

DATE _____

C.D. 13

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BARNSDALL PARK PHASE I - MASTER PLAN IMPLEMENTATION (#1026C) -
REVIEW OF BIDS AND AWARD OF CONTRACT

J. Combs _____
A. Coroalles _____
J. Duggan _____
J. Kolb _____

H. Fujita _____
*M. Tamuri _____
M. Matthews _____



General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Declare Bernards Bros. non-responsive, listing sub-contractors in excess of 50% of the total contract value in their proposal;
2. Accept the base bid of Mallcraft, Inc., in the amount of \$9,903,750.00, as the lowest responsible bidder;
3. Authorize the Chief Accounting Employee to encumber funds in the amount of \$9,903,750.00 from the following funds and account numbers under the awarding authority of this Board Report; and,

<u>FUND</u>	<u>ACCOUNT NO.</u>
43G	TBA
302	9190
302	927PS

4. Request the City Attorney prepare a contract, which includes the recommendations outlined in the body of this report which protect the Department's right to add additive alternatives 3 and 4 to the contract price during the course of construction at the proposal price; and, allow the Department to utilize the unit prices for Residence A and Hollyhock House to potentially reduce the scope of the contract work for work that may be more beneficially completed as part of Phase II. After which the President and Secretary be authorized to execute same after the appropriate signatures by the other parties thereto and approval of form by the City Attorney have been obtained thereon.

REPORT OF GENERAL MANAGER

PG. 2

NO. 01-115Amended

5. Authorize Department staff to begin to prepare an agreement for approval by the Board, to provide the historic structure report for Residence A, and preparation of construction documents for the seismic retrofit for Residence A and Hollyhock House. Funds for this purpose, in amount not to exceed \$1,150,000, will be furnished through City seismic retrofit funds available to the Department.

SUMMARY:

On March 6, 2001, the following bids were received for the Barnsdall Park Phase I - Master Plan Implementation (#1026C) project:

<u>Designer</u>	<u>Est. Grounds Improvements</u>	<u>Estimate FEMA</u>	<u>Add. Alt.1</u>	<u>Add. Alt.2</u>	<u>Add. Alt.3</u>	<u>Add. Alt.4</u>	<u>Add. Alt.5</u>	<u>Add. Alt.6</u>
Peter Walker Partners	\$6,800,000	\$4,500,000						
<u>BIDDER</u>	<u>BASE BID #1 Site Imprv.</u>	<u>BASE BID #2 FEMA</u>	<u>Add. Alt. 1 Site Sign</u>	<u>Add. Alt. 2 Maint. Area</u>	<u>Add. Alt. 3 Entry Court</u>	<u>Add. Alt. 4 Great Law</u>	<u>Add. Alt. 5 South Slope</u>	<u>Add. Alt. 6 Storm Drain</u>
Merco Constr. Engineers, Inc.	\$6,150,000	\$7,215,061	\$140,000	\$120,000	\$180,000	\$197,000	\$132,000	\$90,000
Bernards Bros.	\$6,665,179	\$2,613,784	\$155,000	\$ 85,000	\$180,000	\$161,000	\$120,000	\$95,000
ACE Engineering, Inc.	\$6,863,293	\$3,275,685	\$145,290	\$ 35,207	\$114,206	\$ 64,800	\$ 33,511	\$18,785
Mallcraft, Inc.	\$7,423,000	\$2,480,750	\$136,000	\$109,000	\$120,000	\$272,000	\$164,000	\$91,000

On April 11, 2001, staff originally forwarded this report to the Board to consider the award of the subject project. The project scope provides for seismic repairs from the 1994 Northridge Earthquake, and hazard mitigation to the buildings on the site, grading, shoring, paving, lighting, planting and irrigation throughout the park to begin implementation of the Master Plan and repair the MTA site impacts.

The City Attorney has reviewed the bids and found Bernards Bros. non-responsive as their proposal indicated that more than 50% of the work would be performed by sub-contractors. Mallcraft, Inc. was found to be in order and therefore is the lowest responsible bidder.

Staff has reviewed the outreach effort made by Mallcraft, Inc., and based on the documents submitted has determine that a "good faith" effort has been made. The contractor obtained an MBE/WBE participation of 10.6%, and satisfied 100 points of the 100 points requirements outlined by the Board's Outreach Program. The Outreach Document Package is on file in the Board Office and synopsis of said package is attached.

REPORT OF GENERAL MANAGER

PG. 3

NO. 01-115Amended

Staff has reviewed the responsiveness and work performance of Mallcraft, Inc. The company has past experience on Department projects which is satisfactory. The firm recently completed the Pt. Fermin Wall construction. The Department received and resolved a Government Code claim with Mallcraft, Inc. on the Greek Theatre five years ago and has just received a Notice of Intent to file a claim on the Granada Hills Recreation Center. The Department of Public Works, Office of Contract Compliance (OCC), indicated that there have been no labor compliance violations and that all other legal requirements have been complied with.

At the request of the Board on April 11, 2001, staff conducted a community hearing on May 2, 2001, to discuss the current status of the project. At that meeting the Department received considerable input from the public regarding the current contract scope. The relationship between this work, the approved Master Plan for the site, and the needs of the art students displaced from Residence A, known as the Barnsdall Art Center.

The 1995 Master Plan for Barnsdall Park outlines seismic hazard mitigation and renovation be accomplished in Hollyhock House, Hollyhock Garage, the entry court and in Residence A beyond that of the current contract FEMA repairs and Hazard Mitigation. At this time the Department has secured designs funds for the construction work through Prop G. In anticipation of receiving the funding for the additional work in Hollyhock House two (2) of the Additive Alternates, Nos. 3 and 4, are not being selected at this time. However, if the funding for construction is not identified for further work by the construction of the project the Department will proceed with the work in the entry court and great lawn. In order to add the alternates to the contract price at a later date, the contract will address the intent of the Department to include these two (2) additive alternates at the bid proposal prices of \$120,000 and \$272,000 respectively during the construction of the project.

The Department has identified funds for the historic structure report and design for seismic hazard mitigation improvements to Residence A. If the historic structure reports identifies the need to delete some of the FEMA repair work in the contract it will be necessary to delete the line items from the contract for Residence A. It will be made a part of the contract to allow for these repairs to be deleted from the construction contract at the bid price.

The community requested the Department complete further research into the possibility of reopening Residence A for limited classroom use between Phase I and Phase II. Staff has reviewed the issue with Building and Safety and determined that significant life safety issues would be compromised if the building were reopened even on a limited basis. Since the 1984 code requirements were approved for required hazard mitigation to Unreinforced Masonry (URM) buildings over 99% of the URM buildings in Los Angeles have either been brought into compliance under the supervision of the Department of Building and Safety or demolished. Department staff has determined that to proceed to attempt to get a variance to allow limited use of the building in the interim between phases of construction is not in the best interest of the City, or the Department.

REPORT OF GENERAL MANAGER

PG. 4

NO. 01-115Amended

After consideration of the input (see Attachment A), presented by the community members dedicated to the preservation of the adult art program in Residence A it is the determination of staff that there are significant negative impacts to the project if we do not move forward with the award of the construction contract at this time.

1. Loss of CDBG funding in an amount of \$700,000, potential loss of FEMA funds in the amount of \$1,903,645.
2. Compliance with the community request to reduce the project scope will result in the loss of new planting, irrigation, drainage and parking creating a maintenance and erosion problem over most of the 38 acres of the park.
3. Additional design, overhead and permit costs estimated at \$250,000 due to the complexity of the engineering required to redesign the landscape solution and support systems if the project scope is reduced.
4. Loss of several months for redesign, permitting and rebid.
5. Reduction of construction funds available for the project due to the costs for rebid.
6. Loss of FEMA funds for the repairs in Residence A, (Line items \$164,600, \$46,000, \$122,200, and \$43,140).

The scope of the contract work provides for the backbone refurbishment to the park that will assure the facility is safe, modern and maintainable in the future. Future work in the buildings cannot proceed without the water and electrical service upgrades. ADA requirements for the park are met and lead directly to compliance when the buildings are reopened to the public as the project is designed. There is no work included in the contract documents that prevents the timely design and construction of future work. In fact, the plans were carefully prepared to provide for repairs and hazard mitigation that supports the work that needs to be completed in the future. No work that is completed as part of this project will need to be removed to proceed with the more invasive seismic strengthening required in both Residence A and Hollyhock House, which will be designed now concurrently with construction of Phase I. There are only benefits from completing the work as bid at this point to restore the park to public use while we move forward to complete further work in the historic structures to bring them up to required seismic standards.

There are sufficient funds available to award the contract for this project in the following accounts:

<u>Fund</u>	<u>Account</u>
43G	TBA
302	9190
302	927PS

Report prepared by Kathleen Chan and Jess Miller.

Attachment A

Based on the input from the community at the Board meeting of April 11, 2001, staff was directed to hold an additional community to provide information to and receive input from the community relative to the design process and the alternatives studied during the process. The meeting was held on May 2, 2001, at the Municipal Art Gallery Theater. Representatives from this Department, Cultural Affairs Department, Planning Department and Building and Safety were in attendance along side the design consultant team lead by Peter Walker Partners. A copy of the agenda and information provided to the 200 citizens present is available in the Board office.

The meeting began with an overview of the design process for the facility. Several issues were then raised by various community members. The issues have been reviewed by staff and are summarized below.

1. The community contended that the construction of the project, scope as outlined in Board Report No. 01-115, was not in keeping with the deed restrictions set forth in the bequest of Aline Barnsdall. The City Attorney has reviewed all the relevant documents, deeds and agreements, and determined that the project complies with the current deed requirement for the property to remain a public park and playground.
2. The Department intends, and has all along, to return Residence A to a condition that will allow for the use of the building as the Barnsdall Art Center. The Adult Art Center would continue to be programmed for use as an adult art school, subject to the concurrence of the Department of Cultural Affairs who is responsible for programing in the park.
3. The Department, will commence the historic structure report and design for the restoration of Residence A shortly. Once the design is complete, and an estimate for the work is available, efforts will be undertaken to seek funding for the renovation to bring the building into compliance with applicable codes and allow the use as the Barnsdall Art Center.
4. The Department has reviewed the project scope and evaluated the sources of funding available for the project. A significant percentage of the overall project is dedicated to infrastructure improvements intended to provide a sustainable framework for park programs and operation for many future generations of users. Infrastructure improvements include, a fire suppression system, storm drain system, sanitary sewer, electrical distribution and water distribution both domestic and irrigation. All of the existing systems are old, in disrepair, and require upgrades to meet current needs. The fire loop, hydrants, and the storm drain are new systems.
5. Code requirements make extensive grading on the site necessary. The grading operations will also impact the existing infrastructure.
6. The community requested that the possibility of deducting \$1.5million from the current scope of work, to be used for refurbishment of Residence A, be evaluated. Staff has completed the review and finds that the only work that could deducted from the contract would be all new tree planting and drainage (approximately \$630,000), the parking lot on Hollywood Blvd. (approximately \$345,400) and the entire irrigation system for the park (approximately

\$502,500). It should be noted that these deductions would require major redesign to the project with associated design and plan check review fees. Such action would impact the construction schedule for the project leaving the contract open to delay claims.

7. The community was informed that there are funds that are time sensitive relative to expenditure. The Community Development Block Grant (CDBG) funds must be expended and billed by September 30, 2001. There is no possibility of an extension relative to these funds earmarked for supplemental earthquake repairs (\$700,000). The FEMA funds are also subject to the same time frame, however, an extension has been requested and as of the date this report is written has not been formally approved by the agency.
8. Staff has agreed to evaluate the planting of the pine grove during construction with the intent of assuring there is sufficient space provided in the grove area to allow for cultural events and children's programs while recognizing the historic nature of Barnsdall landscape.
9. Staff agrees there is a benefit to continuing the dialog that has occurred recently between this Department, the Department of Cultural Affairs and the Barnsdall stakeholders. To foster that continued discussion and to ensure that community input is solicited and incorporated, to the extent feasible, in this project, in the design of the subsequent projects at Barnsdall, and in the operation of the facility, the Department through the Assistant General Manager of Region Operations jointly with Cultural Affairs will initiate community meetings, at a minimum of quarterly, to include the City Council Office, Barnsdall Park Foundation members, Department staff and other interested community stakeholders.