

REPORT OF GENERAL MANAGER

NO. 04-333

DATE November 3, 2004

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: APPROVAL OF A PERSONAL SERVICES CONTRACT WITH DK ENVIRONMENTAL FOR THE CLEARING AND DISPOSAL OF 10 ACRES OF AQUATIC VEGETATION AT MACHADO LAKE WITH USE OF SPECIAL EQUIPMENT

K. Chan _____
J. Combs _____
H. Fujita _____

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



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a personal services agreement in the amount of \$283,850, substantially in the form attached, with DK Environmental, to clear channels of approximately 10 acres of emergent aquatic vegetation in Lake Machado, subject to approval of the Mayor and City Council in accordance with Executive Directive No. 16 and to the City Attorney as to form; and
2. Find that in accordance with Charter Section 1022, the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks in a timely manner, and it is more feasible and economical to secure the services by contract;
3. Direct the Board Secretary to transmit forthwith to the Mayor and City Attorney, for expedited approval of this agreement due to the urgent necessity to reduce public health threats at Lake Machado, and upon necessary approvals, authorize the Board President and Secretary of the Board to execute the agreement.

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SUMMARY:

Machado Lake is a 40-acre wetland located within the 231-acre Ken Malloy Harbor Regional Park in Harbor City. It is one of the last naturally occurring wetlands in Los Angeles and is home to several species of endangered birds. The birds and their environment are closely protected by the State of California Department of Fish and Game, who have the authority to restrict the Department's activities on the Lake so as not to disturb or impact the endangered birds.

Machado Lake also serves as a storm water retention basin, receiving inflow through two City owned channels, and one Los Angeles County channel. The Los Angeles Regional Water Quality Control Board has identified Machado Lake as an impaired body of water, meaning that the mosquito population of the lake must be monitored on a regular basis to minimize population growth which may lead to the spread of mosquito borne diseases such as the West Nile virus and encephalitis. The Department has an on-going aquatic vegetation management program designed to control the mosquito population by limiting the amount of emergent and floating vegetation available to mosquitoes as a breeding habitat.

In light of increasing concerns over the spread of the West Nile Virus in Los Angeles County, the Greater Los Angeles County Vector Control Mosquito Abatement District inspected the lake and issued an order against the Department of Recreation and Parks on March 1, 2004, requiring clearance of lake vegetation to the ideal conditions of 1991-1992. The Department has aerial photos of the lake in 1991-1992 documenting the conditions to which we must revert. Alterations to the lake environment require an annual permit from Fish and Game before any work can commence. On September 23, 2004, the Department secured proper permits from Fish and Game. Amendment No. 2 to the Streambed Alteration Agreement No. 1600-2003-5053-R5 (attached to the draft agreement) restricts the area, the method, the type, and the design of vegetation to be removed. Alteration is also limited to the period of September 16, 2004 through March 14, 2005 when the endangered birds are not nesting.

The Department will shift personnel resources to perform a portion of the work required by order but does not have sufficient personnel or equipment to clear an additional ten acres of vegetation which requires the use of specialized equipment. Work performed in 1991-92 was completed by a contractor, Aquatics Unlimited, who utilized a specialized "cookie cutter" boat, which enables the vegetation to be cut in water as shallow as two feet. The Department of Recreation and Parks does not own a "cookie cutter" boat, nor can one be rented. Recreation and Parks contacted the Harbor Department for assistance. Upon review of the specifications, the Director of Port Construction and Maintenance provided written confirmation that the Harbor Department does not have the personnel, equipment, or knowledge to perform the work.

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Due to the public health concerns, there is an urgent necessity to begin the work. Staff prepared a scope of work and secured written bids through a competitive bid process. The Department contacted five companies. We were able to obtain bids from DK Environmental, a contractor we had worked with in March 2004; and Aquatic Environments, Inc., who we identified through the internet. The other three companies, all referrals from the Port, were not interested in bidding or did not respond to our specifications.

Department staff has reviewed both bids and recommends awarding to the low bidder, DK Environmental. Their use of a "cookie cutter," one of only three in the nation, allows them to minimize their use of other equipment and equipment operators, and shorten the time frame for completion of work. The owner of the firm, Dave McNabb, is very familiar with Lake Machado, having been the project manager who oversaw the clearing of the lake while working for Aquatics Unlimited in the early 90s. DK Environmental was also contracted last year to clear 2.5 acres of vegetation at Machado Lake.

Given the strict timelines permitted for the cutting of aquatic vegetation, the potential health hazards if the Department fails to clear this vegetation, and the infeasibility of performing this work with Department or other City forces because of unavailability of the special equipment, staff recommends that the Department contract with DK Environmental to perform this work.

Sufficient funding is available in the Department's 3040 account, Contractual Services, subsequent to Council action in August 2004 transferring additional funds to Recreation and Parks for this purpose.

Report prepared by Dale Wong Nguyen, Administrative Resource Division