

REPORT OF GENERAL MANAGER

NO. 05-127

DATE May 18, 2005

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ECHO PARK BUILDING RENOVATION, ALSO KNOWN AS, ECHO PARK POOL AND BATHHOUSE (W.O. # E170388F) - REVIEW OF BIDS AND RECOMMENDATION TO AWARD THE CONSTRUCTION CONTRACT

| | | | |
|-------------|-----------|-----------|-------|
| J. Kolb | _____ | J. Combs | _____ |
| F. Mok | <u>FM</u> | H. Fujita | _____ |
| *S. Huntley | <u>SH</u> | B. Jensen | _____ |
| K. Regan | _____ | | |

Robert Jensen (R)
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Find that Tobo Construction, Inc., whose base bid was \$3,899,000.00, is the lowest responsible bidder for the Echo Park Building Renovation (W. O. # E170388F);
2. Award the contract with Additive Alternate Nos. 1, 2, 3, 4, 5, 6, and 7 in the amounts of \$143,000.00, \$64,000.00, \$30,000.00, \$9,200.00, \$33,000.00, \$39,000.00, and \$19,500.00, respectively, in the total award amount of \$4,236,700.00 to Tobo Construction, Inc., all according to the plans and specifications;
3. Authorize the Chief Accounting Employee to encumber funds in the amount of \$4,236,700.00 from the following fund and account numbers under the authority of this Board Report; and,

| <u>FUNDING SOURCE</u> | <u>FUND/DEPT./ACCT. NO.</u> | <u>AMOUNT</u> |
|-------------------------------------|-----------------------------|-----------------------|
| Prop. K YR 08 | 43K/10/W421 | \$ 497,610.00 |
| Prop. 12 RZH | 46L/22/T600 | \$ 230,748.00 |
| Sites & Facilities Funds FY 04/05 | 209/88/W234 | \$ 500,000.00 |
| Subtotal - Available Funding | | \$1,228,358.00 |
| Prop. 12 RZH** | TBD | \$2,408,007.00 |
| Prop. 12 1/3 Per Capita** | TBD | \$ 24,000.00 |
| Prop. 12 2/3 Per Capita** | TBD | \$ 144,725.00 |

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| <u>FUNDING SOURCE</u> | <u>FUND/DEPT./ACCT. NO.</u> | <u>AMOUNT</u> |
|---|-----------------------------|-----------------------|
| Total Approved Funding | | \$3,805,090.00 |
| <u>Proposed Sites & Facilities Funds FY 05/06**</u> | <u>TBD</u> | <u>\$1,575,000.00</u> |
| Total Funding Including Proposed | | \$5,380,090 |

** Future funding conditional upon City Council's approval of the proposed Sites and Facilities Funds (FY 05/06) and the City's request of the remaining grant authorization for the project from the State.

4. Request the City Attorney to prepare a contract, including a "funding clause," limiting the City's liability for the contract payments to the amount of funding appropriated by the City for this contract, as well as, so limiting the contractor's obligation to perform the contract, as further described in this report, after which the Board President and Secretary be authorized to execute the contract after the appropriate signatures by the other parties thereto and approval of form by the City Attorney have been obtained thereon.

SUMMARY:

On January 4, 2005, the Board approved final plans and call for bids for the Echo Park - Building Renovation, also known as, Echo Park Pool and Bathhouse, W. O. # E170388F, located at 1419 Colton Street, Los Angeles, CA 90026 (Report No. 05-02).

The determination of the low bidder was defined in the bid documents as the Base Bid. On March 1st, 2005, the following bids were received:

Designer

Frank R. Webb Architects
Los Angeles, CA

Estimate

\$2,800,000.00

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BIDDER # 1 – Tobo Construction, Inc.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 3,899,000.00 |
| Deductive Alternate No. 1 | \$ 179,000.00 |
| Deductive Alternate No. 2 | \$ 200,000.00 |
| Additive Alternate No. 1 | \$ 143,000.00 |
| Additive Alternate No. 2 | \$ 64,000.00 |
| Additive Alternate No. 3 | \$ 30,000.00 |
| Additive Alternate No. 4 | \$ 9,200.00 |
| Additive Alternate No. 5 | \$ 33,000.00 |
| Additive Alternate No. 6 | \$ 39,000.00 |
| Additive Alternate No. 7 | \$ 19,500.00 |

BIDDER # 2 – USS Cal Builders, Inc.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 3,987,000.00 |
| Deductive Alternate No. 1 | \$ 200,000.00 |
| Deductive Alternate No. 2 | \$ 245,000.00 |
| Additive Alternate No. 1 | \$ 175,000.00 |
| Additive Alternate No. 2 | \$ 285,000.00 |
| Additive Alternate No. 3 | \$ 48,000.00 |
| Additive Alternate No. 4 | \$ 18,500.00 |
| Additive Alternate No. 5 | \$ 9,000.00 |
| Additive Alternate No. 6 | \$ 38,000.00 |
| Additive Alternate No. 7 | \$ 98,000.00 |

BIDDER # 3 – CTP Construction Co., Inc.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,050,000.00 |
| Deductive Alternate No. 1 | \$ 270,000.00 |
| Deductive Alternate No. 2 | \$ 9,800.00 |
| Additive Alternate No. 1 | \$ 6,600.00 |
| Additive Alternate No. 2 | \$ 20,000.00 |
| Additive Alternate No. 3 | \$ 37,000.00 |
| Additive Alternate No. 4 | \$ 8,000.00 |
| Additive Alternate No. 5 | \$ 17,000.00 |
| Additive Alternate No. 6 | \$ 22,000.00 |
| Additive Alternate No. 7 | \$ 3,200.00 |

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BIDDER # 4 – Trimax Construction Corp.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,180,000.00 |
| Deductive Alternate No. 1 | \$ 125,000.00 |
| Deductive Alternate No. 2 | \$ 62,000.00 |
| Additive Alternate No. 1 | \$ 50,000.00 |
| Additive Alternate No. 2 | \$ 100,000.00 |
| Additive Alternate No. 3 | \$ 45,000.00 |
| Additive Alternate No. 4 | \$ 15,000.00 |
| Additive Alternate No. 5 | \$ 19,000.00 |
| Additive Alternate No. 6 | \$ 30,000.00 |
| Additive Alternate No. 7 | \$ 26,800.00 |

BIDDER # 5 – Morillo Construction, Inc.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,484,000.00 |
| Deductive Alternate No. 1 | \$ 259,000.00 |
| Deductive Alternate No. 2 | \$ 193,000.00 |
| Additive Alternate No. 1 | \$ 7,000.00 |
| Additive Alternate No. 2 | \$ 19,000.00 |
| Additive Alternate No. 3 | \$ 21,000.00 |
| Additive Alternate No. 4 | \$ 9,000.00 |
| Additive Alternate No. 5 | \$ 29,000.00 |
| Additive Alternate No. 6 | \$ 36,000.00 |
| Additive Alternate No. 7 | \$ 33,000.00 |

BIDDER # 6 – Metro Builders & Engineers Group, Ltd.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,524,318.00 |
| Deductive Alternate No. 1 | \$ 185,250.00 |
| Deductive Alternate No. 2 | \$ 57,000.00 |
| Additive Alternate No. 1 | \$ 45,600.00 |
| Additive Alternate No. 2 | \$ 47,600.00 |
| Additive Alternate No. 3 | \$ 54,720.00 |
| Additive Alternate No. 4 | \$ 8,550.00 |
| Additive Alternate No. 5 | \$ 28,500.00 |
| Additive Alternate No. 6 | \$ 47,880.00 |
| Additive Alternate No. 7 | \$ 86,982.00 |

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BIDDER # 7 – Shefir Construction, Inc.

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,650,000.00 |
| Deductive Alternate No. 1 | \$ 280,000.00 |
| Deductive Alternate No. 2 | \$ 310,000.00 |
| Additive Alternate No. 1 | \$ 23,000.00 |
| Additive Alternate No. 2 | \$ 35,500.00 |
| Additive Alternate No. 3 | \$ 42,000.00 |
| Additive Alternate No. 4 | \$ 9,200.00 |
| Additive Alternate No. 5 | \$ 19,500.00 |
| Additive Alternate No. 6 | \$ 47,200.00 |
| Additive Alternate No. 7 | \$ 78,000.00 |

BIDDER # 8 – Faris Construction Company

Base Bid

| | <u>Bid Amount</u> |
|---------------------------|-------------------|
| Base Bid | \$ 4,985,000.00 |
| Deductive Alternate No. 1 | \$ 100,000.00 |
| Deductive Alternate No. 2 | \$ 4,000.00 |
| Additive Alternate No. 1 | \$ 20,000.00 |
| Additive Alternate No. 2 | \$ 5,000.00 |
| Additive Alternate No. 3 | \$ 35,000.00 |
| Additive Alternate No. 4 | \$ 10,000.00 |
| Additive Alternate No. 5 | \$ 17,000.00 |
| Additive Alternate No. 6 | \$ 15,000.00 |
| Additive Alternate No. 7 | \$ 10,000.00 |

The bid package stated that the contract would be awarded to the responsive, responsible bidder that submitted the lowest base bid.

Tobo Construction, Inc., submitted the lowest base bid as shown above. Two deductive alternates and seven additive alternates were also included in the bid packages. It is anticipated that upon City Council's approval of the proposed Sites and Facilities Funds (FY 05/06) for this project, that there will be sufficient funds to award the base bid plus the seven additive alternates without exercising any of the deductive alternates. The project was presented to the L. A. for Kids Steering Committee on April 14, 2005, and it was recommended that the Board award the base bid plus the seven additive alternates resulting in the total award of \$4,236,700.00.

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Currently, there is only \$1,228,358.00 available in Proposition K, Proposition 12 RZH, and Sites and Facilities FY 04/05 Funds, as indicated below. The Steering Committee was made aware that full encumbrance of the contract amount is contingent upon approval of these funds and the receipt of funds from the State.

| <u>FUNDING SOURCE</u> | <u>FUND/DEPT./ACCT. NO.</u> | <u>AMOUNT (\$)</u> |
|--|-----------------------------|----------------------|
| Prop. K YR 08 | 43K/10/W421 | \$ 497,610.00 |
| Prop. 12 RZH | 46L/22/T600 | \$ 230,748.00 |
| <u>Sites & Facilities Funds FY 04/05</u> | <u>209/88/W234</u> | <u>\$ 500,000.00</u> |
| Subtotal - Available Funds | | \$1,228,358.00 |

However, an additional \$4,151,732.00 is planned for the project consisting of \$1,575,000.00 contingent upon City Council appropriation of the funds in proposed Sites and Facilities Funds (FY 05/06); and the following funds to be requested from the State: \$2,408,007.00 in Proposition 12 RZH, \$24,000.00 in Proposition 12 1/3 Per Capita, and \$144,725.00 in Proposition 12 2/3 Per Capita.

The contract will provide that the City's liability for the contract payments under this contract shall only be to the extent of the City appropriation to fund the contract. If the City does appropriate the additional funding through City Council approval of the proposed Sites and Facilities Funds and the receipt of the funds from the State, the City's liability for contract payments shall be extended to the extent of such appropriation, subject to the terms and conditions of this contract. The contractor will not be required to do any work in excess of the amount of the current funding, plus additional funding appropriated by the City, if any, for this project.

If the additional funds are appropriated, as requested and recommended by the L. A. for Kids Steering Committee, upon adoption of the Sites and Facilities Fund in June 2005, the Department's Chief Accounting Employee will be able to encumber the balance required to fund the base bid and the additive alternates 1, 2, 3, 4, 5, 6, and 7 of the low bidder. The contractor would be notified of the amount of the appropriation being made to the contract from the additional funding and to continue working until project completion, or until the appropriated funding for the project is expended, which ever comes first.

The City Attorney and staff have reviewed the bids submitted by Tobo Construction, Inc., on prior projects performed for the Department and found them to be in order. Tobo Construction, Inc., is the lowest responsible bidder.

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Staff has reviewed the outreach effort made by Tobo Construction, Inc., and based on the documents submitted, has determined that a "good faith" effort has been made. The contractor satisfied 90 of the 100 points outlined by the Board's Outreach Program, thereby passing the required Good Faith Outreach level of 75 points. They obtained a MBE/WBE participation of 5.5% in this contract. The outreach document package is on file in the Board Office and a synopsis of said package is attached.

Staff reviewed the responsiveness and the work performance of Tobo Construction, Inc., on other City projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance (OCC), indicated that there has been no labor compliance violation and that all other legal requirements has been complied with by the bidder.

FISCAL IMPACT STATEMENT:

As shown above, there are adequate funds proposed for the project. Therefore, there is no fiscal impact to Recreation and Parks departmental funds or to the General Fund. The assessment of the future operation and maintenances costs are unknown at this time.

This report was prepared by Cathie Santo Domingo, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering and was reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering and Bradley M. Smith, P. E., Chief Deputy City Engineer, Bureau of Engineering.

GOOD FAITH EFFORT CHECKLIST- EVALUATION RESULTS

BIDDER: TOBO CONSTRUCTION

BID DATE: 3/1/05

PROJECT: ECHO PARK BUILDING RENOVATION PROJECT- W.O. E170388F

| 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 subcontractors, 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) 847-5172, or by mail to the Bureau of Engineering, Project Award and Control Division, 600 S. Spring, 6 th Floor, Los Angeles, Ca. 90014 | No letter/ did not attend | 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 | 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 |
| TOTAL POINTS ACHIEVED | | | | 90 |

MBE/WBE % ACHIEVED: 5.5%

MBE=5.5% WBE= 0%(can only credit 1 time/ 1 side i.e. MBE or WBE) OBE=57% PRIME=37.5%