Illumination, Inc., for the design, rental, installation, maintenance, repair, and removal of winter-themed exterior lighting and décor for Pershing Square Park, in an amount not to exceed \$75,000 per year, for a term of one year, with two (2) one-year renewal options exercisable at the sole discretion of the General Manager, subject to the approval of the Mayor and of the City Attorney as to form;
- 2. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized services and that is it is more feasible to secure these services by contract;
- 3. Find, in accordance with Charter Section 371(e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that the use of competitive bidding would be undesirable, impractical or 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 for the improvement, operation and maintenance of the Department's concession. In addition, find that in order to select the best proposer for this concession, the Board finds it is necessary to utilize a standard request for proposals process and to evaluate proposals received based upon the criteria included in the Request for Proposals (RFP). Also find that the narrower and more specialized competitive sealed proposal

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process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs and therefore opts to utilize the standard request for proposals process;

- 4. Direct the Board Secretary to transmit the proposed Contract to the Mayor in accordance with Executive Directive No. 3 and, concurrently, to the City Attorney for approval as to form; and,
- 5. Authorize the Board President and Secretary to execute the Contract upon receipt of the necessary approvals.

SUMMARY:

Pershing Square Park, located at 530 South Olive Street, is often identified as the center of the downtown Los Angeles business district and is one of the oldest parks operated and owned by the Department of Recreation and Parks having been built in 1866. The park is host to a number of programs and special events, including the annual "Downtown on Ice" outdoor ice skating rink where, from mid-November to mid-January, Pershing Square Park is decorated and illuminated with outdoor winter theme lighting.

On April 15, 2009, the Board approved the release of the Winter Theme Lighting at Pershing Square Park Request for Proposals (RFP) (Board Report No. 09-087). On October 13, 2009, three proposals were received. On April 7, 2010, the Board rejected all proposals received on the basis that they were non-responsive to the Level I RFP requirements and authorized staff to release a new RFP (Board Report No. 10-082).

On April 21, 2010, the new RFP was advertised in a local periodical, posted on the Los Angeles Business Assistance Virtual Network (BAVN) and made available on the Department's website. In addition, a letter inviting bids was mailed to eleven organizations from a mailing list maintained by the Service Contracts Unit.

On May 12, 2010, a site walk was held at Pershing Square Park and attended by six (6) companies. On May 19, 2010, a Pre-proposal Conference was held at the Central Service Yard and attended by six (6) companies.

On June 8, 2010, five proposals were received from the following firms:

- A Lighting By Design, Inc.
- Dekra-Lite Industries, Inc.
- Mobile Illumination, Inc. (proposed with incandescent bulbs)
- Mobile Illumination, Inc. (proposed with light emitting diodes {LEDs})

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• St. Nick's Christmas Lighting Service

As stipulated in the RFP, evaluation of the bid proposals would to occur in two levels. Level I would be a check and review for required compliance and submittal documents and Level II would be a comprehensive evaluation of the proposal, with interviews, by an evaluation panel. Proposers must successfully pass the first level to proceed to the next level.

Level I Evaluation

Staff performed a Level I review of the following required documents:

Compliance Documents:

- 1) Proposer's Signature Declaration and Affidavit
- 2) Disposition of Proposals
- 3) Affirmative Action Plan
- 4) Good Faith Effort Subcontractor Outreach
- 5) Living Wage Ordinance/Service Contractor Worker Retention Ordinance
- 6) Contractor Responsibility Ordinance Statement
- 7) Equal Benefits Ordinance Statement
- 8) Bidder Certification CEC Form 50

Submittal Documents:

- 1) Cover Letter
- 2) Proposal Deposit
- 3) Experience and Qualifications
- 4) Proposed Design
- 5) Proposed Compensation

Proposals are found either Responsive (pass) or Non-Responsive (fail). The following is the complete Level I findings:

- A Lighting By Design, Inc., was found responsive in all eight compliance documents and non-responsive in four of the five proposal item submittal requirements. (Attachments A-1 and A-2)
- Dekra-Lite Industries, Inc., was found responsive in seven compliance documents, non-responsive in one compliance document (Good Faith Effort Subcontractor Outreach), and non-responsive in one of the five proposal item submittal requirements. (Attachments B-1 and B-2)
- Mobile Illumination, Inc. (Incandescent Bulbs) was found responsive in all eight compliance documents and responsive in all five proposal item submittal requirements. (Attachments C-1 and C-2)

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• Mobile Illumination, Inc. (LEDs) was found responsive in all eight compliance documents and responsive in all five proposal item submittal requirements. (Attachments D-1 and D-2)

• St. Nick's Christmas Lighting Service was found responsive in all eight compliance documents and responsive in all five proposal item submittal requirements. (Attachments E-1 and E-2)

Three of the five proposals submitted passed the Level I evaluation and were found responsive to the RFP: Mobile Illumination, Inc. (Incandescent Bulbs); Mobile Illumination, Inc. (LEDs); and St. Nick's Christmas Lighting Service.

On July 27, 2010, an evaluation panel composed of three Department employees with extensive experience with Department sponsored public events interviewed the three proposers and evaluated the proposals for the Level II evaluation. The panelists were:

- Louise Capone, Senior Recreation Director
- Jorge Ramos, Recreation Facility Director
- Annamaria Galbraith, Recreation Supervisor

Each proposal was scored in the areas of Experience and Qualifications (25 points possible), Proposed Design (25 points possible) and Proposed Compensation (50 points possible). The averaged scores are as follows:

Proposer	Experience and Qualifications	Proposed Design	Proposed Compensation	Averaged Total
Mobile Illumination, Inc. – Incandescent Bulbs	25.0	25.0	45.3	95.3
Mobile Illumination, Inc LEDs	24.0	20.7	42.0	86.7
St. Nick's Christmas Lighting Service	18.0	17.3	46.0	81.3

Mobile Illumination, Inc. (Incandescent Bulbs) received the highest score. Staff reviewed the responsive proposals, verified background and experience and finds that Mobile Illumination, Inc. is a responsible and capable company whose proposal using incandescent bulbs best meets the needs of the Department. A comparison of the 3 responsive proposals is contained in Attachment F.

Mobile Illumination, Inc. has been in business since 1999 and has provided service to various municipalities such as the City of Santa Monica and City of Torrance. The company has provided winter theme lighting services at Pershing Square Park for the "Downtown on Ice"

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event for the last four years. These services include the design, rental, installation, maintenance, repair, and removal of winter-themed exterior lighting and décor.

It is recommended that a contract to provide Winter Theme Lighting at Pershing Square Park be awarded to Mobile Illumination, Inc., for their proposal using incandescent bulbs, in an amount not to exceed \$75,000 per year, for a term of one year with two (2) one year options to renew, exercisable at the sole discretion of the General Manager.

Charter Section 1022

Los Angeles City Charter Section 1022 prohibits contracting out work that could be done by City employees unless the Board determines it is more economical and/or feasible to contract out the service.

On December 29, 2008, the Personnel Department completed a Charter Section 1022 review (Attachment G) and determined that although City employees are currently performing some of the work, the contractor must have the exterior holiday lighting equipment in stock and the expertise to design, incorporating new and/or existing structures and landscape to meet an approved thematic holiday design, which the Department does not have. The Personnel Department also found that the project is of limited duration and staff would have to be laid off at the end of the project. It is, therefore, more feasible to secure these services through an independent contractor.

FISCAL IMPACT STATEMENT:

There is no impact to the Department's General Fund as funds are available in the Pershing Square Special Accounts.

This report was prepared by Nancy Jeffers, Management Analyst II, Finance Division, Administrative Resources Section, Service Contracts Group.

A LIGHTING BY DESIGN, INC. WINTER THEME LIGHTING AT PERSHING SQUARE PARK

I. Co	mpliance Documents	Submitted	In Compliance	Comments
1.	Affidavit of Non-Collusion	Yes	Yes	
2.	Disposition of Proposals	Yes	Yes	
3.	Affirmative Action Plan	Yes	Yes	
4.	Good Faith Effort Outreach	Yes	Yes	91 points - proposal passed
5.	Living Wage/Service Contract Worker Retention Ordinance	N/A	N/A	
6.	Contractor Responsibility Questionnaire	Yes	Yes	
7.	Equal Benefits Ordinance Statement	Yes	Yes	
8.	CEC Form 50	Yes	Yes	

II D	roposal Items	Submitted	In Compliance	Comments
п. г	Toposar items	Submitted	Compliance	Cover letter does not state "without exception" as
1.	Cover Letter	Yes	No	required by the RFP (Section IV.B.1.e. pg 7).
2.	Proposal Deposit	Yes	Yes	
3.	Experience and Qualifications			
	i. Experience and Qualifications of Firm and Key Personnel	Yes	No	Proposal did not contain gross revenues for 2007 and 2008 as required by the RFP (Section V.A.1.a. pg. 14
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. References	Yes	No	The Reference letters submitted in the proposal do not contain addresses or phone numbers and are not signed. (Section V.A.3. pg 15)
4.	Proposed Compensation	Yes	No	Compensation information was provided in the proposal, but was not submitted on the form provided in the RFP (Section V.C. form, page 16).
5.	Proposed Design	Yes	No	A proposed design plan was not submitted as required in the RFP (Section V.B.2. pg 15).

A LIGHTING BY DESIGN, INC. WINTER THEME LIGHTING AT PERSHING SQUARE PARK

	Indicator	Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	0	The instructions require that the advertisement be dated no less than 10 days prior to the submittal of the proposal; Proof of Publication was dated 8 days prior to submittal of proposal.
5.	Written Notices to Subconsultant	15	15	
6.	Follow-Up on Initial Solicitation	10	10	
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	10	
9.	Negotiated in Good Faith	26	26	
10.	Bond, Lines of Credit, and Insurance	5	5	
	TOTAL SCORE:	100	91	Less than 75 points is failing - proposal passed

DEKRA-LITE INDUSTRIES, INC. WINTER THEME LIGHTING AT PERSHING SQUARE PARK

I. Compliance Documents		Submitted	In Compliance	Comments
1.	Affidavit of Non-Collusion	Yes	Yes	
2.	Disposition of Proposals	Yes	Yes	
3.	Affirmative Action Plan	Yes	Yes	
4.	Good Faith Effort Outreach	Yes	No	No points were given as the GFE documentation submitted for this 2010 RFP was previously submitted in response to a 2009 RFP. Instructions to proposers in Section IV.B.4. pg. 7 state that previous compliance document submittals do not apply. New forms must be completed and processed."
5.	Living Wage/Service Contract Worker Retention Ordinance	N/A	N/A	
6.	Contractor Responsibility Questionnaire	Yes	Yes	
7.	Equal Benefits Ordinance Statement	Yes	Yes	
8.	CEC Form 50	Yes	Yes	

II. P	roposal Items	Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposal Deposit	Yes	Yes	
3.	Experience and Qualifications			
	i. Experience and Qualifications of Firm and Key Personnel	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	No	This information was not provided on the Exhibit D table form. The information that was provided was not complete per Exhibit D and Section V.A.2.B., pg 15. The dollar amounts and dates were not provided.
	iii. References	Yes	No	Did not provide 3 letters of reference. Provided 1 reference letter, 1 Certificate of Appreciation for sponsorship, 1 Commendation for a donation. (Section V.A.3. pg 15)
		1		17
4.	Proposed Compensation	Yes	Yes	
5.	Proposed Design	Yes	Yes	

DEKRA-LITE INDUSTRIES, INC. WINTER THEME LIGHTING AT PERSHING SQUARE PARK

_	Indicator	Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE	0	0	
2.	Attended Pre-Bid Meeting	10	0	Did not attend
3.	Sufficient Work Identified for Subconsultant	10	0	See comment below *
4.	Advertisement	9	0	See comment below *
5.	Written Notices to Subconsultant	15	0	See comment below *
6.	Follow-Up on Initial Solicitation	10	0	See comment below *
7.	Plans, Specifications, and Requirements	5	0	See comment below *
8.	Contacted Recruitment / Placement Organizations	10	0	See comment below *
9.	Negotiated in Good Faith	26	0	See comment below *
10.	Bond, Lines of Credit, and Insurance	5	0	See comment below *
	TOTAL SCORE:	100	0	Less than 75 points is failing - proposal failed

^{*}The proposal contained a Good Faith Effort Subcontractor Outreach for a previously submitted proposal in 2009. The Instructions in Section IV.B.4 (Page 7) of the RFP states, "This is a new RFP for a new Agreement. Previous compliance document submittals and/or waivers do not apply. New forms must be completed and processed."

MOBILE ILLUMINATION, INC. - INCANDESCENT BULBS WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP

l. Co	ompliance Documents	Submitted	In Compliance	Comments
1.	Affidavit of Non-Collusion	Yes	Yes	
2.	Disposition of Proposals	Yes	Yes	
3.	Affirmative Action Plan	Yes	Yes	
4.	Good Faith Effort Outreach	Yes	Yes	100 points - proposal passed
5.	Living Wage/Service Contract Worker Retention Ordinance	N/A	N/A	
6.	Contractor Responsibility Questionnaire	Yes	Yes	
7.	Equal Benefits Ordinance Statement	Yes	Yes	
8.	CEC Form 50	Yes	Yes	

II. P	roposal Items	Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposal Deposit	Yes	Yes	
3.	Experience and Qualifications			
	i. Experience and Qualifications of Firm and Key Personnel	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. References	Yes	Yes	
4.	Proposed Compensation	Yes	Yes	
5.	Proposed Design	Yes	Yes	

MOBILE ILLUMINATION, INC. - INCANDESCENT BULBS WINTER THEME LIGHTING AT PERSHING SQUARE PARK

	Indicator		Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE Participation	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	15	
6.	Follow-Up on Initial Solicitation	10	10	
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	10	
9.	Negotiated in Good Faith	26	26	
10.	Bond, Lines of Credit, and Insurance	5	5	
	TOTAL SCORE:	100	100	Less than 75 points is failing - proposal passed

MOBILE ILLUMINATION, INC. - LEDs WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP

I. Co	mpliance Documents	Submitted	In Compliance	Comments
1.	Affidavit of Non-Collusion	Yes	Yes	
2.	Disposition of Proposals	Yes	Yes	
3.	Affirmative Action Plan	Yes	Yes	
4.	Good Faith Effort Outreach	Yes	Yes	100 points - proposal passed
5.	Living Wage/Service Contract Worker Retention Ordinance	N/A	N/A	
6.	Contractor Responsibility Questionnaire	Yes	Yes	
7.	Equal Benefits Ordinance Statement	Yes	Yes	
8.	CEC Form 50	Yes	Yes	

II. Pi	roposal Items	Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposal Deposit	Yes	Yes	
3.	Experience and Qualifications			
	i. Experience and Qualifications of Firm and Key Personnel	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. References	Yes	Yes	
4.	Proposed Compensation	Yes	Yes	
5.	Proposed Design	Yes	Yes	

MOBILE ILLUMINATION, INC. - LEDS WINTER THEME LIGHTING AT PERSHING SQUARE PARK

	Indicator		Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE Participation	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	15	
6.	Follow-Up on Initial Solicitation	10	10	
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	10	
9.	Negotiated in Good Faith	26	26	
10.	Bond, Lines of Credit, and Insurance	5	5	
	TOTAL SCORE:	100	100	Less than 75 points is failing - proposal passed

ST. NICK'S CHRISTMAS LIGHTING SERVICE WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP

I. Co	empliance Documents	Submitted	In Compliance	Comments
1.	Affidavit of Non-Collusion	Yes	Yes	
2.	Disposition of Proposals	Yes	Yes	
3.	Affirmative Action Plan	Yes	Yes	
4.	Good Faith Effort Outreach	Yes	Yes	90 Points - proposal passed
5.	Living Wage/Service Contract Worker Retention Ordinance	N/A	N/A	
6.	Contractor Responsibility Questionnaire	Yes	Yes	
7.	Equal Benefits Ordinance Statement	Yes	Yes	
8.	CEC Form 50	Yes	Yes	

II. Proposal Items		Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposal Deposit	Yes	Yes	
3.	Experience and Qualifications			
	i. Experience and Qualifications of Firm and Key Personnel	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. References	Yes	Yes	
4.	Proposed Compensation	Yes	Yes	
5.	Proposed Design	Yes	Yes	

ST. NICK'S CHRISTMAS LIGHTING SERVICE WINTER THEME LIGHTING AT PERSHING SQUARE PARK

Indicator		Possible Points	Awarded Points	Comment
1.	Level of Anticipated MBE/WBE/OBE	0	0	
2.	Attended Pre-Bid Meeting	10	10	
3.	Sufficient Work Identified for Subconsultant	10	10	
4.	Advertisement	9	9	
5.	Written Notices to Subconsultant	15	15	
6.	Follow-Up on Initial Solicitation	10	10	
7.	Plans, Specifications, and Requirements	5	5	
8.	Contacted Recruitment / Placement Organizations	10	0	The date recruitment / placement organizations were contacted was two days short of the date required by this indicator (not less than 15 calendar days prior to the submission of proposals) Should have sent the letters on 5/23/10, they were sent on 5/25/10, 13 days prior to June 8, 2010.
9.	Negotiated in Good Faith	26	26	
10.	Bond, Lines of Credit, and Insurance	5	5	
	TOTAL SCORE:	100	90	Less than 75 ກoints is failing - proposal passed

DEPARTMENT OF RECREATION AND PARKS WINTER THEME LIGHTING AT PERSHING SQUARE PARK RFP PROPOSAL COMPARISON SUMMARY

Proposal submittal items	Mobile Illumination, Inc. (Incandescent Bulbs)	Mobile Illumination, Inc. (LEDs)	St. Nick's Christmas Lighting Service
Year Company Established	1999	1999	1996
Experience and Qualifications of Firm and Key Personnel	The two owners maintain an electrician and contractor license and are also registered engineers. The information provided regarding the size and scope of previous projects indicates all project requirements and responsibilities will be met. Experience and qualifications of personnel included detailed education and work experience with dates, schools, and firms.	The two owners maintain an electrician and contractor license and are also registered engineers. The information provided regarding the size and scope of previous projects indicates all project requirements and qualifications of personnel included detailed education and work experience with dates, schools, and firms.	Experience and qualifications were stated without dates, education or license information. The information provided in Exhibit D did not indicate that this proposer has the experience completing a project with a scope similar to the Pershing Square "Downtown on Ice" event.
	1. City of Santa Monica - \$140,000	1. City of Santa Monica - \$140,000	1. County of Los Angeles - \$19,200
:	2. City of Los Angeles - up to \$99,000	2. City of Los Angeles - up to \$99,000	2. Veterans Hospital - \$1,115
Experience with Similar Contracts	3. City of Torrance - \$20,700	3. City of Torrance - \$20,700	3. City of Westminster - \$3,258
	4. The Oaks Shopping Center - \$20,000	4. The Oaks Shopping Center - \$20,000	4. Sea Cliff Country Club - \$5,248
Proposed Compensation	Proposed total compensation is \$75,000 per year.	Proposed total compensation is \$75,000 per Proposed total compensation is \$75,000 per Year 1 - \$74,459; Year 2 - \$75,000; Year 3 year.	Year 1 - \$74,459; Year 2 - \$75,000; Year 3 - \$74,998

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1.	Requesting De	partment: <u>Departm</u>	ent of Recrea	tion and Parks		
2.	Contacts					
	Department:	Raymond Chang	Phone No.	(818) 243-6488	Fax No.	<u>818-243-6451</u>
	CAO:	<u>Veronica</u> <u>Salumbides</u>	Phone No.	(213) 473-7561	Fax No.	213-473-7514
3.	Work to be perf	formed:				
	maintenance, a Square Park. T product sizes/c maintenance w entertainment s	nd removal of cont he contractor will p dimensions materi vithin 48 hours, an	tractor provider rovide a designals. The condition of th	ed winter-themed in proposal to include contractor will be ner service guara vorkdays are allo	exterior lig lude picture e required antees as	the design, installation, thing décor for Pershing es, diagrams of products, to provide requested required by design and stallation and removal of
4.	Is this a contrac	t renewal? Yes	☐ No ⊠			
5.		n of contract: <u>One y</u> Date: <u>November 1</u>		-year renewal opt	tions)	
6.	Proposed cost of	of contract (if know	n): <u>\$85,000</u>			
7.	Name of propos	sed contractor: <u>Unl</u>	(nown.			
8.	Unique or special qualifications required to perform the work:					
a	incorporate new holiday design.		existing struc	ctures and landsc	ape to mee	et an approved thematic
U.	Yes ⊠ No □				.g p. opooo	
	Classification	Depart			List Exp	
	Maintenance Lab		Vorks, Airport		Continuo	
	Maintenance and Construction Help		Vorks, Airport	s, otner	Continuo	us Exam
100	Mechanical Helpe				Continuo	us Exam
	lectrical Craft He				Continuo	
	b. Is there su	ss(es) and Departm ifficient Department current eligible list f	staff availabl	e to perform the v		☐ No ⊠ ion Date: <u>See above</u> .

d. e. f.	
10. Fi	ndings
	City employees DO NOT have the expertise to perform the work City employees DO have the expertise to perform some of the work
	Check if applicable (explanation attached) and send to CAO for further analysis Project of limited duration would have to layoff staff at end of project Time constraints require immediate staffing of project Work assignment exceeds staffing availability
SUN	IMARY:
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