

TRANSMITTAL

TO Council	DATE 10-05-18	COUNCIL FILE NO. 11-1008-S4
FROM Municipal Facilities Committee		COUNCIL DISTRICT 13

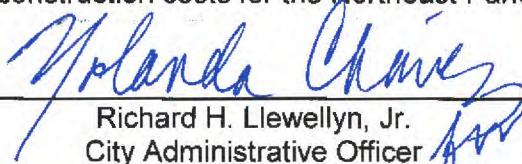
The Municipal Facilities Committee took action to approve report recommendations provided by the Public Works, Bureau of Engineering (BOE) at its meetings held on August 30, 2018 (Attachment 1), and September 27, 2018 (Attachment 2), which are hereby transmitted for Council consideration along with implementing authorities as outlined below. Adoption of these recommendations would enable BOE to award a construction contract to McCarthy Building Companies, Inc. for the Northeast Area Police Station Parking Garage Structure (Northeast Parking) project, as the sole bidder, prior to expiration of the bid on November 1, 2018, and subject to the concurrence of the Board of Public Works Commissioners that is scheduled for consideration on October 15, 2018 (Draft Report: Attachment 3).

There is no additional impact on the General Fund beyond previously authorized MICLA funding. The total funding commitment for construction activities is \$12,301,300, which includes the construction bid of \$11,183,000, and a contingency allowance of \$1,118,300. Funding is available using \$10,697,764 in MICLA funds awarded to the Northeast Parking project, with the balance of \$1,603,536 proposed for commitment by repurposing MICLA funds that were originally awarded for the Fire Station 39 (FS 39) project. Due to the availability of sufficient Proposition F General Obligation monies, the \$1.6 million in MICLA funds are not required to fund the FS 39 project.

Recommendations:

It is recommended that the City Council, subject to the approval of the Mayor:

1. Authorize the repurposing of \$1,603,536 in MICLA funds originally authorized for the Fire Station 39 project for commitment to the Northeast Parking project, which increases the overall budget for the latter project from the current level of \$11,680,000, to a final revised total of \$13,283,536;
2. Approve the award of the construction contract for the Northeast Area Police Station Parking Garage Structure (Northeast Parking) project to the sole bidder, McCarthy Building Companies, Inc., as the lowest responsive, responsible bidder, subject to the concurrence of the Board of Public Works Commissioners at its meeting scheduled for October 15, 2018, as needed to award the contract prior to the bid expiration on November 1, 2018; and,
3. Authorize the Controller to transfer the balance of \$1,603,536 within the MICLA Fund No. 298/50, from the account established for the FS 39 project (Account No. 50NPAT), to the existing account for Northeast Parking project (Account No. 50NQCC), and authorize total payments of up to \$12,301,300, upon proper demand, to fund construction costs for the Northeast Parking project.


Richard H. Llewellyn, Jr.
City Administrative Officer
Chair, Municipal Facilities Committee

Municipal Facilities Committee
CD No. 13
August 24, 2018

NORTHEAST AREA PARKING STRUCTURE LOCATED AT 3353 N. SAN FERNANDO ROAD FOR THE LOS ANGELES POLICE DEPARTMENT (LAPD) - W.O. No. E190800B

RECOMMENDATION

1. Concur with the Board of Public Works of the lowest responsible bidder for the Northeast Area Parking Structure
2. Reallocate \$1,603,536 million from the Fire Station No. 39, MICLA fund 298, Account 50NPAT, Fiscal Year 2016-17 to the Northeast Area Parking Structure.
3. Increase the project budget by \$1,603,536; new project budget \$12,301,300

DISCUSSION

The proposed parking structure built at the location of the New Northeast Police station on an existing open parking lot, at 3353 N. San Fernando Road, will provide additional parking for police and employee's cars for Northeast Area Police Station, through a design/build procurement method with 30% bridging documents. There are 51 existing parking spaces (21 for the public and 30 for the police station), to remain. New construction includes a multi-level concrete parking structure with 240 parking spaces.

The LAPD Northeast Area Parking Structure was funded with MICLA funds for \$11,680,000. Brooks & Scarpa Architects were selected to prepare the 30% bridging documents.

In April 2018 the project was advertised with a construction budget of \$9,800,000. Bids were received on August 1, 2018. One bid was received for an amount of \$11,183,000. Due to construction market conditions and receiving only one bid. The Bureau of Engineering has reviewed the bid and believe the bid amount to be reasonable.

FINANCIAL

Item	Approved funds
Brooks & Scarpa Architects	\$690,083
Geotech	\$170,951
Testing	\$21,202
IDO's (Pending)	\$100,000
Construction	\$10,697,764
Total	\$11,680,000

Item	funds
Brooks & Scrapa Architects	\$690,083
Geotech	\$170,951
Testing	\$21,202
IDO's	\$100,000
Construction (bid)	\$11,183,000
10% Contingency	\$1,118,300
Total	\$12,301,300

Item	funds
Approved Budget	\$11,680,000
New Project Budget	\$12,301,300
Shortfall	\$1,603,536

Report Reviewed by:
BOE

Bond Programs Division
Phone No. (213) 485-4687

Respectfully submitted,



Allan T. Kawaguchi, PE
Program Manager

Municipal Facilities Committee
 CD No. 13
 September 2018

NORTHEAST AREA PARKING STRUCTURE LOCATED AT 3353 N. SAN FERNANDO ROAD FOR THE LOS ANGELES POLICE DEPARTMENT (LAPD) - W.O. No. E190800B

RECOMMENDATION

1. Increase the project budget by \$1,603,536; new project budget \$13,283,536

DISCUSSION

The proposed parking structure built at the location of the New Northeast Police station on an existing open parking lot, at 3353 N. San Fernando Road, will provide additional parking for police and employee's cars for Northeast Area Police Station, through a design/build procurement method with 30% bridging documents. There are 51 existing parking spaces (21 for the public and 30 for the police station), to remain. New construction includes a multi-level concrete parking structure with 240 parking spaces.

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Municipal Facilities Committee
CD No. 13
September 2018

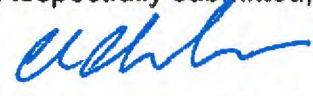
Item	Funds
Approved Budget	\$11,680,000
New Project Budget	\$13,283,536
<i>Shortfall</i>	<i>\$1,603,536</i>

Report reviewed by:

BOE

Bond Programs Division
Phone No. (213) 485-4687

Respectfully submitted,


ATK Allan T. Kawaguchi, PE
Program Manager

Department of Public Works

Bureau of Engineering

Bureau of Contract Administration

Joint Report No. Board_Report_Unit_(BRU)_will_insert_No.

BRU_will_insert_date

CD No. 13

REQUEST TO AWARD A CONTRACT FOR THE NORTHEAST POLICE STATION PARKING STRUCTURE 3353 NORTH SAN FERNANDO ROAD LOS ANGELES, CA 90065 - WORK ORDER No. E190800 F

RECOMMENDATIONS

1. Declare McCarthy Building Companies, Inc. (MBC), sole bidder, to be the lowest responsive, responsible bidder, and award MBC a contract for this project for \$11,183,000.00.
2. Authorize the President or two members of the Board of Public Works (Board) to execute the contract after approval as to form has been obtained from the City Attorney.

TRANSMITTALS

1. Copy of Board Report "Request for Authority to Pre-Qualify the Short-Listed Design-Build Contractors ARB Structures, Inc. (ARB) and MBC and Receive Bids for the Northeast Area Parking Garage Project," adopted June 29, 2018.
2. Summary of bids received on August 1, 2018.
3. Copies of the "Municipal Facilities Committee Reports" dated August 24, 2018 and September 27, 2018.

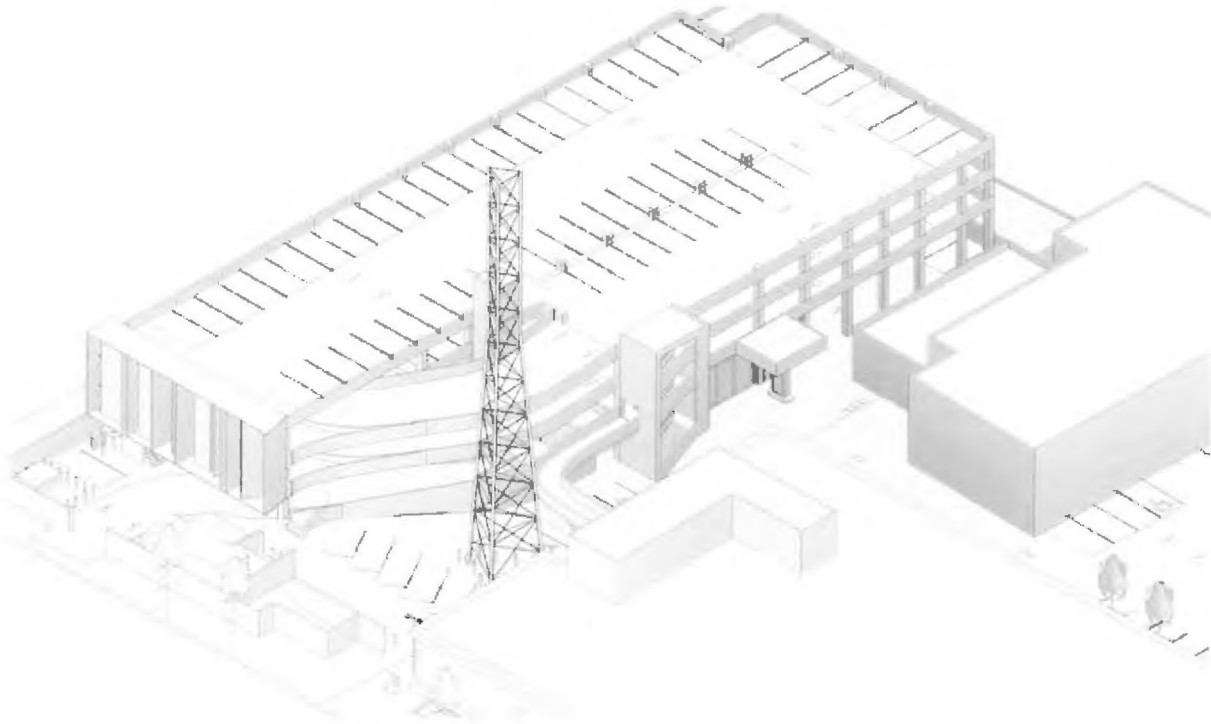
DISCUSSION

Background

The scope of work for this project is outlined in the Bid Bridging Documents (30% drawing documents and Project Manual) and consists in providing architectural and engineering services for the delivery of 100% design documents based on 30% bridging documents and the construction of a new 4 levels cast in place concrete structure, with approximately 225 parking spaces, a pre-engineered car wash, and a relocated unleaded fuel dispensing system built at the location of the new Northeast Police Station on an existing parking lot. The project includes also a pedestrian bridge between the parking structure and the existing police station.

The Design-Build Contractor must be informed that the existing Police Station will be in service 24 hours a day, 7 days a week, 365 days per year and will need to coordinate

and cooperate with Station Captain during construction to avoid impact on the police activity. The contract duration is 548 calendar days.



The project has been reviewed for environmental considerations. It was determined to be categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 under Article I, Class 32 of the City's CEQA Guidelines.

Selection Process Summary

In response to the RFQ issued on January 18, 2018, a total of six (6) Design-Build Contractors participated at the Pre-Submittal meeting. Two (2) of these contractors (ARB and MBC) submitted proposals and met the criteria to be short-listed. The project was released to the contractors for bid on April 02, 2018, with bids due on May 09, 2018.

After being shortlisted, both ARB and MBC withdrew from the bidding process and indicated that they would not be able to submit bids. They provided several reasons which included not fully understanding the BIP requirements and the inability to obtain needed subcontractors prior to the bid deadline due to all of the construction work opportunities available at the time.

Both contractors submitted revised BIP documentation and on June 29, 2018, the Board found both contractors to have substantially met the BIP requirements (Transmittal No.

1). The Board then authorized that both firms be pre-qualified and extended the bid due date to August 1, 2018. However, ARB did not submit a bid on August 1, 2018,

which resulted in MBC being the sole bidder

Bid Review

This project was bid with three categories of bid items. The first category included the base Bid Items 1 through 11. The subtotal of the bid amounts for Bid Items 1 through 11 is referred to as the "Total Bid Amount." The second category was "Additive Alternative Bid Items" 12 and 13, and the third category was "Deductive Alternative Bid Items" 14 through 16. The bid package stated that the award of the Contract would be based on the "Total Bid Amount", without considering the Bid Amounts entered for the Additive/Deductive Alternative Bid Section (Bid Items 12 through 16). However, the Engineer reserves the option to execute any of the Additive or Deductive Bid Alternates within twenty-one (21) calendar days after the Notice-to-Proceed (for Design) of the Contract. Adjustments to the Contract cost shall be based on the amount submitted by the Contractor for any selected Alternates, and will be through the issuance of a Change Order.

The summary of the Total Bid Amount received for this project is included as Transmittal No. 2. The City Engineer's estimate for the Total Bid Amount is \$9,765,700.00.

The sole Total Base Bid, Total Additive Alternates, and Total Deductive Alternates received are as follows:

Business Codes:

- MBE = Minority Business Enterprise
- WBE = Women Business Enterprise
- SBE = Small Business Enterprise
- LBE = Local Business Enterprise
- EBE = Emerging Business Enterprise
- DVBE = Disabled Veteran Business Enterprise
- OBE = Other Business Enterprise

Total Base Bid Amount						
Bid No.	Contractor Name	Base Bid Amount	% High/Low	% Pledged		
Sole Bid	MBC (OBE)	\$11,183,000.00	14.51% High	MBE	WBE	SBE
				8.77%	0.68%	8.43%
				EBE	DVBE	OBE
				1.74%	0.45%	22.21%

Total Base Bid Amount + Additive Alternates				
Bid No.	Contractor Name	Total Base Bid Amount	Total Additive Alternates	Total Base Bid Amount + Additive Alternates
Sole Bid	MBC	\$11,183,000.00	\$107,860.00	\$11,290,860.00

Total Base Bid Amount – Deductive Alternates				
Bid No.	Contractor Name	Total Base Bid Amount	Total Deductive Alternates	Total Base Bid Amount – Deductive Alternates
Sole Bid	MBC	\$11,183,000.00	\$614,363.00	\$10,568,637.00

The Pre-Qualification List is the reason for the sole bid for this project. After evaluating the bid, staff believes that the sole bid is reasonable and the unit prices submitted by the sole bidder are balanced. None of the Additive or Deductive Alternate Bid Items will be included in the award of this contract. The contract may be awarded to MBC, sole bidder, subject to verification of all other bidding requirements.

Business Inclusion Program (BIP)

City Ordinance No. 181910 adopted the LBP Program. This Program is designed to increase local employment and expenditures in the local private sector. Bidders that qualify as a LBE may be granted an 8 percent reduction of their bid amount solely for bid evaluation purposes. Additionally, all non-LBE bidders may be granted a 1 percent reduction, up to a maximum of 5 percent, of their bid amount for bid evaluation purposes, for every 10 percent of their bid that is to be performed by an LBE subcontractor.

For this project, a sole bid was received; therefore, the LBP Program did not apply.

Business Inclusion Program (BIP)

On January 12, 2011, the Mayor issued Executive Directive No. 14 (ED14) which created the BIP. As part of the Request for Qualifications for the Pre-Qualified Contractors List for this Project, all Pre-qualified Contractors were required to demonstrate compliance with the BIP Outreach. The BIP Outreach resulted in establishing the Contractor’s Schedule A “List of Potential Subcontractors”. Contractors that submit bids from subcontractors that were not on their latest approved Schedule A List may be deemed non-responsive.

This project was advertised with anticipated participation levels of 8.00 percent MBE, 4.00 percent WBE, 15.00 percent SBE, 4.00 percent EBE, and 2.00 percent DVBE. The Office of Contract Compliance (OCC), based on a review of the documents submitted

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by MBC, reported that the contractor complied with the bid proposal requirements and listed subcontractors from their approved Schedule A list. MBC pledged participation levels of 8.77 percent MBE, 0.68 percent WBE, 8.43 percent SBE, 1.74 percent EBE, 0.45 percent DVBE, and 22.21 percent OBE. The Mandatory Subcontracting Minimum requirement for this project is 15.00 percent and the contractor has complied by pledging a subcontractor participation level of 39.26 percent. This percentage was calculated after subtracting the fixed cost items of \$260,000.00 from the total bid amount.

Should the Bureau of Engineering execute any of the Alternates within the 21 calendar days of the Notice to Proceed, the subcontractor pledged participation percentages will change. However, the Contractor will still be held to the sub bids that were submitted as part of their BIP evaluation.

MBC pledged the following subcontractor utilization, which was calculate based on the Total Bid Amount recommended for Award:

Gender/Ethnicity Codes:

- | | |
|------------------------------|-----------------------------------|
| AA = African American | HA = Hispanic American |
| APA = Asian Pacific American | SAA = Subcontinent Asian American |
| NA = Native American | C = Caucasian |
| M = Male | F = Female |

Subcontractors	MBE/WBE/ SBE/EBE/ DVBE/OBE	Gender/ Ethnicity	% of Bid	Dollar Amount
Lynn Capouya, Inc.	WBE, SBE, EBE	F/C	0.17%	\$18,728.00
Martinez Steel Corporation*	MBE	M/HA	6.83%	\$763,849.00
PHL, Inc. dba VNSM**	WBE	F/APA	0.51%	\$57,026.00
Advantage Demolition and Grading, Inc.**	MBE, SBE, EBE	M/AA	1.07%	\$119,140.00
Bryton Engineering and Grading, Inc. dba Premiere Engineering and Grading	SBE	-	1.95%	\$218,250.00
Western Paving Contractors, Inc.**	MBE	M/HA	0.43%	\$48,400.00
Valverde Construction, Inc.**	MBE, DVBE	M/HA	0.45%	\$49,855.00
Western Pump, Inc.	SBE	-	4.74%	\$530,056.00
Frank S. Smith Masonry,	OBE	-	3.21%	\$358,832.00

Inc.				
Sanie Manufacturing Company*	OBE	-	1.39%	\$155,930.00
Courtney, Inc.	OBE	-	0.73%	\$81,466.00
Casco Equipment Corporation	OBE	-	0.53%	\$59,525.00
Cosco Fire Protection, Inc.	OBE	-	2.05%	\$228,925.00
Painting Unlimited, Inc.	OBE	-	0.49%	\$54,900.00
Mitsubishi Electric US, Inc. dba Elevator & Escalator Division	OBE	-	1.64%	\$183,400.00
Murray Plumbing and Heating Corporation dba Murray Company**	OBE	-	2.47%	\$276,466.00
Apollo Electric*	OBE	-	5.81%	\$649,600.00
Condon-Johnson & Associates, Inc.	OBE	-	3.88%	\$434,231.00

* The subbid proposal that was submitted by this subcontractor included Alternate Bid Items.

**Certified LBE

Note: Subcontractors may be certified in multiple certification categories; therefore, per the requirements of ED14, the dollar amounts were credited toward multiple pledged participation categories.

Compliance with the City's Non-Discrimination Policies

MBC shall continue to comply with the Affirmative Action, Non-Discrimination, and Equal Employment Practices Provisions, Equal Benefits Ordinance, Contractor's Use of Criminal History for Consideration of Employment, Living Wage Ordinance, Worker Retention Ordinance, First Source Hiring, Slavery Disclosure Ordinance, and Disclosure of Border Wall Contracting Ordinance requirements of the bid.

Previous Work Record

MBC has no record of having worked on any previous contracts awarded by the Board within the last five years. The OCC has checked with various State agencies and none of these agencies reported any labor compliance problems on file concerning the contractor.

The Inspector of Public Works has conducted a First Time Bidder investigation of references provided by the contractor and did not find any evidence of violations of statutes, regulations, ordinances, or wrong doing by the contractor. The report dated September 13, 2018, was submitted to the Board.

MBC has not been awarded any contracts issued by the Board within the last five years.

Contractor Performance Evaluation

In accordance with Article 13, Chapter 1, Division 10, of the City of Los Angeles Administrative Code (L.A.A.C.), the Project Manager and the City Inspector for this

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construction contract shall submit Contractor Performance Evaluation Reports to the BCA (Department of Public Works) upon completion of this contract.

Peak Hour Construction and Right-of-Way Obstruction Regulations

All contractors must comply with the requirements specified in the Los Angeles Municipal Code Section 62.61 related to peak hour traffic restrictions, unless an exemption from the Peak Traffic Hours Prohibition is approved.

Contractor Responsibility Ordinance

All contractors participating in this program are subject to compliance with the requirements specified in the City of Los Angeles' Contractor Responsibility Ordinance No. 173677 (Article 14, Chapter 1, Division 10, L.A.A.C.). Failure to comply with all the requirements specified in the Ordinance may render this bidder's contract subject to termination pursuant to the conditions expressed therein.

Project Labor Agreement (PLA)

The project incorporates a PLA. The PLA will facilitate an orderly settlement of labor disputes and grievances without strikes, work stoppages, or lockouts to assure the timely and economical completion of the project. The PLA will also promote employment opportunities for local residents and will provide apprenticeship training for the duration of the construction. The contractor will be bound on all the provisions of the PLA.

Conclusion

In view of the above findings, staff recommends that the Board declare MBC, sole bidder, to be the lowest responsive, responsible bidder, and award MBC the contract for this project.

STATUS OF FINANCING

The contract contains a "Financial Liability Clause" which states that "the City's liability under this contract shall only be to the extent of the present City appropriation to fund the contract. However, if the City shall appropriate funds for any succeeding years, the City's liability shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract."

On August 24th, 2018, the Municipal Facilities Committee (MFC) authorized the re-allocation of \$1,603,536.00 from Fire Station No. 39, MICLA Fund No. 298, Appropriation Unit No. 50NPAT, Fiscal Year 2016-17 to the Northeast Area Parking

Structure (Transmittal No. 3). The additional funding will be used to supplement the Project's Contract and Contingency amounts. An administrative correction was made to the MFC on September 27, 2018 to revise the total project amount to \$13,283,536. The reallocation of funds is pending Council approval.

Table A Funding Current Project Funding Fund 298, Department 50, Appropriation Unit No. 50NQCC, Budget Fiscal Year 2017		
Approved Funding		\$11,680,000.00
Expended		\$479,684.78
Encumbered		\$280,398.22
Uncommitted		\$10,919,917.00
Approved Construction Funding		\$10,697,764.00
Construction Contract Amount	\$11,183,000.00	
Contingency Amount	\$1,118,300.00	
Subtotal	\$12,301,300.00	
Total Amount Required to Award		\$12,301,300.00
Amount re-allocated from Fund 298, Department 50, Appropriation Unit No. 50NPAT		\$1,603,536.00

Table B Funding Requested Revision to Funding					
Fund No.	Appropriation Unit No.	Budget Fiscal Year	Contract	Contingencies	Total
298	50NQCC	2017	\$10,697,764.00	-	\$10,697,764.00
298	50NPAT	2017	\$485,236.00	\$1,118,300.00	\$1,603,536.00
Total			\$11,183,000.00	\$1,118,300.00	\$12,301,300.00

Department of Public Works
Bureau of Engineering
Bureau of Contract Administration
Joint Report No. BRU_will_insert_no.

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Report reviewed by:

BOE (BPD and ADM)

Report prepared by:

Project Award and Control Division

Edick Ohanian, PE, ENV SP
Division Engineer
Phone No. (213) 847-0577

Compliance Review performed
and approved by:

Respectfully submitted,

Gary Lee Moore, PE, ENV SP
City Engineer
Bureau of Engineering

John L. Reamer, Jr.
Inspector of Public Works
Bureau of Contract Administration

Hannah Choi, Assistant Director
Bureau of Contract Administration

Statement as to Funds approved by:

Victoria A. Santiago, Director
Office of Accounting
Fund Ref. 298/50NQCC/\$10,697,764.00
298/50NPAT/\$ 1,603,536.00
Total \$12,301,300.00

Date: _____

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Questions regarding this
report may be referred to:
Ioana June, PE, Project Manager
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Form Revised: 04/21/17