

A G E N D A

BOARD OF RECREATION AND PARK COMMISSIONERS  
OF THE CITY OF LOS ANGELES

Wednesday, October 5, 2011 at 9:30 a.m.

EXPO Center  
Community Hall Room  
3980 S. Bill Robertson Lane (Formerly Menlo Avenue)  
Los Angeles, CA 90037

(Parking located in "Lot 1", at the corner of Martin Luther King  
Boulevard and Bill Robertson Lane)

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AT THE MEETING AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM.

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED, FOR A CUMULATIVE TOTAL OF UP TO FIFTEEN (15) MINUTES FOR EACH ITEM. ALL REQUESTS TO ADDRESS THE BOARD ON PUBLIC HEARING ITEMS MUST BE SUBMITTED PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM. COMMENTS BY THE PUBLIC ON ALL OTHER MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD WILL BE HEARD DURING THE "PUBLIC COMMENTS" PERIOD OF THE MEETING. EACH SPEAKER WILL BE GRANTED TWO MINUTES, WITH FIFTEEN (15) MINUTES TOTAL ALLOWED FOR PUBLIC PRESENTATION.

1. SPECIAL PRESENTATION:

Presentation of Commendation to Mr. Joel Tinajero, Gardener Caretaker, Harbor Park Golf Course, for Saving the Life of a Golfer

2. APPROVAL OF THE MINUTES:

Approval of the Minutes of the Meetings of September 21, 2011

3. GENERAL MANAGER'S REPORTS:

11-274 Campo de Cahuenga - Improvements (PRJ20195) (W.O. #E170255F) Project; Delongpre Park - Outdoor Improvement (PRJ20009) (W.O. #E170341F) Project; Hollenbeck Park - Bandshell Renovation (W.O. #E170358F) Project; Lincoln Heights Youth Complex - (Boxing Gymnasium (W.O. #E170226F) Project, Youth Center (W.O.#E170232F) Project, Junior Arts Center (W.O. #E170231F) Project, Northeast Roller Hockey Rink (W.O. #E170235F)) Project; Little Landers/Bolton Hall - Outdoor Improvements Phase II (PRJ1300F) (W.O. #E170241F) Project; Temescal Canyon - Picnic Area Improvement (W.O. #E170435F) Project; Van Ness Recreation Center - Field Improvements (PRJ20485) (W.O. #E170277F) Project; and Westchester Recreation Center - Facility Enhancement (PRJ1304B) (W.O. #E170280F) Project - Final Acceptance of Eight Department of General Services Projects

October 5, 2011

- 11-275 Rosecrans Recreation Center - Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) Project - Review of Bids and Award of Contract
- 11-276 Normandale Recreation Center Expansion - Request for Final Authorization to Acquire Property - Approval of Purchase and Sale Agreement, and Allocation of Proposition K Funds
- 11-277 Cabrillo Marine Aquarium - Professional Services Agreement with Royal Polaris Sportfishing, Inc., to Retain the Royal Polaris Fishing Vessel for Whale-Watching and Ecological Tour Excursion to Baja California, Mexico
- 11-278 Operations Branch Valley Region - Sixth Event to Serve Alcoholic Beverages - Winnetka Chamber of Commerce Annual Oktoberfest at Winnetka Park
- 11-279 Donation to Operations Branch - Pacific Region
- 11-280 Various Communications

4. UNFINISHED BUSINESS:

- 11-134 Wilton Place Park - Acceptance of Assessor Parcel Number 5081-024-902 for Park Purposes
- 11-232 Camp High Sierra - Agreement between the Department of Recreation and Parks and Mammoth Mountain Ski Area, LLC, for the Development, Operation, and Maintenance of the Campground
- 11-238 Sherman Village River Greenway Park - Preliminary Authorization to Proceed with the Lease of Property Owned by the County of Los Angeles for the Development of a New Public Park and a Memorandum of Agreement between the Department of Recreation and Parks, the County of Los Angeles, and IMT Capital, LLC, for the Development and Maintenance of the New Public Park

5. RECONSIDERATION:

- 11-273 Venice Boardwalk - Draft Ordinance Amending Los Angeles Municipal Code Section 42.15 to Restrict Vending, Regulate Performing and Prohibit Generating Excessive Noise on Beaches or Upon Immediately Adjacent Boardwalks, Sidewalks and Public Ways

6. COMMISSION TASK FORCES:

- Commission Task Force on Concessions (Commissioners Stanley and Williams)
- Commission Task Force on Facility Repair and Maintenance (Commissioners Alvarez and Werner)

October 5, 2011

7. PRESENTATIONS:

- Bureau of Engineering - Project Update - Status Report on Current Projects
- Bureau of Contract Administration, General Services Division - Status Report on Subcontractor Approval Activity

8. GENERAL MANAGER'S ORAL REPORT:

Report on Department Activities and Facilities

9. FUTURE AGENDA ITEMS:

Requests by Commissioners to Schedule Specific Items on Future Agendas

10. PUBLIC COMMENTS:

Any comments which require a response or report by staff will be automatically referred to staff for a report at some subsequent meeting.

11. NEXT MEETING:

The next scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, October 19, 2011 at 9:30 a.m., at Penmar Recreation Center, 1341 Lake Street, Venice, CA 90291.

12. ADJOURNMENT:

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213)202-2640.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 are not final until the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and if Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Commission Meetings can be heard live over the telephone through the Council Phone system. To listen to a meeting, please call one of the following numbers:

from Downtown Los Angeles (213) 621-CITY (2489)  
from West Los Angeles (310) 471-CITY (2489)

October 5, 2011

from San Pedro  
from Van Nuys

(310) 547-CITY (2489)  
(818) 904-9450

For information, please go to the City's website:  
<http://ita.lacity.org/Residents/CouncilPhone/index.htm>

Information on agenda items may be obtained by calling the  
Commission Office at (213) 202-2640. Copies of the agenda and  
reports may be downloaded from the Department's website at  
[www.laparks.org](http://www.laparks.org).

REPORT OF GENERAL MANAGER

NO. 11-274

DATE October 5, 2011

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CAMPO DE CAHUENGA – IMPROVEMENT (PRJ20195) (W.O. #E170255F) PROJECT; DELONGPRE PARK – OUTDOOR IMPROVEMENT (PRJ20009)(W.O. #E170341F) PROJECT; HOLLENBECK PARK – BANDSHELL RENOVATION (W.O. #E170358F) PROJECT; LINCOLN HEIGHTS YOUTH COMPLEX – (BOXING GYMNASIUM (W.O. #E170226F) PROJECT, YOUTH CENTER (W.O. #E170232F) PROJECT, JUNIOR ARTS CENTER (W.O. #E170231F) PROJECT, NORTHEAST ROLLER HOCKEY RINK (W.O. #E170235F)) PROJECT; LITTLE LANDERS/BOLTON HALL – OUTDOOR IMPROVEMENTS PHASE II (PRJ1300F) (W.O. #E170241F) PROJECT; TEMESCAL CANYON – PICNIC AREA IMPROVEMENT (W.O. #E170435F) PROJECT; VAN NESS RECREATION CENTER – FIELD IMPROVEMENTS (PRJ20485) (W.O. #E170277F) PROJECT; AND WESTCHESTER RECREATION CENTER – FACILITY ENHANCEMENT (PRJ1304B) (W.O. #E170280F) PROJECT – FINAL ACCEPTANCE OF EIGHT DEPARTMENT OF GENERAL SERVICES PROJECTS

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>Conf</u>
V. Israel	_____	N. Williams	_____

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

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

RECOMMENDATIONS:

That the Board:

1. Accept the work performed on these eight (8) subject projects performed under various Memorandum of Understanding (MOU) between the Department of Recreation and Parks (RAP), the Bureau of Engineering (BOE), and the Department of General Services (GSD) which include: Campo de Cahuenga – Improvement (PRJ20195) (W.O. #E170255F) project; DeLongpre Park – Outdoor Improvement (PRJ2009) (W.O. #E170341F) project; Hollenbeck Park – Bandshell Renovation (W.O. #E170358F) project; Lincoln Heights Youth Complex – (Boxing Gymnasium (W.O. #E170226F) project, Youth Center (W.O. #E170232F) project, Junior Arts Center (W.O. #E170231F) project, Northeast Roller Hockey Rink

REPORT OF GENERAL MANAGER

PG. 2 NO. 11-274

(W.O. #E170235F) project); Little Landers/Bolton Hall – Outdoor Improvements Phase II (PRJ1300F) (W.O. #E170241F) project; Temescal Canyon – Picnic Area Improvement (W.O. #E170435F) project; Van Ness Recreation Center – Field Improvements (PRJ20485) (W.O. #E170277F) project; and Westchester Recreation Center – Facility Enhancement (PRJ1314B) (W.O. #E170280F) project; as outlined in the Summary of this Report; and,

2. Authorize the Board Secretary to furnish GSD with a letter of completion for each project.

SUMMARY:

During the Fiscal Years 2003-2004 through 2009-2010, the following eight (8) construction projects were awarded to GSD through the approval of MOUs between the RAP, BOE, and GSD. The table below shows the final project information including change order numbers and cost of change orders, along with total construction costs:

Project Name	Address	RAP Project No.	BOE Work Order No.	Project Description	Construction Completion Date	Change Orders	Total Change Order Amount	Total Construction Costs
Campo de Cahuenga – Improvement	3919 Lankershim Blvd. No. Hollywood, 91604	PRJ20195	E170255F	Historic renovation	12/20/10	20		\$ 370,621.04
De-Longpre Park – Outdoor Improvement	1350 North Cherokee Ave. Los Angeles, 90028	PRJ20009	E170341F	Outdoor development, play equipment, lighting, fencing	5/20/10	2	\$1,126	\$1 87,172.60
Hollenbeck Park - Bandshell Renovation	415 South Saint Louis St. Los Angeles, 90033	N/A	E170358F	Improvement of parking facilities, walkways, lighting, drinking fountains, water system, and band shell.	7/9/04	15	\$15,142	\$ 311,918.00
Lincoln Heights Youth Complex – (Boxing	211 Altura St. Los Angeles	N/A	E170226F, E170232F, E170231F, and	New boxing gymnasium, rehabilitate city building	4/27/10	78	\$1,130,848	\$7,130,848

REPORT OF GENERAL MANAGER

PG. 3

NO. 11-274

Project Name	Address	RAP Project No.	BOE Work Order No.	Project Description	Construction Completion Date	Change Orders	Total Change Order Amount	Total Construction Costs
Gymnasium, Youth Center, Junior Arts Center, and Northeast Roller Hockey Rink)			E170235F	to serve as Youth Center and junior arts center, new roller hockey rink				
Little Landers/ Bolton Hall – Outdoor Imp. Phase II	10116 North Commerce Ave. Los Angeles, 91042	PRJ1300F	E170241F	Installation: Fence, flagpole, security camera system and landscape improvements	12/3/09	0	\$ 0	\$ 97,478.04
Temescal Canyon – Picnic Area Improvement	15900 Pacific Coast Highway, Pacific Palisades, 90272	N/A	E170435F	Picnic area improvements	5/29/09	2	\$ 5,858	\$ 126,749.52
Van Ness Recreation Center-- Field Improvements	5720 2 <sup>nd</sup> Ave. Los Angeles, 90043	PRJ20485	E170277F	Improvements to athletic fields, swimming pools, children's play area, irrigation.	12/30/10	0	\$ 0	\$ 758,311
Westchester Recreation Center – Facility Enhancement	7000 West Manchester Ave, Los Angeles, 90045	PRJ1314B	E170280F	Facility enhancements including renovate existing baseball fields and install two new soccer fields	3/22/10	1	\$ 7,990	\$ 969,990

## REPORT OF GENERAL MANAGER

PG. 4                      NO. 11-274

Construction of the eight (8) projects were as follows:

1. Campo de Cahuenga – Improvement (PRJ20195) (W.O. #E170255F) project. On June 20, 2007, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 07-156), which was amended on April 15, 2009 (Board Report No. 09-082) and on October 9, 2009 (Board Report No. 09-238). The project was funded with donation from Save America’s Treasures, Quimby and Proposition K funds. The community began using the facility on December 10, 2011.
2. DeLongpre Park – Outdoor Improvement (PRJ20009) (W.O. #E170341F) project. On June 6, 2007, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 07-121), which was amended on October 9, 2009 (Board Report No. 09-240). The project was funded with Quimby and Proposition K funds. The facility remained open during construction and the re-opening celebration was held on June 10, 2010.
3. Hollenbeck Park – Bandshell Renovation (W.O. #E170358F) project. On May 21, 2003, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 03-161). The project was funded with Proposition K funds. The community began using the facility on July 9, 2004.
4. Lincoln Heights Youth Complex: (Boxing Gymnasium (W.O. #E170226F) project, Youth Center (W.O. #E170232F) project, Junior Arts Center (W.O. #E170231F) project and Northeast Roller Hockey Rink (W.O. #E170235F) project), were all constructed under one contract with GSD. On June 15, 2005, construction for this project was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 05-144). Board approved Amendments 1, 2, and 3 on June 20, 2007 (Board Report No. 07-155), June 18, 2008 (Board Report No. 08-171), and March 15, 2010 (Board Report No. 10-048) respectively. The project was funded with Proposition K funds. The community began using the facility on June 1, 2010.
5. Little Landers/Bolton Hall – Outdoor Improvements Phase II (PRJ1300F) (W.O. #E170241F) project. On August 14, 2007, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 07-183). The project was funded with Quimby and Proposition K funds. The community began using the facility on December 3, 2009.
6. Temescal Canyon - Picnic Area Improvement (W.O. #E170435F) project. On June 6, 2007, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 07-124). The project was funded with Proposition K funds. The community began using the facility on May 10, 2009.



## REPORT OF GENERAL MANAGER

PG. 5                      NO. 11-274

7. Van Ness Recreation Center – Field Improvements (PRJ20485) (W.O. #E170277F) project. On June 18, 2008, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 08-173) and amended on December 9, 2009 (Board Report 09-315). The project was funded with Sites and Facilities and Proposition K funds. The community began using the facility on December 30, 2010.
8. Westchester Recreation Center – Facility Enhancement (PRJ1314B) (W.O. #E170280F) project. On June 4, 2008, construction was awarded to GSD through the approval of an MOU between RAP, BOE, and GSD (Board Report No. 08-149) and amended on November 7, 2008 (Board Report No. 08-299). The project was funded with Quimby and Proposition K funds. The community began using the facility on March 22, 2010.

GSD has finished the work, and the Bureau of Engineering's Construction Management Division completed the construction management of the projects. BOE advised the Department that GSD completed the construction of these eight projects and that the quality of the work is excellent. Three projects: Hollenbeck Park – Bandshell Renovation, Little Landers/Bolton Hall – Outdoor Improvements Phase II and Temescal Canyon – Picnic Area Improvement, were completed at a final cost under the initial award amount to GSD.

There were no contract compliance or labor issues with the work done under this MOU. Some of the construction work was completed by City employees and other work by subcontractors under the supervision of GSD staff.

### FISCAL IMPACT STATEMENTS FOR EACH FACILITY:

Campo de Cahuenga – Improvement: For this facility, there is no impact on the Department's General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

DeLongpre Park – Outdoor Improvement: For this facility, there is no impact on the Department's General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

Hollenbeck Park – Bandshell Renovation: For this facility, there is no impact on the Department's General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

Lincoln Heights Complex Youth Center – Boxing Gymnasium, Youth Center, Junior Arts Center, and Northeast Roller Hockey Rink: Current staff will continue to provide the necessary maintenance. This facility received maintenance funding during FY 2010-2011. No further funding is needed.

## REPORT OF GENERAL MANAGER

PG. 6                      NO. 11-274

Little Landers/Bolton Hall – Outdoor Improvement Phase II: For this facility, there is no impact on the Department’s General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

Temescal Canyon – Picnic Area Improvement: For this facility, there is no impact on the Department’s General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

Van Ness Recreation Center – Field Improvements: For this facility, there is no impact on the Department’s General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

Westchester Recreation Center – Facility Enhancement: For this facility, there is no impact on the Department’s General Fund. Current staff will continue to provide the necessary maintenance. Improvements will be an asset to this facility.

This report was prepared by William Tseng, Project Manager, Recreational and Cultural Facilities Program, BOE. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE; Deborah Weintraub, Chief Deputy City Engineer, BOE; and by Michael A. Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

REPORT OF GENERAL MANAGER

NO. 11-275

DATE October 5, 2011

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ROSECRANS RECREATION CENTER – SPORTS FIELDS IMPROVEMENTS AND STORMWATER ENHANCEMENTS (W.O. #E170425F) PROJECT – REVIEW OF BIDS AND AWARD OF CONTRACT

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u><i>MS</i></u>
V. Israel	_____	N. Williams	_____

*[Signature]*  
General Manager

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

RECOMMENDATIONS:

That the Board:

1. Find Horizons Construction International, Inc. (Horizons), with a base bid of \$3,023,000, to be the lowest responsive and responsible bidder for the Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) project;
2. Award a contract to Horizons for the base bid amount of \$3,023,000 and exercise Additive Alternate No. 1 in the amount of \$6,040, Additive Alternate No. 2 in the amount of \$5,400, Additive Alternate No. 3 in the amount of \$36,600, Additive Alternate No. 4 in the amount of \$46,500, Additive Alternate No. 5 in the amount of \$21,200, Additive Alternate No. 6 in the amount of \$7,800, Additive Alternate No. 7 in the amount of \$18,400, and Additive Alternate No. 8 in the amount of \$30,600, for a total contract amount of \$3,195,540, all according to the plans and specifications for the project;
3. Authorize the Chief Accounting Employee to encumber funds in the amount of \$3,195,540, from the following fund and account numbers under the award authority of this Board Report;

<u>Fund Source</u>	<u>Fund/Dept./Acct. No.</u>	<u>Encumbrance Amount</u>
Proposition K - Year 9	43K/10/10Y584	\$ 13,508
Proposition K - Year 10	43K/10/10A584	\$ 5,600

REPORT OF GENERAL MANAGER

PG. 2                      NO. 11-275

Proposition K - Year 11	43K/10/10C854	\$ 50,000
Proposition K - Year 12	43K/10/10E584	\$ 150,000
Proposition A <sup>(1)</sup>	TBD	\$ 68,970
Sites & Facilities <sup>(2)</sup>	209/88/88G220	\$ 143,800
Quimby ADA / Quimby	302/89/89460K-RA	\$ 48,335
Proposition O	16T/50/50FC14	<u>\$2,715,327</u>
Total:		\$3,195,540

(1) Subject to final approval by the County of Los Angeles.

(2) As of July 27, 2011, the appropriation account balance is zero. The budgetary amount will be re-appropriated upon Council approval, as part of the First Construction Projects Report – FY2011-2012.

4. Request staff to prepare a contract, including a “funding clause” limiting the City’s liability for contract payments to the amount of funding appropriated by the City for this contract in the amount of \$2,982,770, as well as so limiting the contractor’s obligation to perform the contract, as further described in the Summary of this Report, subject to approval by the City Attorney as to form; and,
5. Authorize the Board President and Secretary to execute the contract subsequent to review and approval by the City Attorney as to form.

SUMMARY:

On March 23, 2011, the Board approved the final plans and called for bids for the Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) project, located at 840 West 149<sup>th</sup> Street, Los Angeles, California 90247 (Board Report No. 11-087). Plans for this project were prepared by Withers & Sandgren, Ltd., under the direction of the Bureau of Engineering (BOE), Recreation and Cultural Facilities Program.

The City of Los Angeles is proposing to improve the existing sports facilities at the Rosecrans Recreation Center with the construction of a baseball field, girls’ softball field, synthetic turf soccer field, basketball court, a reconstructed parking lot, landscaping, lighting, and fencing. Proposition K funds will be used only for the baseball field and girls’ softball field and associated scoreboards, lighting, landscaping and fencing. The remaining recreation improvements will be funded by Quimby, Capital Improvement Expenditure Program (CIEP), and Sites and Facilities (S&F) funds. On March 31, 2011, after the project had been approved to go out to bid, the L.A. for Kids Steering Committee approved the recommendation to allocate residual Proposition A funds to this project, which must only be used for the sports field improvements portion of the project.

## REPORT OF GENERAL MANAGER

PG. 3                      NO. 11-275

In addition to the sports field improvements, stormwater pollutant reduction measures will be constructed, funded by Proposition O funds. The installation of stormwater enhancement infrastructure at the Rosecrans Recreation Center combined with recreation improvements will contribute to the goal of minimizing pollutant loading into the regional stormwater conveyance system, as proposed in the Rosecrans Recreation Center Stormwater Enhancement Proposition O Final Project Concept Report dated November 3, 2006. The environmental goal of this project is to reduce stormwater pollutants and help the City of Los Angeles meet the Total Maximum Daily Load (TMDL) requirements in the Dominguez Channel Watershed. Targeted pollutants include: bacteria, heavy metals, trash, nutrients, gasoline, oils, grease, and toxic organic compounds. To that end, the proposed stormwater enhancements infrastructure will capture runoff through stormwater Best Management Practices (BMPs) such as bio-retention facilities, and media filters before entering the county storm drain. The proposed BMPs to be funded by Proposition O include: the installation of a "smart" irrigation system, bioswales, landscaped retention basins, a synthetic soccer field, site grading, decomposed granite pathways and site landscaping. The water quality benefits resulting from installation of the proposed BMPs would assist in complying with current and future TMDL regulations.

The plans and specifications include the following items: baseball field, girls' softball field with sports field lighting, basketball court, synthetic soccer field, baseball and girls' softball scoreboards, fencing, "smart" irrigation system, bioswales, vegetated retention basins, site grading, site drainage system, "decomposed granite" pathways and site hardscape and landscape. The following improvements were included in the bid as additive alternates in order to gain flexibility in meeting the desired project scope within the available funding:

- |                          |  |
|--------------------------|--|
| Additive Alternate No. 1 | Installation of two (2) benches and concrete pads at play area, and replace concrete pad with decomposed granite paving. |
| Additive Alternate No. 2 | Construction of a planting bed with mow curb and decomposed granite surrounding the park sign in northwest corner.       |
| Additive Alternate No. 3 | Construction of a concrete walkway along west facade of community building in northwest corner of park.                  |
| Additive Alternate No. 4 | Installation of four (4) bleachers and concrete pads at north and south center line of soccer field.                     |
| Additive Alternate No. 5 | Installation of trash enclosure at south end of parking lot.   |
| Additive Alternate No. 6 | Installation of basketball half court.   |
| Additive Alternate No. 7 | Installation of drinking fountains at baseball, soccer and girls' softball fields.                                       |
| Additive Alternate No. 8 | Installation of scoreboards at the soccer mid-field north side and provide stub out for possible future electrical uses. |

REPORT OF GENERAL MANAGER

PG. 4 NO. 11-275

Additive Alternate No. 9 Construction of decomposed granite pathway with concrete curb from parking lot to girls' softball field.

The availability of additional Proposition A funds, in the amount of \$68,970 required to fully fund the projects, is contingent upon the receipt of such funds from the County. The Department is in the process of requesting these funds from the County. The Proposition A grant program operates on a reimbursement basis and only costs incurred after the grant agreement is fully executed will be eligible for reimbursement. The grant agreement is expected to be fully executed in approximately 90 days. Additionally, the Sites & Facilities funds are subject to Council approval, which is expected by mid-October, 2011.

The contract will provide that the City's liability for contract payments under this contract shall only be limited to the extent of the City's appropriation to fund the contract. Pursuant to this Board Report, when the Proposition A grant is fully executed and the Sites & Facilities funds are approved, funds will automatically be appropriated to this project and the City's liability for contract payments shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract. The contractor will not be required to do any work in excess of the amount of current funding, plus any additional funding appropriated by the City for this project. When the Proposition A grant agreement with the County is fully executed and the Sites & Facilities funds are approved, the contractor will be notified and the contractor will then be required to complete all contract work, including the base bid and Additive Alternate Nos. 1-8.

On June 7, 2011, the Board received a total of ten (10) bids as follows:

Bidders	Base Bid	Add Alt. No.1	Add Alt. No.2	Add Alt. No.3	Add Alt. No.4	Add Alt. No.5	Add Alt. No.6	Add Alt. No.7	Add Alt. No.8	Add Alt. No.9
C.S. Legacy Construction, Inc.	\$2,957,394	\$7,581	\$7,081	\$22,290	\$66,459	\$32,010	\$33,591	\$29,042	\$24,524	\$6,736
Horizons Construction Company International, Inc.	\$3,023,000	\$6,040	\$5,400	\$36,600	\$46,500	\$21,200	\$7,800	\$18,400	\$30,600	\$113,900
Jeff Tracy Inc., dba Land Forms Landscape Construction	\$3,197,373	\$7,000	\$5,000	\$7,000	\$26,000	\$5,000	\$25,000	\$7,500	\$14,000	\$3,000
Pima Corporation	\$3,263,150	\$6,000	\$7,000	\$15,000	\$45,000	\$45,000	\$22,000	\$35,000	\$30,000	\$12,000
Western Group, Inc.	\$3,430,000	\$40,000	\$40,000	\$75,000	\$60,000	\$100,000	\$60,000	\$25,000	\$75,000	\$30,000

REPORT OF GENERAL MANAGER

PG. 5 NO. 11-275

<u>Bidders</u>	<u>Base Bid</u>	<u>Add Alt. No.1</u>	<u>Add Alt. No.2</u>	<u>Add Alt. No.3</u>	<u>Add Alt. No.4</u>	<u>Add Alt. No.5</u>	<u>Add Alt. No.6</u>	<u>Add Alt. No.7</u>	<u>Add Alt. No.8</u>	<u>Add Alt. No.9</u>
Environmental Construction, Inc.	\$3,526,022	\$8,386	\$1,420	\$13,384	\$61,550	\$46,190	\$37,950	\$35,230	\$23,850	\$10,200
Morillo Construction, Inc.	\$3,668,000	\$12,000	\$15,000	\$27,000	\$25,000	\$36,000	\$44,000	\$16,000	\$24,000	\$29,000
AVA Builders, Inc.	\$4,019,990	\$8,400	\$2,290	\$20,000	\$41,000	\$40,075	\$15,480	\$26,875	\$25,377	\$3,059
Excel Paving Company	\$4,349,178	\$4,000	\$9,000	\$18,000	\$37,000	\$41,000	\$13,800	\$19,000	\$21,000	\$8,000
Ian Thomas Group	\$4,485,000	\$18,750	\$4,850	\$9,200	\$28,400	\$56,000	\$34,000	\$32,000	\$58,000	\$88,000

On June 9, 2011, C.S. Legacy Construction, Inc. (C.S. Legacy), the apparent lowest bidder, submitted a letter asking to be allowed to withdraw its bid because a mistake had been made in its bid as submitted. C.S. Legacy explained that approximately four minutes before the deadline for submitting bids to the Department a subcontractor had changed its proposal for electrical work and installation of a scoreboard. The subcontractor had increased its proposal price by more than \$300,000 over what the subcontractor had previously proposed. C.S. Legacy immediately attempted to contact its bid runner to instruct the runner not to submit the bid, but was not able to contact the runner as there was apparently no cell phone service within the building at or near the office where the bids were to be submitted. Because of the last-minute change in the subcontractor's proposal, the bid that was submitted by C.S. Legacy resulted in underbidding the project by over \$300,000, which was materially different than what C.S. Legacy had intended. Pursuant to Paragraph 5, Page 3A of the Instructions to Bidders for this Project, C.S. Legacy's request to withdraw its bid was appropriately filed within five days of the receipt of bids and was based on a mistake in the bid and not in judgment.

The bid documents provided that the bids were to be in effect for 90 days from the receipt of bids, thus the bids were to expire on September 5, 2011. Because of the length of time it was taking to evaluate the responsiveness of the bids and because changes were being made to funding allocations, on August 10, 2011, all bidders were sent a letter asking them to extend their bids and bid bonds until October 20, 2011.

## REPORT OF GENERAL MANAGER

PG. 6                      NO. 11-275

The following four bidders extended their bids and bid bonds and their bids were reviewed for responsiveness and responsibility:

2 <sup>nd</sup> Lowest Base Bid	Horizons Construction Company International, Inc.
3 <sup>rd</sup> Lowest Base Bid	Jeff Tracy, Inc., dba Land Forms Landscape Construction
4 <sup>th</sup> Lowest Base Bid	Pima Corporation
6 <sup>th</sup> Lowest Base Bid	Environmental Construction, Inc.

The bid documents stated that the determination of the lowest bidder would be based on the Base Bid amount without the consideration of any Additive Alternates. C.S. Legacy Construction, Inc., the original apparent lowest bidder, was no longer eligible to be considered for award of the contract because its bid expired on September 5, 2011. C.S. Legacy did not extend its bid, presumably because it had previously submitted a request to withdraw its bid due the mistake in the bid price. There is no need for the Board to act on C.S. Legacy's request to withdraw its bid because the bid has expired.

This project is subject to the Minority Business Enterprise, Women Business Enterprise, and Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program. In order to comply with the good faith outreach effort (GFE) requirements of the Subcontractor Outreach Program, bidders must submit GFE documentation sufficient to achieve a minimum of 75 out of 100 GFE evaluation points as outlined on the Board's Outreach Program. Horizons, the apparent second lowest bidder, satisfied 80 out of the 100-point requirements outlined by the Board's Outreach Program. The outreach documentation package is on file in the Board Office, and a synopsis of said package is attached to this report (Attachment No. 1).

On June 9, 2011, a Bid Protest (Attachment No. 2) was filed by legal counsel for Pima Corporation, the apparent fourth lowest bidder, claiming that the three lowest bidders had not submitted their Bidder Certification CEC Form 50 (CEC Form 50) at the bid due date of June 7, 2011, therefore their bids should be declared as non-responsive and the contract be awarded to Pima Corporation. At the time of the bid opening, Department staff had inspected each bid package, and had confirmed that the CEC Form 50 was in fact included in the bid packages for nine of the 10 bidders. AVA Builders, Inc., the eighth lowest bidder was the only bidder that had not included CEC Form 50 in its bid.

At the time of bid opening, Department staff had discovered and announced that the Los Angeles County Proposition A, Community Business Enterprise (CBE) Program form had not been submitted in the bid packages for five of the ten bidders, including the three lowest bidders. The CBE form had been transmitted to potential bidders via Addendum No. 6 (Attachment No. 3). It should be noted that neither the Addendum No. 6 nor the CBE form itself specify that the CBE form "must be submitted with the bid" nor does either document specify that "failure to submit with the bid will render the bid non-responsive." The County uses the CBE form only to gather statistical information about the ethnic composition of the business entity submitting the bid as well as whether



## REPORT OF GENERAL MANAGER

PG. 7                      NO. 11-275

the firm is certified as a minority, women-owner, and disadvantaged or disabled veterans business enterprise. The CBE form specifically states that gender, race, creed, or color will not be considered in awarding the contract. The CBE form has no bearing on the pricing of the bid and does not create any competitive advantage to any bidder over another. The information solicited in the CBE form is not considered in determining which bidder is the lowest responsive and responsible bidder. Thus, the County has informed the Department that the completed CBE form may be submitted after receipt of the bids, but before the contract is awarded.

At bid opening, Department staff used a checklist to record whether certain listed documents were included in the bid packages for each bidder. Attached are the checklists for the second, third, fourth, and sixth lowest bidders (Attachment No. 4) as well as a declaration from LaTonya D. Dean, Commission Executive Assistant I, regarding the bid opening process (Attachment No. 5).

On June 23, 2011, the Department responded to Pima Corporation's Bid Protest explaining that the CEC Form 50 had in fact been included in the three lowest bidders' packages prior to bid opening (Attachment No. 6). On June 30, 2011, legal counsel for Pima Corporation submitted a response reaffirming the Bid Protest and their claim that the CEC Form 50 was omitted from the bid packages for the three lowest bidders (Attachment No. 7). Thereafter, The City Attorney's Office contacted Patrick J. Duffy, III, legal counsel for Prima Corporation to explain the bid opening process and the possibility that his client had misunderstood which forms (the CEC form or the CBE form) were announced at the bid opening to have been missing from some of the bids. Legal counsel also discussed that the CBE form, which is used by the County for statistical purposes only, may be submitted after receipt of the bids but before an award is made. Mr. Duffy indicated he would consult further with his client to determine their next course of action. To date, the Bid Protest has not been withdrawn. Staff recommends that Pima Corporation's Bid Protest be denied because the CEC Form 50 that was required to be submitted with the bid was indeed submitted timely by the second, third, fourth and sixth lowest bidders. Further, even if there was a misunderstanding at bid opening as to which forms were missing from the subject bids, the CBE form was not required to be submitted with the bid, but could be submitted after bid opening but before award of the contract.

Based on the above, Horizons is the lowest responsive and responsible bidder. The City Attorney and staff have reviewed the bid submitted by Horizons, and found it to be in order; therefore, staff recommends that the Board find Horizons, to be the lowest responsive and responsible bidder.

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 1 (13) and Class 11 (3), of the City CEQA Guidelines inasmuch as the project is essentially a rearrangement of functions within an existing park or placement of minor accessory structures. None of the limitations on the use of exemption class 11, set forth in State CEQA Guidelines Section 15300.2, apply to this project. A Notice of Exemption was filed with the Los Angeles County Clerk on March 29, 2011.

## REPORT OF GENERAL MANAGER

PG. 8                      NO. 11-275

### FISCAL IMPACT STATEMENT:

A budget request of \$72,000 a year to maintain this facility will be requested in the next budget cycle, which will include funding for one Gardener Caretaker, a part-time staff, materials and supplies. This request will provide adequate maintenance seven days a week, year round. If the funding is not granted, this facility will be included in the existing Pacific Region routes which will result in the reduction of core function on the existing routed facilities.

This report was prepared by Ray Araujo, Project Manager, the Department of Public Works, Bureau of Engineering, Recreation and Cultural Facility Program. Reviewed by Neil Drucker, Program Manager, the Department of Public Works, Bureau of Engineering, Recreational and Cultural Facilities Program,; Deborah Weintraub, Chief Deputy City Engineer, the Department of Public Works, Bureau of Engineering, and Mike Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

### GOOD FAITH EFFORT CHECKLIST

Bidder: Horizons Construction Company International, Inc. Bid Date: June 7, 2011

PROJECT: Rosecrans Recreation Center Sports Field Improvements & Stormwater Enhancement Project (E170425F)

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 sub-contractors, 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) 847-0703, or by mail to the Bureau of Engineering, Project Award and Control Division, 1149 S. Broadway, 1 <sup>st</sup> Floor, Los Angeles, Ca. 90015.		10	0
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 planholder 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	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	0
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>			<b>80</b>	
<b>MBE/WBE % ACHIEVED:</b>			<b>0% / 0%</b>	

MBE= 0%      WBE= 0%      OBE= 74%      PRIME= 26%

**RESPONSIVE**

STEPHEN MONTELEONE  
(1886-1962)

**MONTELEONE & McCRORY, LLP**

LAWYERS

A LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS  
725 SOUTH FIGUEROA STREET, SUITE 3200  
LOS ANGELES, CALIFORNIA 90017-5446  
TELEPHONE (213) 612-9900  
FACSIMILE (213) 612-9930

ORANGE COUNTY OFFICE  
200 WEST SANTA ANA BLVD., SUITE 200  
SANTA ANA, CALIFORNIA 92701

TELEPHONE  
(714) 565-3170

FACSIMILE  
(714) 565-3184

June 9, 2011

OUR FILE NUMBER

16470

**HAND DELIVERED:**

Los Angeles Board of Recreation and  
Park Commissioners  
221 North Figueroa Street, Suite 1510  
Los Angeles, California 90012

Re: Bid Protest/Rosecrans Recreation Center

BOARD OF RECREATION  
AND PARK COMMISSIONERS  
2011 JUN -9 PM 2:14

Dear Commissioners:

We represent Pima Corporation, the lowest responsible bidder to your Rosecrans Recreation Center - Sports Fields Improvements and Stormwater Enhancements project for which bids were received on June 7, 2011.

While our client was the fourth bidder in price, the three bidders with lower prices all failed to include "Bidder Certification CEC Form 50" fully executed with their bid, or at all. Only Pima Corporation of the four lowest bidders complied with this requirement.

While the law affords a public agency some discretion in waiving defects that discretion does not apply to failures stated as mandatorily non-responsive in the bid proposal. Form 50 states clearly on the top of the form, as follows:

**FAILURE TO SUBMIT THIS FORM WITH THE BID  
WILL RESULT IN THE BID BEING NON-RESPONSIVE.**

Since C.S. Legacy, Horizon Construction Company, and Landform Landscapes Construction did not include Form 50 with their bids, they must mandatorily be declared non-responsive. The City of Los Angeles is afforded *no* discretion in this matter. It must declare the three bidders non-responsive and award the contract to the lowest *responsible* bidder (Pima

LAW OFFICES  
MONTELEONE & McCRORY, LLP

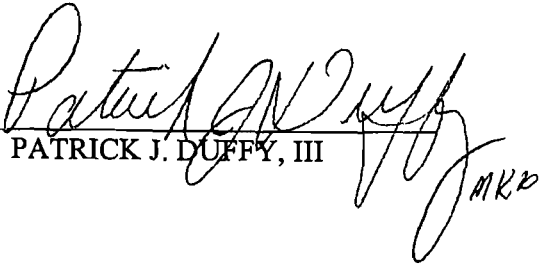
Los Angeles Board of Recreation and  
Park Commissioners  
June 9, 2011  
Page 2

Construction) or reject all bids and re-bid the project. As my client is highly qualified and within the reasonable bid range amount, it requests the Commissioners to award the contract to it.

Very truly yours,

MONTELEONE & McCRORY, LLP

By

  
PATRICK J. DUFFY, III

PJD:mkd



**CITY OF LOS ANGELES**

**DEPARTMENT OF RECREATION AND PARKS**

**May 20, 2011**

**ADDENDUM NO. 6**

**TO THE CONTRACT DOCUMENTS  
FOR THE FOLLOWING PROJECT:**

**ROSECRANS RECREATION CENTER SPORTS FIELDS IMPROVEMENTS  
AND STORMWATER ENHANCEMENT PROJECT**

**WORK ORDER #E170425F**

**Located at:  
840 WEST 149<sup>TH</sup> STREET,  
LOS ANGELES, CA 90247**

Addendum No. 6 is hereby issued for the construction of the Rosecrans Recreation Center – Sports Fields Improvements & Stormwater Enhancement Project (W.O. #E170425F).

**MODIFICATION NO.1:**

Include "Proposition A" Bid Package Documents for Youth Employment. Submission of a bid will be considered to include the information described herein.

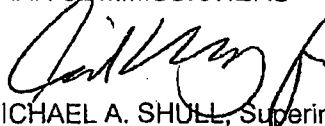
**MODIFICATION NO.2:**

Include "Proposition A" Bid Package Documents for Additional Insurance Requirement. Submission of a bid will be considered to include the information described herein.

**MODIFICATION NO.3:**

Include "Proposition A" Bid Package Documents for Community Base Employment. Submission of a bid will be considered to include the information described herein.

**THE BOARD OF RECREATION AND  
PARK COMMISSIONERS**



**MICHAEL A. SHULL, Superintendent  
Planning, Construction, and Maintenance**

MS/NLD/RA:vb  
Attachments

cc: Neil Drucker, Program Manager, BOE, Recreational and Cultural Facilities Program (Stop 549/01)  
Ray Araujo, Project Manager, BOE, Recreational and Cultural Facilities Program (Stop 549/01)  
Armand Pascua, BOE, Project Award and Control Group (Stop 501)  
BOE, Construction Management Division (Stop 500)  
Recreation and Parks Board Office (Stop 825/15)  
Bureau of Contract Administration (Stop 480)  
All Plan Holders  
Recreational and Cultural Facilities Program BOE File Copy (Stop 549/01)

## Modification 1

### YOUTH EMPLOYMENT REQUIREMENTS

A special emphasis on employing youth in park improvement projects was built in the Proposition A, the Safe Neighborhood Parks Proposition of 1992 and 1996 (Proposition A), which is providing total or partial funding for this project.

#### **DEFINITION OF AT-RISK YOUTH**

The Regional Park and Open Space District has adopted the following definition of at-risk youth which shall be applicable to all grantees of Proposition A funds as follows:

An individual is considered to be an at-risk youth for purposes of Proposition A if he/she is between 14 and 24 years of age and meets the following definition:

Any individual who is involved in or is at risk of involvement in any of the following: drug and/or alcohol abuse, adolescent pregnancy, parenthood, physical and/or emotional abuse, gang activity, violence and vandalism, poverty, single family unemployment, truancy, and academic performance below grade level or failing to complete high school.

In the application of this definition, an individual is presumed to be an at-risk youth if he/she is between 14 and 24 years of age and at the time of initial hiring meets at least one additional CRITERION from the following list:

- A. Over 18 years of age and not graduated from high school
- B. Under 18 years of age and not enrolled in school during an academic year
- C. Has a conviction record of any crime reportable for purposes of employment application
- D. Lives in a neighborhood, as indicated by census tract, which has an unemployment rate at least 20% higher than the County of Los Angeles as a whole, based upon the latest statistics available from the U.S. Census Bureau (This criterion is subject to the caveat that the application data bases must be evaluated further for this application)
- E. Lives in a neighborhood, as indicated by census tract, with a median income less than or equal to 80% of the County of Los Angeles median, based upon the latest statistics available from the U.S. Census Bureau (This criterion is subject to the caveat that the application data bases must be evaluated further for this application)
- F. Is identified as at-risk youth by, referred for employment by, or employed through, any of the following organizations: the California Conservation Corps and any other community conservation corps in existence since at least November 1996, the County of Los Angeles Probation Department, Department of Children and Family Services, Department of Community and Senior Services, the Department of Public Social Services or the County of Los Angeles emancipated foster youth program or the comparable departments or programs of any state or local government grantee of Proposition A funds or is listed in a grantee's adopted Youth Employment Plan as an organization which is a source of youth for hiring, or is referred for employment by, or employed through, organizations demonstrated to the satisfaction of the District Administrator to be similar organizations facilitating the hiring of at-risk youth.
- G. Is identified as at-risk-youth and referred for employment by a school district or community college district or other bona fide educational institution
- H. Is identified as at-risk-youth by, referred for employment by, or employed through a bona-fide non-profit organization whose primary purpose and mission includes fostering or enhancing the employment of at-risk-youth in the County of Los Angeles.
- I. In any other circumstance where the grantee wishes to claim credit for eligible at-risk-youth expenditures, the grantee has the burden to make a showing in writing to the satisfaction of the District Administrator that the individual employed meets the intent of the applicable definition or a substantially equivalent definition.

To facilitate compliance with the youth employment provisions, contractors are encouraged to hire youth through a youth employment organization. Youth employment organizations will assist contractors in fulfilling their youth employment obligations. Youth employment organizations are generally equipped to provide the contractor with candidates who satisfy the at risk requirement and who have the appropriate skills and background for each job opening, where the job involves office/clerical skills or basic construction experience. The contractor will be able to interview and select appropriate employees from among those referred. Emphasis will be place on referring youth from within the local community.

**The City may withhold payment from the contractor if it is found that a genuine effort was not made in an effort to comply with youth employment requirements.**



Rosecrans RC (WO #E170425F) – Addendum 6  
Modification No. 2  
May 13, 2011

## Modification 2

### **ADDITIONAL INSURANCE REQUIREMENT**

Contractor shall carry adequate insurance and have the following named as additionally insured:

Los Angeles County Regional Park and Open Space District  
510 South Vermont Avenue, Room 230  
Los Angeles, CA 90020

Contractor shall mail a copy of the additional insured endorsement to the above named agency.

Modification 3

EXHIBIT F-3

LOS ANGELES COUNTY COMMUNITY BUSINESS ENTERPRISE (CBE) PROGRAM

FIRM / ORGANIZATION INFORMATION FORM

INSTRUCTIONS: All proposer/bidders responding to this solicitation must return this form for proper consideration of their proposal or bid. The information requested below is for statistical purposes only. On final analysis and consideration of award, a proposer/bidder will be selected without regard to gender, race, creed, or color. Categories listed below are based upon those described in 49 CFR § 23.5.

I. TYPE OF BUSINESS ENTITY: \_\_\_\_\_  
 (Non-profit, Corporation, Partnership, Joint Venture, Sole Proprietorship, etc.)  
 If you are a non-profit, please skip sections II through V and fill in the name of the firm and sign on page 2.

II. TOTAL NUMBER OF EMPLOYEES IN FIRM (including owners): \_\_\_\_\_

III. RACE/ETHNIC COMPOSITION OF FIRM: (Owners, Partners, Associate Partners, Managers, Staff, etc.)  
 Please break down the total number of employees in your firm into the following categories:

	OWNERS/PARTNERS/ ASSOCIATE PARTNERS		MANAGERS	STAFF
	Male	Female		
Black/African American				
Hispanic/Latino American				
Asian American				
American Indian/Alaskan Native				
Filipino American				
White				

IV. PERCENTAGE OF OWNERSHIP IN FIRM. Please indicate by percentage (%) how the ownership of the firm is distributed.

	Black/African American	Hispanic/Latino	Asian or Pacific Islander	American Indian/Alaskan Native	Filipino American	White
Men	%	%	%	%	%	%
Women	%	%	%	%	%	%

V. CERTIFICATION AS MINORITY, WOMEN, DISADVANTAGED, & DISABLED VETERANS BUSINESS ENTERPRISE  
 Is your firm currently certified as a minority, women-owned, disadvantaged or disabled veterans business enterprise by a public agency? (If yes, complete the following and attach a copy of your notice of certification.)

	M	W	D	DV	Expiration Date
Agency _____	_____	_____	_____	_____	_____
Agency _____	_____	_____	_____	_____	_____
Agency _____	_____	_____	_____	_____	_____
Agency _____	_____	_____	_____	_____	_____
Agency _____	_____	_____	_____	_____	_____

LEGEND: M = Minority, W = Women, D = Disadvantaged, DV = Disabled Veterans

# Bid Submittal Checklist

## Recreation and Parks Board Office

Bid Date: June 7, 2011

Project Title: **Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F)**

Contractor: Horizons Construction Company

Required Forms	Were Forms Submitted with the Bid?	
	Yes	No
Page 4 – Schedule of Work and Prices	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 5 – Schedule of Work and Prices/Proposal-Signature Page	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 6 – Affidavit to Accompany Proposals or Bids	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 7 – Bid Bond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page(s) 16/16A – Schedule A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 31A – CEC Form 50	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Good Faith Effort Documentation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LA County CBE Program - Firm / Organization Information Form (Add. No. 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# Bid Submittal Checklist

## Recreation and Parks Board Office

Bid Date: June 7, 2011

Project Title: **Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F)**

Contractor: Jeff Tracy, Inc. dba Land Forms Landscape Construction

Required Forms	Were Forms Submitted with the Bid?	
	Yes	No
Page 4 – Schedule of Work and Prices	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 5 – Schedule of Work and Prices/Proposal-Signature Page	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 6 – Affidavit to Accompany Proposals or Bids	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 7 – Bid Bond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page(s) 16/16A – Schedule A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 31A – CEC Form 50	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Good Faith Effort Documentation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LA County CBE Program - Firm / Organization Information Form (Add. No. 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

# Bid Submittal Checklist

## Recreation and Parks Board Office

Bid Date: June 7, 2011

Project Title: **Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F)**

Contractor: Pima Corporation

Required Forms	Were Forms Submitted with the Bid?	
	Yes	No
Page 4 – Schedule of Work and Prices	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 5 – Schedule of Work and Prices/Proposal-Signature Page	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 6 – Affidavit to Accompany Proposals or Bids	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 7 – Bid Bond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page(s) 16/16A – Schedule A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 31A – CEC Form 50	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Good Faith Effort Documentation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LA County CBE Program - Firm / Organization Information Form (Add. No. 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

# Bid Submittal Checklist

## Recreation and Parks Board Office

Bid Date: June 7, 2011

Project Title: **Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F)**

Contractor: Environmental Construction, Inc.

Required Forms	Were Forms Submitted with the Bid?	
	Yes	No
Page 4 – Schedule of Work and Prices	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 5 – Schedule of Work and Prices/Proposal-Signature Page	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 6 – Affidavit to Accompany Proposals or Bids	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 7 – Bid Bond	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page(s) 16/16A – Schedule A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Page 31A – CEC Form 50	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Good Faith Effort Documentation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LA County CBE Program - Firm / Organization Information Form (Add. No. 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DECLARATION OF LATONYA DEAN

1  
2  
3 I, LaTonya D. Dean, declare as follows:

4 1. The following declaration is based upon my personal knowledge.

5 If called upon to testify I would testify to the following:

6 2. I am employed as an Executive Assistant to the Board of  
7 Recreation and Park Commissioners of the City of Los Angeles. I was present  
8 at the bid opening which took place on Tuesday, June 7, 2011, at 3:00 p.m.,  
9 for the Rosecrans Recreation Center - Sports Fields Improvements and  
10 Stormwater Enhancements (W.O. #E170425F) project (the "Project").

11 3. Ten bids were received by the Tuesday, June 7, 2011, 3:00 p.m.,  
12 deadline for submitting bids for the Project. Mary E. Alvarez ("Ms. Alvarez")  
13 of the Board of Recreation and Parks Commissioners Office opened and  
14 announced the amounts of each bid to an audience that included bidders and  
15 City of Los Angeles staff from the Board of Recreation and Parks  
16 Commissioners Office and Department of Public Works - Bureau of Engineering.

17 4. Upon opening the ten bids, Ms. Alvarez reviewed each of the bid  
18 packages and this was done before an audience that included bidders and City  
19 of Los Angeles staff from the Board of Recreation and Parks Commissioners  
20 Office and Department of Public Works - Bureau of Engineering.

21 5. Ms. Alvarez reviewed each bid package to confirm whether the  
22 following documents were included in the bid package:

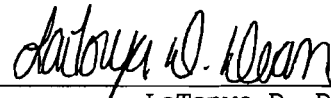
- 23 (1) Schedule of Work and Prices  
24 (2) Schedule of Work and Prices/Proposal-Signature Page  
25 (3) Affidavit to Accompany Proposals or Bids

- 1 (4) Bid Bond
- 2 (5) Schedule A - Subcontractors and Suppliers
- 3 (6) Bidder Certification - CEC Form 50
- 4 (7) Schedule B - Good Faith (GFE) Effort Documentation Checklist
- 5 (8) Los Angeles County Community Business Enterprise (CBE)
- 6 Program - Firm/Organization Information Form (Addendum No. 6)

7 6. Subsequent to the review of the three apparent low bids which  
8 were submitted by C.S. Legacy Construction, Inc., Horizons Construction, and  
9 Jeff Tracy, Inc. dba Land Forms Landscape Construction, Ms. Alvarez,  
10 announced that the LA County CBE Program Firm/Organization Information Form  
11 was not included with each of those three bid packages. At no point during  
12 the bid opening process did Ms. Alvarez announce that the CEC Form 50 was  
13 missing from those three bid packages.

14 I declare under penalty of perjury under the laws of the State of  
15 California that the foregoing is true and correct.

16 Executed this 16<sup>th</sup> day of September, 2011, at Los Angeles, California.

17  
18 

19 LaTonya D. Dean  
20 Commission Executive Assistant



**BOARD OF RECREATION AND  
PARK COMMISSIONERS**

**BARRY A. SANDERS**  
PRESIDENT

**LYNN ALVAREZ**  
**W. JEROME STANLEY**  
**JILL T. WERNER**  
**JOHNATHAN WILLIAMS**

**CITY OF LOS ANGELES**  
CALIFORNIA



**ANTONIO R. VILLARAIGOSA**  
**MAYOR**

**RECR1**  
221 N. FIGUEROA STREET  
SUITE 1510  
LOS ANGELES, CA 90012

(213) 202-2640  
FAX: (213) 202-2610  
RAP.Commissioners@LACity.org

**JON KIRK MUKRI**  
GENERAL MANAGER

June 23, 2011

VIA FAX AND U.S. MAIL

Patrick J. Duffy, III  
Monteleone & McCrory, LLP  
725 South Figueroa Street, Suite 3200  
Los Angeles, California 90017-5446

**RE: Rosecrans Recreation Center – Sports Fields Improvements and Stormwater Enhancements (W.O. #E170425F) – Bid Protest**

Dear Gentlepersons:

The Office of the Board of Recreation and Parks Commissioners is in receipt of your protest letter dated June 9, 2011, filed on behalf of your client, Pima Corporation, in protest of the three lowest bidders on the subject project, wherein you allege that the bidders failed to submit "Bidder Certification CEC Form 50" with their bid.

The three lowest bidders for this project, C.S. Legacy Construction, Inc., Horizon Construction Company, and Landform Landscape Construction, did in fact submit their Bidder Certification CEC Form 50 with their bids. Each of those three bidders submitted their bids, which included CEC Form 50, before the bid submittal deadline of 3:00 p.m., Tuesday, June 7, 2011.

Should you choose to withdraw your bid protest in light of the information provided above, please submit a written request to withdraw your protest. However, if you wish to proceed with your protest, please submit a follow-up letter responding to the information provided above and explaining the basis for continuing your bid protest. Submit your request to withdraw your protest or your follow-up letter by 4:00 p.m., June 30, 2011, to the following:

Office of the Board of Recreation and Park Commissioners  
221 N. Figueroa Street, Suite 1510  
Los Angeles, CA 90012  
Attention: Mary E. Alvarez, Commission Executive Assistant II  
Fax: (213) 202-2610

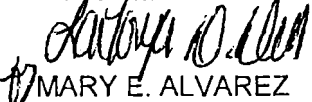


Monteleone & McCrory, LLP  
Rosecrans Recreation Center – Bid Protest (Pima Corp.)  
June 23, 2011  
Page 2

If you have any questions or concerns please contact the undersigned at (213) 202-2640.

Very truly yours,

BOARD OF RECREATION AND  
PARK COMMISSIONERS

  
MARY E. ALVAREZ  
Commission Executive Assistant

cc: Marcia Gonzales, Deputy City Attorney  
Neil Drucker, Project Manager III  
Ray Araujo, Project Manager  
Pima Corporation

STEPHEN MONTELEONE  
(1886-1962)

**MONTELEONE & McCRORY, LLP**

LAWYERS

A LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS

725 SOUTH FIGUEROA STREET, SUITE 3200  
LOS ANGELES, CALIFORNIA 90017-5446

TELEPHONE (213) 612-9900

FACSIMILE (213) 612-9930

ORANGE COUNTY OFFICE  
200 WEST SANTA ANA BLVD., SUITE 200  
SANTA ANA, CALIFORNIA 92701

TELEPHONE  
(714) 565-3170

FACSIMILE  
(714) 565-3184

JEFFREY S. HURST  
PARTNER

June 30, 2011

OUR FILE NUMBER

7046-16470

Via Facsimile and U.S. Mail

Mary E. Alvarez, Commission Executive Assistant II  
Board of Recreation and Park Commissioners  
222 N. Figueroa Street, Suite 1510  
Los Angeles, CA 90012

Re: Rosecrans Recreation Center - Sports Fields Improvements and Stormwater  
Enhancements (W.O. #E170425F) - Bid Protest

Dear Ms. Alvarez:

We are in receipt of your letter dated June 23, 2011 responding to the above referenced bid protest. Please be advised that Pima Corporation ("Pima") stands by its bid protest and submits the following additional information for Board of Recreation and Parks Commissioners' consideration.

During the public bid opening, the representative for the Department of Recreation and Parks ("Department") who was conducting the bid opening and review made public statements confirming that the three apparent low bidders did not include Bidder Certification CEC Form 50 in their bids. The bid opening was conducted by a female representative of the Department who thoroughly reviewed each bid. There were about ten bidders present for the bid opening. The Department's representative publicly stated that the three apparent low bidders did NOT include CEC Form 50 in their bid packages. At least two of the persons present asked the Department's representative if the three low bids would be rejected for failure to include CEC Form 50. They were told that the Board of the Department would make that decision.

Attached hereto are the declarations of Gagik Manukian and Alan Safaei<sup>1</sup> which confirm that the Department's representative publicly stated that the three low bidders did not include Bidder Certification CEC Form 50 in their bid packages. Mr. Manukian can be contacted at (818) 388-7861. Mr. Safaei, who is not employed by Pima, can be reached at (310) 420-4533.

Pima is informed that other bidders who were present also heard the statements by the Department's representative. Pima is in the process of investigating this and may submit additional supporting declarations. Pima urges the Department's Board to conduct its own investigation into this serious issue.

---

<sup>1</sup> Mr. Safaei's declaration is in the process of being signed and the original signed declaration will be forwarded along with the original signature of Mr. Manukian.

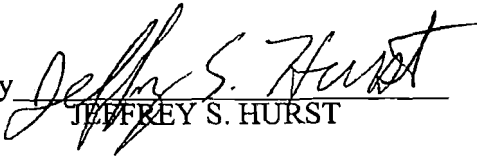
LAW OFFICES  
MONTELEONE & McCRORY, LLP

Mary E. Alvarez  
June 30, 2011  
Page 2

If you have any questions or require additional information feel free to contact me at my office.

Very truly yours,

MONTELEONE & McCRORY, LLP

By   
JEFFREY S. HURST

JSH/al  
Encl.

cc: Robert Setareh

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF GAGIK MANUKIAN

I, Gagik Manukian, declare as follows:

1. The following declaration is based upon my personal knowledge. If called upon to testify I could, and would, competently testify to the following:

2. I am an employee of Pima Corporation and I was present at the bid opening which took place on June 7, 2011 for the project known as Rosecrans Recreation Center - Sports Field Improvements and Stormwater Enhancements (W.O. #E170425F).

3. There were ten (10) bidders present and I have their names and phone numbers if needed. The bids were opened and read aloud by a woman from the Los Angeles Public Works Department of Recreation & Parks. She stated publicly that the three apparent low bidders, L.A. Legacy, Horizon Construction and Landforms Landscape did not provided the CEC Form 50 in their bid packages.

4. Before leaving the room I asked the woman what happens in the case of those bidders who had not provided the CEC Form 50 in their bid package and she replied that it would be determined by the Board.

5. When I proceeded to leave the room, a gentleman from Environmental Engineering came to me and congratulated me. Thinking that since those other second and third bidders did not have the proper documents, then Pima would be the apparent lowest bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30<sup>TH</sup> day of June, 2011, at LOS ANGELES, California.

  
GAGIK MANUKIAN



REPORT OF GENERAL MANAGER

NO. 11-276

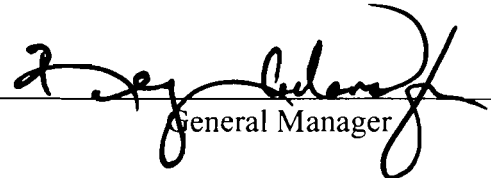
DATE October 5, 2011

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: NORMANDALE RECREATION CENTER EXPANSION – REQUEST FOR FINAL AUTHORIZATION TO ACQUIRE PROPERTY – APPROVAL OF PURCHASE AND SALE AGREEMENT, AND ALLOCATION OF PROPOSITION K FUNDS

R. Adams	_____	K. Regan	_____
H. Fujita	_____	*M. Shull	<u>MS</u>
V. Israel	_____	N. Williams	_____

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

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

RECOMMENDATIONS:

That the Board:

1. Adopt the Resolution, substantially in the form on file in the Board Office, authorizing staff to request the assistance of the Department of General Services (GSD) and other City entities, per Charter Section 594(a) and (b), in obtaining fee title to a 0.065 acre or 2,850 square feet, privately owned vacant parcel, with the approximate location being on the north side of West 225<sup>th</sup> Street, 50 feet west of South Normandie Avenue, Los Angeles, CA 90501; Assessor’s Parcel Numbers (APN) 7347-004-013;
2. Approve a proposed Purchase and Sale Agreement (PSA), substantially in the form on file in the Board Office, subject to the approval of the City Attorney as to form;
3. Direct the Board Secretary to transmit forthwith the proposed PSA to the City Attorney for review as to form;
4. Authorize the Department’s Chief Accounting Employee to make technical corrections as necessary to establish the necessary accounts to acquire the project site, and to accept and transfer the necessary monies to fund the acquisition to the appropriate City Department accounts or escrow company account in order to expeditiously effectuate the acquisition of the Normandale Recreation Center Park Expansion/Sliver Parcel;

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 11-276

5. Authorize the Board President and Secretary to execute the PSA upon receipt of the necessary approvals; and,
6. Authorize the Board Secretary to execute the escrow instructions and to accept the grant deed for the subject property, as approved by the City Attorney, which shall be set apart and dedicated as park property in perpetuity.

### SUMMARY:

On May 20, 2011, the Board of Recreation and Park Commissioners (Board) approved Board Report No 11-130 which preliminarily authorized staff to begin the acquisition process of a property parcel located at the north side of West 225<sup>th</sup> Street, and 50 feet west of South Normandie Avenue, Los Angeles, California 90501 for the expansion and/or development of the Normandale Recreation Center. Said parcel is identified by APN 7347-004-013. The Board authorized staff to request the GSD to begin negotiations for the acquisition of the above mentioned property, which is funded through Proposition K Funds. The property is a vacant parcel adjacent to Normandale Recreation Center. The total lot area is approximately 2,850 square feet or 0.065 acre. The Board also determined that said acquisition would be contingent on the following conditions:

- A. Funding be made available for the acquisition of the property through Proposition K Fund and Account number (43K/10/10H885);
- B. Appropriate California Environmental Quality Act (CEQA) documentation would have been completed;
- C. All environmental assessments; Phase I, and Phase II if needed, would have been completed and satisfied prior to the close of escrow; and,
- D. The GSD would negotiate a purchase price that is consistent with their professional opinion of the market value.

All of the above mentioned conditions have been met to the satisfaction of RAP. The GSD has completed negotiations for the acquisition of the property located near the northwest corner of Normandie and 225<sup>th</sup> Street. The acquisition is necessary due to its potential for enhancement and development of the existing adjacent Normandale Recreation Center and the surrounding community. The 15th Council District strongly supports this acquisition.

To determine the fair market value for the above mentioned property identified by APN 7347-004-013, GSD used a Formal Appraisal prepared by an independent appraiser. This appraisal was prepared on November 16, 2010. The estimated value of the appraisal was determined to be \$57,000. GSD concurs with appraiser's valuation methodology used to arrive at the value for



## REPORT OF GENERAL MANAGER

PG. 3                      NO. 11-276

the subject property. GSD has negotiated a purchase price of \$57,000 that is consistent with their professional opinion of market value for the property.

An offer letter of \$57,000 was first presented to the perspective seller on July 15, 2011. The owners of the above mentioned property, and the GSD, Asset Management Division have agreed to a final purchase price of \$57,000. An additional \$1,206 is required for payment of closing fees, bringing the total property acquisition cost to \$58,206. Funds for the acquisition of the subject property are available from Proposition K Fund and Account number (43K/10/10H885). It should be noted that there are additional funds available for the development of the subject property from Proposition K. The Proposition K funds are for acquisition and development of land for expansion of the existing Normandale Recreation Center. At this time, further study is needed to determine the appropriate development plan for the community.

### Funding Sources:

Funding for the acquisition will come from Proposition K, Fund and Account number (43K/10/10H885). There is sufficient funding available for the acquisition of parcel identified by APN: 7347-004-013. Estimated Acquisition cost is \$57,000. Proposition K funding will be used to pay for all acquisition related costs such as appraisals, Phase I Environmental Site Assessment, escrow closing costs, and site preparation.

### Acquisition Cost:

The cost of the proposed Normandale Recreation Center Park Expansion/Sliver Parcel acquisition as recommended by GSD is \$57,000. The estimated appraisal value is \$57,000 as of December 31, 2010. GSD has indicated that as part of its professional expertise that a fair negotiated price would be \$57,000. GSD recommends and supports the negotiated price of \$57,000. Estimated closing costs are estimated to be approximately \$1,206 in total. The estimated closing costs are totaled from the following estimates: Escrow fee, \$630; CLTA owners, \$453; and Natural Hazard Disclosure Report, \$123. These closing cost estimates are subject to change and are for reference purposes only. The projected total acquisition cost is estimated at \$58,206.

### Environmental:

Staff determined that the subject project consists of the acquisition of property with the intent to preserve open space for park purposes. Therefore, the acquisition of the project site is categorically exempt from the provisions of California Environmental Quality Act (CEQA), pursuant to Article III, Section 1(y), Class 25 (5) of the City CEQA Guidelines.

REPORT OF GENERAL MANAGER

PG. 4

NO. 11-276

In addition to the Office of Council District 15, the Assistant General Manager of Operations, and Superintendent of Planning, Construction and Maintenance Division concurs with staff's recommendations.

FISCAL IMPACT STATEMENT:

Maintenance funds for the new parkland will be requested as part of the Department of Recreation and Park's (RAP) annual budget process. After RAP plans the new development scope, staffing needs will be assessed.

This report was prepared by John Barraza, Management Analyst II in Real Estate and Asset Management, Planning and Construction Division.

REPORT OF GENERAL MANAGER

NO. 11-277

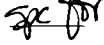
DATE October 5, 2011

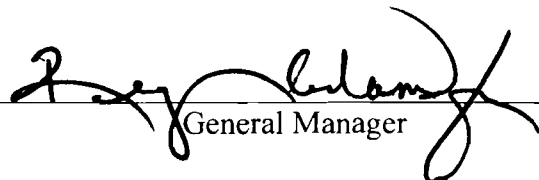
C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO MARINE AQUARIUM – PROFESSIONAL SERVICES AGREEMENT WITH ROYAL POLARIS SPORTFISHING, INC., TO RETAIN THE ROYAL POLARIS FISHING VESSEL FOR WHALE-WATCHING AND ECOLOGICAL TOUR EXCURSION TO BAJA CALIFORNIA, MEXICO

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
V. Israel \_\_\_\_\_

\* K. Regan   
M. Shull \_\_\_\_\_  
N. Williams \_\_\_\_\_

  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATIONS:

That the Board:

1. Approve a proposed Professional Services Agreement with Royal Polaris Sportfishing, Inc., substantially in the form on file in the Board Office, commencing on December 9, 2011 and ending on March 13, 2012 allowing Cabrillo Marine Aquarium to charter the Royal Polaris vessel for the 38th annual whale-watching and ecological tour excursion to Baja California, Mexico; subject to the approval of the Mayor and 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 expertise to provide these professional services and that it is more feasible to secure these services by contract;
3. Find, in accordance with Charter Section 371(e)(2) and Los Angeles Administrative Code Section 10.15(a)(2), that a competitive bidding process is neither practicable nor advantageous to this agreement as it is for the performance of special services of a temporary and occasional character;

## REPORT OF GENERAL MANAGER

PG. 2

NO. 11-277

4. Find, in accordance with Charter Section 372 and Los Angeles Administrative Code Section 10.17, that it is not reasonably practicable and compatible with the City's interests to obtain proposals because Royal Polaris Sportfishing, Inc. is the only available service for obtaining all of the services necessary for this agreement;
5. Authorize the Chief Accounting Employee to appropriate \$62,440.00 from Fund 301, Department 88, Municipal Recreation Program (MRP) Account 035M for the purpose of chartering the Royal Polaris vessel from March 5, 2012 through March 13, 2012;
6. Direct the Board Secretary to transmit forthwith the proposed Professional Service Agreement to the Mayor's Office in accordance with Executive Directive No. 3, and concurrently to the City Attorney for approval as to form; and,
7. Authorize the Board President and Secretary to execute the Agreement, upon receipt of the necessary approvals.

### SUMMARY:

The Department of Recreation and Parks' Cabrillo Marine Aquarium is a non-profit public aquarium that engages all visitors in education, recreation, and research of the marine life of Southern California and has sponsored the annual whale-watching and ecological tour excursion, known as the "Meet the Friendly Whales of Baja" trip for the past 37 years. The Cabrillo Marine Aquarium Baja trip attracts passengers from across the country and furthers its international reputation as one of the finest teaching aquariums in the United States. The goal in sponsoring the trip is to further Cabrillo Marine Aquarium's mission of promoting knowledge, appreciation, and conservation of the marine life of Southern California. Staff recommends continued support by the City of Los Angeles Department of Recreation and Parks for this year's trip, which is scheduled for March 5, 2012 through March 13, 2012.

The excursion starts from the Cabrillo Marine Aquarium. For a fee of \$2,495 per person, passengers will be transported to San Diego to board the Royal Polaris vessel and begin their nine-day whale watching and ecological tour. Passengers will explore the pristine coastal environments, diverse geological formations, and native vegetation of Baja. During the course of the trip, passengers may catch a glimpse of elephant seals, sea lions, dolphins, marine birds, and whales within camera range while on board small motorized boats (skiffs) in San Ignacio Lagoon.

The 39 passengers include three Cabrillo Marine Aquarium staff and three volunteers who possess expertise in the fields of geology, botany, ornithology, and marine biology. The Team Leader for this trip will be the Cabrillo Marine Aquarium Program Director. Cabrillo Marine Aquarium employees will be paid their normal salary and will be provided with food and

## REPORT OF GENERAL MANAGER

PG. 3

NO. 11-277

accommodations throughout the nine-day trip. The volunteer experts will not receive financial remuneration, but will be provided room and board. In the event of last minute cancellations that cannot be filled from a waiting list of paying passengers, passage will be offered to Cabrillo Marine Aquarium staff or volunteers who can contribute an in-kind service or who can cover the cost of their food and permits. Selection(s) will be made by the Program Director and Aquarium Administrator.

A request for a Charter Section 1022 determination was submitted to the Personnel Department. It was determined that although the City utilizes the classifications of Deck Hand, Boat Captain, and Port Pilot, they do not possess the unique and special qualifications required for this excursion. The crew must have the ability to communicate in English and Spanish, have knowledge and expertise of the natural history of the area that will be visited in Mexico, navigational experience in the San Ignacio Lagoon, have United States Coast Guard Standards of Training Certification and Watchkeeping, and possess the excursion permit issued by the Mexican government. Based on the qualifications the Department is requesting of the crew, the City does not currently have any classifications that can perform the work (see Attachment A).

The Department will pay Royal Polaris Sportfishing, Inc., an amount not to exceed \$62,440.00 for the nine-day whale-watching and ecological tour excursion. Additional expenses would be incurred if the Department provided the Deck Hand, Boat Captain, and Port Pilot services for this trip. These expenses would include: boat rental, maintenance and operation, sleeper cabins, food and beverages for passengers, and small motorized boats for loading and unloading passengers, permits, and insurance coverage for the entire trip. Also, due to the temporary nature of this event, it would be necessary upon the excursion's conclusion, to layoff staff hired specifically for this event.

Royal Polaris Sportfishing, Inc., currently employs staff with the experience and expertise to provide the equipment and staff to perform the necessary services. Therefore, it is more feasible to contract out the services in order to ensure the Department's needs and requirements are met.

In accordance with Los Angeles City Administrative Code Sections 317(e)(2) and 10.15(a)(2), competitive bidding for this agreement is neither practical nor advantageous to the Department. Staff contacted other vendors that could provide similar services and had the necessary permits from the Mexican government to allow access to San Ignacio Lagoon; however, the vessels were smaller and had a limited passenger load that would have prevented the Cabrillo Marine Aquarium from conducting an adequate program. The Royal Polaris is the only sport fishing boat of adequate size and quality to comfortably accommodate the 39 passengers for the excursion and possessed the necessary permits issued by the Mexican government to allow access to San Ignacio Lagoon.

REPORT OF GENERAL MANAGER

PG. 4

NO. 11-277

FISCAL IMPACT STATEMENT:

Funds to pay for the charter are advances and reimbursed to Fund 301, Department 88, Municipal Recreation Program Account 035M. This program is self-sustaining in that the fees from the passengers offset the expense of the program. Cabrillo Marine Aquarium expects to recover all costs associated with this program. There is no impact on the Department's General Fund.

Report prepared by Mike Schaadt, Director, Cabrillo Marine Aquarium.

## PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1 Requesting Department: Department of Recreation and Parks

2 Contacts

Department: Raymond Chang Phone No. 818-243-6421 Fax No. 818-243-6451  
 CAO: Veronica Salumbides Phone No. 485-3523 Fax No. 485-8400

3. Work to be performed:

The Department of Recreation and Parks is seeking a contractor to provide services for its' annual nine-day Whale Watching Tour Excursion to San Ignacio Lagoon in Baja, Mexico for the Cabrillo Marine Aquarium. The contractor will be responsible for the transport and safety of thirty-nine (39) passengers, consisting of thirty-three (33) participants, three (3) Cabrillo Marine Aquarium employees, and three (3) volunteers who possess expertise in the fields of Geology, Botany, Ornithology, and Marine Biology, in addition to a vessel crew of eight (8). Passengers and crew will depart from 2838 Garrison Street in San Diego Harbor on February 26, 2009 and will return to this destination on March 6, 2009.

4 Is this a contract renewal? Yes  No

5. Proposed length of contract: 5 months Proposed Start Date Upon contract execution

6 Proposed cost of contract (if known): \$59,940

7. Name of proposed contractor: Royal Polaris Sport Fishing Inc.

8. Unique or special qualifications required to perform the work:

Contractor must provide an experienced vessel crew of eight (8) consisting of two (2) United States Coastguard Certified Captains, four (4) Deckhands, and two (2) Chefs. Contractor will provide a crew that possess current United States passports; has the knowledge and ability to communicate in English and Spanish with the local community; has local knowledge and expertise of the natural history of the areas that will be visited, including the islands of Todos Santos, San Benito, Cedros, and San Martin, and has navigational experience in the San Ignacio Lagoon. Contractor shall provide materials, equipment, and personnel necessary for performance of services including, but not limited to, all room and accommodations, life jackets, life rafts, meals, snacks, and beverages to trip participants. The Contractor must also possess the excursion permit issued by the Mexican Government, in order to be allowed entrance to the protected islands found in and around the Sea of Cortez and San Ignacio Lagoon. Crew must be subject to random drug testing, CPR certified, and must have United States Coast Guard Standards of Training Certificate and Watchkeeping covering survival at sea and emergency contingency training.

9 Are there City employees that can perform the work being proposed for contracting?  
 Yes  No ;

If yes,

- a. Which class(es) and Department(s):
- b. Is there sufficient Department staff available to perform the work? Yes  No
- c. Is there a current eligible list for the class(es)? Yes  No  Expiration Date \_\_\_\_\_
- d. Estimated time to fill position(s) through CSC process? Unknown

- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes  No
- f. Are there City employees currently performing the work? Yes  No

10. Findings


- City employees DO NOT have the expertise to perform the work
- City employees DO have the expertise to perform SOME 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

SUMMARY: Although the City does use the classes of Deckhand and Boat Captain, staff found that City employees do not have the expertise, training, or permits to perform the above scope of work.

Submitted by:   
Stephanie Holloman

Reviewed by:   
Shelly Del Rosario

Approved by:   
Shannon C. Pascual

Date: 7/7/08



REPORT OF GENERAL MANAGER

NO. 11-278

DATE October 5, 2011

C.D. 12

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: OPERATIONS BRANCH VALLEY REGION – SIXTH EVENT TO SERVE ALCOHOLIC BEVERAGES – WINNETKA CHAMBER OF COMMERCE ANNUAL OKTOBERFEST AT WINNETKA PARK

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
V. Israel \_\_\_\_\_

\*K. Regan [Signature]  
M. Shull \_\_\_\_\_  
N. Williams \_\_\_\_\_

[Signature]  
General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve a sixth event serving alcohol in the Valley Region, for the Winnetka Chamber of Commerce's 15<sup>th</sup> Annual Oktoberfest fundraiser at Winnetka Park.

SUMMARY:

The three-day Oktoberfest is a successful and well-attended annual community event. The Board's Alcohol Beverage Policy requires that any community event with alcoholic beverages, beyond the five public open-area events per region, per year, obtain approval from the Board. Due to the Department's reorganization combining the West and Valley Regions, the number of requests for alcohol-related special events, this year, has exceeded the established policy. The annual Oktoberfest has in previous years had a beer garden, and has been one of the Valley Region's five alcohol events. There has never been a report of any alcohol-related problems. The Winnetka Chamber of Commerce is aware of the Department's alcohol policy and has agreed to abide by all its requirements.

Oktoberfest at Winnetka Park includes a carnival, music, food, arts and crafts, and a beer garden. This year, the 15<sup>th</sup> Annual Oktoberfest is scheduled to take place on the weekend of October 14, 15 and 16, 2011. This event is an annual fundraiser for the Winnetka Chamber of Commerce. In the past, they have supported programs and events at the Winnetka Recreation Center through various donations. Council District 12 is in support of the event.

REPORT OF GENERAL MANAGER

PG. 2

NO. 11-278

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund.

This report was prepared by Louis Loomis, Management Analyst II, Valley Region.

REPORT OF GENERAL MANAGER

NO. 11-279

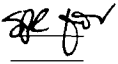
DATE: October 5, 2011

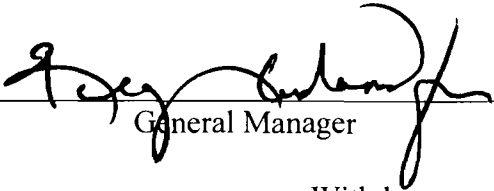
C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: DONATION TO OPERATIONS BRANCH – PACIFIC REGION

R. Adams \_\_\_\_\_  
H. Fujita \_\_\_\_\_  
V. Israel \_\_\_\_\_

\* K. Regan  \_\_\_\_\_  
M. Shull \_\_\_\_\_  
N. Williams \_\_\_\_\_

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

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board accept the following donation, as noted in the Summary of this Report, and that appropriate recognition is given to the donor.

SUMMARY:

Kun Yi Kwon Do Center has donated \$100.00 to be used for educational programs at the Cabrillo Marine Aquarium.

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund, except unknown savings as the donation may offset some expenditures.

Report prepared by Louise Maes, Clerk Typist, Pacific Region



REPORT OF GENERAL MANAGER

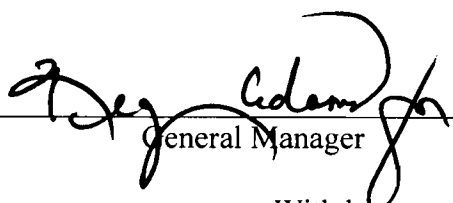
NO. 11-280

DATE October 5, 2011

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VARIOUS COMMUNICATIONS

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

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

---

The following communications have been received by the Board and recommended action thereon is presented.

From:

Recommendation:

1) Mayor, relative to a proposed Second Amendment to a Contract with Shane's Inspiration.

Refer to staff for further processing.

2) Mayor, transmitting Executive Directive No. 21 relative to the Development Services Collaborative.

Note and file.

3) Chief Legislative Analyst, forwarding the Legislative Report for the weeks ending August 26, and September 2, 2011.

Note and file.

4) Michael Cornwell, to David Attaway, Environmental Supervisor II, relative to the California Environmental Quality Act review of the proposed Watts Skate Park.

Refer to General Manager.

REPORT OF GENERAL MANAGER

PG. 2

NO. 11-280

5) Jimmy Googas, Supreme Athletic Director, Sons of Pericles, relative to using a Department facility for a non-profit basketball tournament.

Refer to General Manager.

6) Carlos M. Wicab, relative to payment for umpiring.

Refer to General Manager.

7) Angeles L. Jones, relative to the Ralph Parsons Preschool at EXPO Center.

Refer to General Manager.

8) Christopher McKinnon, forwarding to the General Manager a communication from the Mar Vista Community Council addressed to Councilmember Rosenthal, relative to the Mar Vista Branch Library.

Note and file.

This report was prepared by Paul Liles, Clerk Typist, Commission Office.

MATTERS PENDING

Matters Pending will be carried for a maximum of six months, after which time they will be deemed withdrawn and rescheduled whenever a new staff report is received.

GENERAL MANAGER'S REPORTS:

<u>ORIGINALLY</u>	<u>PLACED</u>	
<u>PLACED ON</u>	<u>ON MATTERS</u>	<u>DEEMED</u>
<u>BOARD AGENDA</u>	<u>PENDING</u>	<u>WITHDRAWN</u>

<u>02/18/11</u>	<u>06/01/11</u>	<u>12/01/11</u>
11-029	Baldwin Hills Recreation Center - Conceptual Approval for Naming of the Outdoor Basketball Courts and the Installation of Appropriate Signage	

BIDS TO BE RECEIVED:

10/25/11 Southeast Valley Roller and Skateboard Rink - Phase I (Skateboard Rink/Skate Park) (W.O.#E170125F) - REBID

PROPOSALS TO BE RECEIVED:

10/25/11 Consultant to Conduct a Best Business Practice Study of the Greek Theatre RFP

11/22/11 Operation and Maintenance of the Fern Dell Refreshment Stand Concession (Food and Beverage Service) at the Fern Dell Refreshment Stand RFP

TBD Film Production Instruction (CLASS Parks)

ON HOLD Hansen Dam Golf Course Professional Concession

ON HOLD Hansen Dam Golf Course Restaurant Concession

ON HOLD Woodley Lakes Golf Course Restaurant Concession

ON HOLD Woodley Lakes Golf Course Professional Concession