

REPORT OF GENERAL MANAGER

NO. 04-178

DATE June 4, 2004

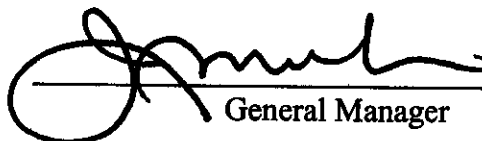
C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK: APPROVAL OF A SECOND AMENDMENT TO THE PREVIOUSLY AUTHORIZED AGREEMENT BETWEEN THE DEPARTMENT AND THE WALL - LAS MEMORIAS PROJECT, EXTENDING THE PROJECT COMPLETION DATE FOR THE AIDS MEMORIAL (#1448A).

* K. Chan kc
H. Fujita _____
M. Mariscal _____
K. Regan _____

J. Combs _____
J. Kolb _____
F. Mok _____
G. Stigile _____



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve Amendment No. 2, substantially as attached, to the previously authorized agreement between the Department of Recreation and Parks and The Wall-Las Memorias Project (Agency), extending the project completion deadline from March 31, 2004 to June 29, 2004, subject to the approval of the mayor, in accordance with Executive Directive No. 16, of the City Attorney as to form and of the City Council;
2. Direct the Board Secretary to transmit the Amendment No. 2 to the Mayor, in accordance with Executive Directive No. 16, and the City Attorney for review as to form; and,
3. Authorize Board President and Secretary to execute upon receipt of necessary approvals.

SUMMARY:

The conditional Construction and Maintenance Agreement (Agreement No. 3117) between the Department of Recreation and Parks (Department) and The Wall-Las Memorias Project (Agency) was approved by the Board on March 20, 2003 (Board Report 03-94). The Agreement was executed on March 3, 2004, after the Agency had satisfied each of the conditions contained in the Board action. Most recently, on January 7, 2004, the Board approved an amendment to the agreement, extending the original construction completion deadline from December 31, 2003 to March 31, 2004 (Board Report 04-07) and the City Council approved the amendment on February 3, 2004.

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The Agency notified the Department, through written correspondence dated March 30, 2004, that the project would not be completed by March 31st. Consequently, the Agency has requested a second extension of the completion deadline. Although the Agency's letter requests an extension to July 15, 2004, it also states that an additional ninety (90) days would be sufficient to complete the project's construction. Subsequent staff communications with the Agency have confirmed that the July 15th date specified in the letter was an error, and that project's construction should be completed no later than June 29, 2004.

The Agency further reported that the project would have been able to be completed much sooner, but several unanticipated delays, such the discovery of a water supply line in the center of the project area that had to be rerouted, brought the project to a halt for approximately two weeks. However, the Agency has reported that: the art panels, which constitute to about 55% of the Memorial, have been completed; the monument footings are in place; the electrical work is finished; and that the icon (arch) is finished and will be installed by June 15th. Remaining project components consist of the pouring of concrete for the benches and walkways and the installation of the lighting, irrigation, and landscaping. The Agency has pledged that the remaining components will be completed by June 29, 2004.

The art piece required to replace the one rescinded by the Board on December 10, 2003 (Board Report No. 03-394) will be installed following the completion of the Board, City Council, and Cultural Affairs approval processes. The replacement art piece has yet to be submitted to the Department.

The Department has discussed the terms of the proposed amendment with the Agency, First District Council Office, and Mayor's Office, and all parties have respectively agreed that the amendment is acceptable. The City Attorney has determined that this Amendment can be legally done.

This report was prepared by Joel Alvarez, Management Analyst II, from the Department's Real Estate and Asset Management Section.

**AMENDMENT NO. 2 TO AGREEMENT NO. 3117
BETWEEN
THE CITY OF LOS ANGELES,
DEPARTMENT OF RECREATION AND PARKS
AND
THE WALL-LAS MEMORIAS PROJECT
FOR NINETY (90) DAY EXTENSION OF PROJECT COMPLETION DEADLINE**

THIS AMENDMENT NO. 2 TO AGREEMENT NO. 3117 is made and entered into this _____ day of _____, 2004, by and between the City of Los Angeles, a municipal corporation, acting by order of and through its Board of Recreation and Park Commissioners (hereinafter referred to as DEPARTMENT) and The Wall-Las Memorias Project, a California non-profit institution (hereinafter referred to as AGENCY).

WITNESSETH

WHEREAS, on June 2, 2004, the Board of Recreation and Park Commissioners in Report No. 04-authorized Amendment No. 2 to the AGREEMENT by extending the project completion deadline ninety (90) days, from March 31, 2004 to June 29, 2004.

WHEREAS, on _____, 2004 the City Council approved this Amendment, under Council File No. 00-1140.

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto, IT IS MUTUALLY AGREED that the AGREEMENT be amended as follows:

1. TIME LINE FOR COMPLETION OF CONSTRUCTION (Art. 12; Sec. 12.1.1.4.) is hereby amended to read in its entirety as follows:

Completion of construction of said Memorial shall be no later than June 29, 2004.

2. All other terms and conditions of the AGREEMENT shall remain unchanged.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 2 to be executed by their duly authorized representatives.

Executed this _____ day
of _____, 2004

THE CITY OF LOS ANGELES, acting by
and through its Board of Recreation and
Park Commissioners

By _____
PRESIDENT

By _____
MARY ALVAREZ, Secretary

Executed this _____ day
of _____, 2004

THE WALL-LAS MEMORIAS, a California
Non-Profit Institution

By _____
RICHARD ZALDIVAR, Executive Director

By _____
SECRETARY

Approved as to Form:

ROCKARD J. DELGADILLO,
City Attorney

Date: _____

By: _____
DEPUTY CITY ATTORNEY