

REPORT OF GENERAL MANAGER

NO. 02-241 Revised

DATE June 19, 2002

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO MARINE AQUARIUM - MASTER PLAN IMPLEMENTATION  
(#1505D) W.O. E170194F - REVIEW OF BIDS AND AWARD OF CONTRACT

J. Duggan \_\_\_\_\_  
A. Corrales \_\_\_\_\_  
J. Kolb \_\_\_\_\_

H. Fujita \_\_\_\_\_  
\*M. Tamuri W \_\_\_\_\_  
J. Combs \_\_\_\_\_

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

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

It is recommended that the Board:

1. Declare Metro Builders and Engineers Group, Ltd. non-responsive and unqualified because they have not completed construction work for at least one marine related facility in which the cost at bid was \$3,500,000.00;
2. Waive as an informality the failure of FTR to list the license numbers of its sub-contractors since the Los Angeles Municipal Administration Code (Section 10.14) does not require license numbers be listed;
3. Accept the bid of FTR International, Inc. for the complete construction of all improvements identified in the bid documents as Base Bid in the amount of \$5,590,000.00, plus Additive Alternate No.1, in the amount of \$100,000.00; Additive Alternate No. 2, in the amount of \$120,000.00; Additive Alternative No. 3A, in the amount of \$135,000.00; Additive Alternate No. 3B, in the amount of \$14,000.00 and Additive Alternate No. 5, in the amount of \$55,000.00; the grand total amount of \$6,014,000.00, all according to the plans and specifications, as the lowest responsible bidder;
4. Authorize the Chief Accounting Employee to encumber funds in the amount of \$6,014,000.00 from the following fund and account numbers under the awarding authority of this Board Report;

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<u>FUND</u>	<u>ACCOUNT NO.</u>
205	H900
302	927PS
205	H109
43S	(TBD)
43N (Friends of the Aquarium - Match Bond)	N(TBD)
General Fund	(TBD)

5. Authorize the Board to receive the donation of \$1,070,807.00 from the Friends of the Cabrillo Marine Aquarium to complete the required bond match and support construction of project additive alternates;
6. Request a motion be prepared to transfer \$330,000.00 from the General Fund to the Bureau of Engineering for this project after July 1, 2002, when the money is available in the budget; and,
7. Request the City Attorney prepare a contract 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.

SUMMARY:

On April 2, 2002, the following bids were received for the Cabrillo Marine Aquarium - Master Plan Implementation (#1505D) - W.O. E170194F project (see attached).

<u>DESIGNER</u>	<u>ESTIMATE</u>
BARTON PHELPS and ASSOCIATES	\$5,700,000.00

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

<u>FUND</u>	<u>ACCOUNT NO.</u>
205	H900
302	927PS
205	H109
43S	(TBD)
43N (Friends of the Aquarium Bond Match)	N(TBD)
General Fund	(TBD)

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The City reserves the right to award Additive Alternates Nos. 4A and 4B if additional funds are available.

The project includes construction of a 15,000 square-foot 2-story building with an aquaculture laboratory, discovery laboratory, canopy, life support equipment area, research library and administrative offices; demolition of the existing washroom and construction of a new 1,450 square-foot washroom building; and development of 2 exterior courtyards adjacent to the expansion buildings.

This project has \$4,089,193.00 of Prop K long term bond funds for which a matching fund is required. (The donation of \$1,070,807.00 from the Friends of the Aquarium covers the match and Additive Alternate Nos. 3A, 3B and 5). The project originally bid last year and came in substantially over budget requiring major redesign. The Friends Group has been an active participant in the re-design of the project and have increased their donation to cover some of the Additive Alternates to provide a better facility. The bonds for the project were sold in March 27, 2001. The funds must be expended by March 27, 2004. If the funds are not expended there are penalties assessed on the interest accrued on the funds.

The donation of \$1,070,807.00 was received from the Friends of the Cabrillo Marine Aquarium. The donation shall be solely used to fund Additive Alternate Nos. 3A, 3B and 5 and the required bond match. It is not authorized to fund any other aspects of the Contract.

There are General Funds slated to cover some project costs in the proposed City budget. A motion will be required to have the City Council appropriate the funds to this project after the budget is approved by the City Council.

The City's liability under this contract shall only be the extent of \$5,719,712.00, the current City appropriation to fund the Contract. If the City appropriates additional funds, the City's liability shall be to the extent of such appropriation, subject to terms and conditions of the Contract. The Contractor is not required to do any work in excess of the amount of the funds appropriated by the City for the Contract.

The City Attorney has reviewed the bids. FTR International, Inc. was the lowest responsible bidder. Metro Builders and Engineers Group Ltd. is non-responsive and unqualified because they have not completed construction work for at least one marine related facility in which the cost at bid was \$3,500,000.00.

The Department received a protest on the award from the third lowest bidder, KPRS Construction. Staff has reviewed the protest with the City Attorney (copy attached).

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The review of the protest indicates the following:

- a) KPRS claims FTR failed to list required subcontractors. From the list furnished by KPRS, staff has determined FTR will complete in-house the work of six of the six trades listed.
- b) FTR listed "John Helash" with a contractor's license that was not his number #415880. The license for John Helash is #415860. The license is currently listed as "suspended". According to the City Attorney, FTR has three alternatives; 1. John Helash may resolve his suspended license; 2. FTR may request a substitution; or, 3. FTR may perform the work themselves.
- c) KPRS indicated FTR failed to list license numbers for eight (8) subcontractors. The City Attorney has indicated that the Board may waive this as an informality. Los Angeles Municipal Code (Section 10.14) does not require the license number to be listed. Two (2) subcontractors, Casco and C-Safe, are not licensed and they are material suppliers, FTR will provide labor for this work.
- d) Staff review indicates the apparent low bidder, FTR met the requirements of the Business Outreach Program Requirements.
- e) Staff review indicates FTR did meet the MBE/WBE requirements set forth in the bid documents.

The bid documents, Page 54A "Bidders' Work History and Qualification (continued)" states "Bidder shall have completed construction work for at least one "Marine Related Facility" in the last ten (10) years in the role of Prime Contractor. The "Marine Related Facility" cost at bid shall be at least \$3,500,000.00 for each project....."

Bidder will be immediately disqualified if they do not respond to the above questions, or failed to list at least one (1) project that fulfills the above requirement."

The Board cannot waive this requirement as an informality according to the City Attorney.

Metro Builders and Engineers Group listed a project that was not at least \$3,500,00.00 at the time of the bid. Their protest indicates that with inflation and change orders to the project it would be equal to \$3,500,000.00 in 2002 dollars.

The L. A. For Kids Steering Committee has reviewed the bids and recommended the project for award of a construction contract by the Board.

Staff has reviewed the outreach effort made by and, based on the documents submitted, has determined that a "good faith" effort has been made. The contractor obtained an MBE/WBE participation of 5% and satisfied 100 of the 100 point 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.

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FTR International, Inc. was the contractor for El Sereno Swimming Pool, the work was completed to the satisfaction of the Department.

Prepared by William H. Tseng, Contract Administrator

# GUIDELINES FOR EVALUATION OF GOOD FAITH EFFORT CHECKLIST

Bidder: FTR International, Inc.

Bid Date: April 2, 2002

Project Name: Cabrillo Marine Aquarium - Master Plan Implementation (#1505D)

Indicator	Required Documentation	Description of Submitted or Missing Documentation	Points	
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 617-0439, or by mail to the Recreation and Parks Dept., Planning and Development Branch, 200 N. Main Street, Room 709, Los Angeles, California 90012.		10	10
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.		13	13
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a 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	10
9 Negotiate in Good Faith	a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
<b>TOTAL POINTS ACHIEVED</b>			<b>100</b>	

**MBE/WBE % ACHIEVED: 5%**