

0220-04407-0002

T R A N S M I T T A L

TO The City Council	DATE 10/4/16	COUNCIL FILE NO.
FROM The Mayor		COUNCIL DISTRICT 1, 8

Authority for the Board of Public Works to execute Amendment No. 3 to Contract No. C-106420 with FSJ Architects, Inc. for the continuation of pre-qualified on-call architectural services for various municipal facilities projects.

Approved and transmitted for further processing including Council consideration.
See the City Administrative Officer Report attached.



(Ana Guerrero) for

MAYOR

MAS:RC:06170016t

Report From
OFFICE OF THE CITY ADMINISTRATIVE OFFICER
Analysis of Proposed Contract
(\$25,000 or Greater and Longer than Three Months)

To: Mayor's Office	Date: 08-15-16	C.D. No. 1, 8	CAO File No.: 0220-04407-0002				
Contracting Department/Bureau: Bureau of Engineering / Bureau of Contract Administration		Contact: Mark Nakata (213) 485-4385					
Reference: Request from the Board of Public Works, dated March 23, 2016; referred for report by the Mayor on April 5, 2016							
Purpose of Contract: To amend Contract No. C-106420 with FSY Architects, Inc. for pre-qualified on-call architectural services to extend contract term from March 23, 2016 to March 22, 2020.							
Type of Contract: () New contract (x) Amendment		Contract Term Dates: Existing contract: March 24, 2004 to March 23, 2016 Proposed amendment: March 23, 2016 to March 22, 2020					
Contract/Amendment Amount: time extension only; no additional General Funds are requested							
Proposed amount \$ 0 + Prior award(s) \$ 3,021,117 = Total \$ N/A							
Source of funds: funding sources vary by project							
Name of Contractor: FSY Architects, Inc.							
Address: 3235 San Fernando Road #2C, Los Angeles, CA 90065 / 2902 Knox Avenue, 2 nd Floor, Los Angeles, CA 90039							
	Yes	No	N/A*	8. Contractor has complied with:	Yes	No	N/A*
1. Council has approved the purpose	X			a. Equal Employmt. Oppty./Affirm. Action	X		
2. Appropriated funds are available	X			b. Good Faith Effort Outreach**	X		
3. Charter Section 1022 findings completed	X			c. Equal Benefits Ordinance	X		
4. Proposals have been requested	X			d. Contractor Responsibility Ordinance	X		
5. Risk Management review completed	X			e. Slavery Disclosure Ordinance	X		
6. Standard Provisions for City Contracts included	X			f. Bidder Certification CEC Form 50	X		
7. Workforce that resides in the City: 43%				*N/A = not applicable ** Contracts over \$100,000			

COMMENTS

In accordance with Executive Directive #3, the Board of Public Works, on behalf of the Bureau of Engineering (Bureau), is requesting authority to execute Amendment #3 to Contract C-106420 with FSY Architects, Inc. (FSY) for Pre-Qualified On-Call (PQOC) Architectural Services for various municipal facilities projects. The proposed amendment will extend the term of the contract for an additional four years, from March 23, 2016 to March 22, 2020. In accordance with Los Angeles Administrative Code 10.5(b)2, the proposed contract requires Council approval because the term of the contract exceeds three years.

BACKGROUND

In March 2004, the City executed the original on-call contract with Fisher Sehgal and Yanez, Inc. (now FSY Architects, Inc., or FSY). In February 2008, the Board of Public Works recommended approval of Amendment #1 to extend the contract term for four additional years through March 2012, which was then approved by the Los Angeles City Council in April 2008. In March 2012, the Board recommended approval of Amendment #2 to extend the contract term for four additional years, which was then approved by Council in May 2012 (C.F. #12-0513).

					
RC	Analyst	06170016	Assistant CAO	City Administrative Officer	

In 2005, the Bureau awarded FSY a task order for Phase I of the Vision Theater/Manchester Junior Arts Center project, and awarded subsequent phases II, III, and IV during the completion of Phase I. FSY has served as the Architect of Record for all four project phases.

In 2007, the Bureau awarded FSY a task order for the Lincoln Pool and Bathhouse Replacement project. After FSY completed the initial design in 2009, the City eliminated construction funding for the project due to budget constraints and prior to the Bureau proceeding with the project's bid and award phase. The City restarted the project in 2013 and the Bureau awarded FSY a new task order to redesign the project in order to comply with new building code requirements. The Lincoln project is currently in the bid and award phase, with construction estimated to start in February 2017. The Bureau has indicated that FSY has invoiced a total amount of \$3,085,353 for Task Work Orders under this Contract as of August 2016.

Proposed Amendment No. 3

The proposed four-year extension would continue the original scope of work to allow FSY to complete existing municipal facilities projects. The extension will enable the consultant to complete Phases II, III, and IV of Vision Theater/Manchester Junior Arts Center project, which is currently in design. The extension will also enable the consultant to complete the existing Lincoln Pool and Bathhouse Replacement project, which is currently in the bid and award phase. This amendment is for time extension only and limited to these two projects—no new task orders will be issued to the contractor unless directly related to these projects. Phases II, III, and IV of the Vision/Manchester project are expected to be completed by July 2019, and construction for the Lincoln project is expected to be completed by February 2019. If changes in funding are needed, the Bureau will report back to the Board to obtain approval for task orders exceeding \$100,000.

The proposed Amendment #3 would ensure continuity for the projects' completion. As the Architect of Record, FSY has specialized expertise to complete the projects' designs and provide services during the projects' construction phase. The Bureau does not anticipate another extension after this proposed amendment.

In accordance with Charter Section 1022, the Personnel Department determined on March 3, 2015 that there were no City classifications capable of doing the work.

RECOMMENDATION

That the Mayor authorize the Board of Public Works, or designee, on behalf of the Bureau of Engineering, to execute the four-year extension with FSY for pre-qualified on-call architectural services.

FISCAL IMPACT STATEMENT

There is no General Fund impact. Funding for this contract will be subject to the availability of funds. The contract includes a "Financial Liability Clause" which states that the City liability under this contract shall be only to the extent of the present appropriation to fund the Contract.

CITY OF LOS ANGELES

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2016 APR -6 PM 2:20
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LOS ANGELES, CA 90012

GENERAL INFORMATION
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TDD (213) 978-2310
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March 23, 2016

#1 BOE/BCA

Mayor Eric Garcetti
Room No. 305
City Hall
Attn: Mandy Morales

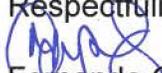
Subject: REQUEST FOR AUTHORITY TO EXECUTE AMENDMENT NO. 3 TO THE CONTRACT WITH FSU ARCHITECTS, INC. FOR PRE-QUALIFIED ON-CALL ARCHITECTURAL SERVICES FOR VARIOUS MUNICIPAL FACILITIES PROJECTS

As recommended in the accompanying report of the City Engineer and the Director of the Bureau of Contract Administration, which this Board has adopted, the Board of Public Works requests approval and forwarding to the City Council for approval and authorization to execute Amendment No. 3 to Contract No. C-106420 between the City of Los Angeles and FSU Architects, Inc., to extend the total contract term from March 23, 2016 to March 22, 2020, for Pre-Qualified On-Call Architectural Services for various Municipal Facilities projects.

FISCAL IMPACT

It is not anticipated that project work covered by proposed Amendment No. 3 will have an impact to the General Fund. There are three active project task orders to be completed under this contract, Phases II and III (Work Order No. E170378A) and Phase IV (Work Order No. E170391A) of the Vision Theatre/Manchester Junior Arts Center project and the Lincoln Pool and Bathhouse Replacement project (Work Order No. E1907715). If any new notices to proceed are assigned to FSU Architects, Inc. for future project phases beyond funding levels that the Board had previously authorized, funding will need to be secured and Board authorization obtained before the Bureau of Engineering gives notice to the consultant to proceed with the additional work.

Respectfully submitted,


Fernando Campos, Executive Officer
Board of Public Works

FC:mp

Department of Public Works
Bureau of Engineering
Bureau of Contract Administration
Joint Report No. 1

March 23, 2016
CD Nos. 1 and 8

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
MAR 23 2016


Executive Officer
Board of Public Works

REQUEST FOR AUTHORITY TO EXECUTE AMENDMENT NO. 3 TO CONTRACT NO. C-106420 WITH FSY ARCHITECTS, INC. (FSY) FOR PRE-QUALIFIED ON-CALL (PQOC) ARCHITECTURAL SERVICES FOR VARIOUS MUNICIPAL FACILITIES PROJECTS

RECOMMENDATIONS

1. Approve and forward this report with transmittals to the Mayor and City Council requesting the following:
 - a. Approve Amendment No. 3 to the Contract between the City of Los Angeles (City) and FSY to extend the total contract term from March 23, 2016 to March 22, 2020.
 - b. Authorize the President or two members of the Board of Public Works (Board) to execute Amendment No. 3.
2. Notify the Bureau of Engineering (BOE), Architectural Division, Mahmood Karimzadeh, (213) 485-4282, when this Amendment is ready to be executed by the Board of Public Works (Board), whereupon five original copies of the Amendment will be delivered to the Executive Officer of the Board for signature.
3. Upon execution, request the City Clerk to attest and certify the five original copies of Amendment No. 3. The City Clerk and the Board will each retain one original copy and three original copies are to be returned to the BOE, Mahmood Karimzadeh.

FISCAL IMPACT STATEMENT

It is not anticipated that project work covered by proposed Amendment No. 3 will have an impact to the General Fund. There are three active project task orders to be completed under this contract, Phases II and III (Work Order No. E170378A) and Phase IV (Work Order No. E170391A) of the Vision Theatre/Manchester Junior Arts Center project and the Lincoln Pool and Bathhouse Replacement project (Work Order No. E1907715). If any new notices to proceed are assigned to FSY for future project phases beyond funding levels that the Board had previously authorized, funding will need to be secured and Board authorization obtained before the BOE gives notice to the consultant to proceed with the additional work.

TRANSMITTALS

1. Copy of executed Contract No. C-106420 with FSY for PQOC Architectural Consultant Services on Various City Projects dated March 24, 2004.
2. Copy of Executed Amendment No. 1 dated May 2, 2008.
3. Copy of Executed Amendment No. 2 dated June 1, 2012.
4. Copy of Proposed Amendment No. 3.

DISCUSSION

Background

On March 24, 2004, the City executed the original on-call contract between the City and FSY, then Fisher Sehgal and Yanez, Inc., providing architectural consultant services for various Municipal Facilities projects (Transmittal No. 1). On February 4, 2008, the Board recommended approval of Amendment No. 1 to extend the contract term for four additional years through March 23, 2012. On April 9, 2008, the Los Angeles City Council approved Amendment No. 1 (Transmittal No. 2). On March 23, 2012, the Board recommended approval of Amendment No. 2 to extend the contract term for another four additional years through March 23, 2016. On May 8, 2012, the Los Angeles City Council approved Amendment No. 2 (Transmittal No. 3).

The proposed Amendment No. 3 will extend the termination date of the contract for an additional four years (Transmittal No. 4). This extension will enable the consultant to complete Phases II, III, and IV of Vision Theatre/Manchester Junior Arts Center project, which are currently in design. In 2005, BOE awarded FSY a task order for Phase I of the Vision Theatre/Manchester Junior Arts Center project. During the completion of Phase I, BOE concurrently awarded FSY separate task orders for Phases II, III, and IV of this project. FSY has served as the Architect of Record for all four project phases. This extension will also enable the consultant to complete the existing Lincoln Pool and Bathhouse Replacement project which is currently in the bid and award phase. In 2007, BOE awarded FSY a task order for the Lincoln Pool and Bathhouse Replacement project. After they completed the initial design in 2009, due to budget constraints the City eliminated construction funding for the project prior to BOE proceeding with the project's bid and award phase. The City restarted the project in 2013, and awarded FSY a new task order to redesign the project in order to comply with new building code requirements.

As the Architect of Record, it is more feasible for FSY to complete the projects in order for the City to avoid risk management/liability issues if BOE's in-house staff were to take over the projects or if BOE were to reassign the projects to other consultants. Since FSY has acquired specialized expertise to complete the projects' designs and to provide

Department of Public Works
Bureau of Engineering
Bureau of Contract Administration
Joint Report No. 1

March 23, 2016
Page 3

services during the projects' construction phase, amending FSY's consultant contract will ensure continuity for the projects' completion.

Minority Business Enterprise/Women Business Enterprise/Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program

At the time of distribution of the original RFQ for this contract, the City had established an MBE/WBE/OBE Subcontractor Outreach Program with anticipated MBE and WBE participation levels of 12 percent and 2 percent, respectively. For Amendment No. 1 (Transmittal No. 2), no pledged participation levels were reported. For Amendment No. 2 (Transmittal No. 3), FSY pledged participation levels of 11.08 percent MBE, 5.61 percent WBE, and 21.32 percent OBE. Based on the Personal Services Contract System Subconsultant Utilization for invoices paid through March 17, 2016, the achieved participation levels for FSY are 7.66 percent MBE, 5.03 percent WBE, and 18.07 percent OBE. Amendment No. 3 will result in the pledged participation levels of 7.16 percent MBE, 5.49 percent WBE, and 17.77 percent OBE.

During the term of Amendment No. 2, one subconsultant, Gotama Building Engineers (MBE, M/APA), went out of business. In 2014, FSY conducted outreach and recommended that Maroko and Shwe (MBE, M/APA), be added to their subconsultant list in order to assume the work formerly assigned to Gotama Building Engineers for the Manchester Junior Arts Center and Vision Theatre projects. The BOE approved the addition of Maroko and Shwe after the Board had approved two 2013 Board Reports authorizing work for the Manchester Junior Arts Center and Vision Theatre.

P.A. Arca Engineering, Inc. (MBE, M/APA) was pledged to be utilized for 2.45 percent of the Visual Theatre scope of work when TOS No.1 was approved by the Board. However, the BOE has no record of their performing any work even though this Task Order Solicitation has been completed.

While Construction Specification Services (MBE, M/AA) was listed in Amendment No. 2 with a pledged amount of \$7,500, FSY has stated that they did not perform any work. Additionally, the BOE does not have any record of FSY pledging to utilize this subconsultant and believes they were added to Amendment No. 2 in error. Therefore, Construction Specification Services has been removed in this Amendment.

The following tables reflect the dollar amounts reported for each subconsultant in the BOE's Personal Services Contract System Subconsultant Utilization.

The overall achieved participation as of March 17, 2016 for Task Work Orders awarded under this Contract is as follows:

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

Subconsultants	MBE /WBE /OBE	Gender/ Ethnicity	(%) of Total Invoiced	Amount Invoiced to Date
Electrical Building Systems, Inc.	MBE	M/HA	2.55%	\$ 77,051.00
Gotama Building Engineers, Inc.	MBE	F/APA	2.44%	\$ 73,786.01
Maroko and Shwe, Inc.	MBE	M/APA	0.00%	\$ 0.00
VCA Engineers, Inc.	MBE	M/APA	2.67%	\$ 80,552.00
ENA Group	WBE	F/C	4.46%	\$ 134,743.00
Yael Lir Landscape Architects	WBE	F/C	0.57%	\$ 17,250.50
Conexions by the Foot	OBE		1.01%	\$ 30,431.13
Counsilman-Hunsaker	OBE		5.54%	\$ 167,375.00
Jayco Cal Engineering, Inc.	OBE		1.22%	\$ 36,755.00
JK Design Group	OBE		3.16%	\$ 95,448.00
N.A. Cohen Group, Inc.	OBE		2.91%	\$ 88,021.00
O'Connor Construction Management, Inc.	OBE *		2.10%	\$ 63,560.00
Veneklasen Associates	OBE		1.50%	\$ 45,415.00
William J. Yang & Associates	OBE *		0.63%	\$ 19,019.00
Total MBE Participation			7.66%	\$ 231,389.01
Total WBE Participation			5.03%	\$ 151,993.50
Total OBE Participation			18.07%	\$ 546,024.13
Total Invoiced				\$3,021,117.09

*O'Connor Construction Management, Inc. was certified as a WBE (F/C) from January 25, 1993, until June 30, 2009. William J. Yang & Associates was certified as an MBE (M/APA) from September 30, 1993, until July 1, 2009. However, neither the BOE nor FSJ could provide the Bureau of Contract Administration (BCA) with information regarding the amount of work performed by these two subconsultants prior to when they became OBEs.

Department of Public Works
 Bureau of Engineering
 Bureau of Contract Administration
 Joint Report No. 1

March 23, 2016
 Page 5

The pledged participation including Amendment No. 3 is as follows:

Pledged Subconsultants	MBE /WBE /OBE	Gender/ Ethnicity	% of Total Pledged	Amount of Total Pledged
Electrical Building Systems, Inc.	MBE	M/HA	2.12%	\$ 81,451.00
Gotama Building Engineers, Inc.	MBE	F/APA	1.92%	\$ 73,786.01
Maroko and Shwe, Inc.	MBE	M/APA	0.38%	\$ 14,640.00
VCA Engineers, Inc.	MBE	M/APA	2.74%	\$ 105,467.00
ENA Group	WBE	F/C	4.81%	\$ 184,876.00
Yael Lir Landscape Architects	WBE	F/C	0.68%	\$ 26,000.00
Conexions by the Foot	OBE		0.79%	\$ 30,431.13
Counsilman-Hunsaker	OBE		4.81%	\$ 184,750.00
Jayco Cal Engineering	OBE		1.07%	\$ 41,075.00
JK Design Group	OBE		3.70%	\$ 142,081.00
N.A. Cohen Group, Inc.	OBE		3.24%	\$ 124,521.00
O'Connor Construction Management, Inc.	OBE *		2.04%	\$ 78,560.00
Veneklasen Associates	OBE		1.63%	\$ 62,730.00
William J. Yang & Associates	OBE *		0.49%	\$ 19,019.00
Total MBE Pledged Participation			7.16%	\$ 275,344.01
Total WBE Pledged Participation			5.49%	\$ 210,876.00
Total OBE Pledged Participation			17.77%	\$ 683,167.13
Total Contract Amount				\$3,843,978.00

*O'Connor Construction Management, Inc. was certified as a WBE (F/C) from January 25, 1993 until June 30, 2009. William J. Yang & Associates was certified as an MBE (M/APA) from September 30, 1993 until July 1, 2009. However, neither the BOE nor FSJ could provide the BCA with information regarding the amount of work performed by these two subconsultants prior to when they became OBEs.

Compliance with City Policies and with the Boards' Policy

All consultants participating in this program are subject to compliance with the following City of Los Angeles' Ordinances and policies: Contractor Responsibility Ordinance; Business Tax Registration Certificate; Non-Discrimination, Equal Employment Practices, and Affirmative Action; Insurance requirements; Equal Benefits Ordinance; Child Support Obligations Ordinance; Americans with Disabilities Act; Service Contractor Worker Retention Ordinance; Living Wage Ordinance; Slavery Disclosure Ordinance; Non-Collusion; First Source Hiring Ordinance; Bidder Ethics, Iran Contracting Act of 2010, and Discount Terms. FSJ will comply with the requirements of the MBE/WBE/OBE Subcontractor Outreach Program. Failure to comply with all

requirements will render the Consultant's Contract subject to termination pursuant to the conditions therein.

Businesses are encouraged to locate or remain within the City to preserve and enhance the economic base and well-being of the City. According to the Los Angeles Residence Information form, FSY currently staffs seven employees, of which three reside in Los Angeles or 43 percent of their workforce.

Notice of Intent to Contract and Charter Section 1022 Determination

The required Notification of Intent to Contract form was submitted to the City Administrative Officer (CAO) on January 21, 2015. In compliance with Charter Section 1022, on March 3, 2015, it was determined by the Personnel Department that there were no City classifications capable of doing the work. A Charter 1022 Determination from the CAO was not necessary.

City Attorney Review

The proposed Amendment has been reviewed and approved as to form by the City Attorney's Office.

STATUS OF FUNDING

This amendment is for time extension only. Funding has been obtained on a task by task basis. The increase in the Total Contract Amount from Amendment No. 2 to Amendment No. 3 represents the issuance of three additional tasks for Phases II, III, and IV of the Manchester Jr. Arts Center/Vision Theatre and the Lincoln Pool and Bathhouse Replacement projects that were approved by the Board after Amendment No. 2 was executed. If changes in funding are needed, the BOE will report back to the Board to obtain approval for task orders exceeding \$100,000.

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.

Department of Public Works
Bureau of Engineering
Bureau of Contract Administration
Joint Report No. 1

March 23, 2016
Page 7

(MK RMK JKS DW WFB)

Report reviewed by:
BOE (ADM and PAC)

Report prepared by:
Architectural Division

Mahmood Karimzadeh, A.I.A.
Principal Architect, Division Manager
Phone No. (213) 485-4282

Compliance Review performed
and approved by:



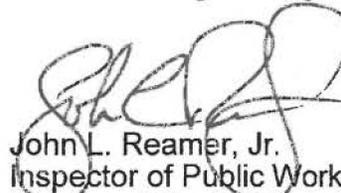
Hannah Choi, Program Manager
Office of Contract Compliance
Bureau of Contract Administration

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Questions regarding this
report may be referred to:
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Phone No. (213) 485-4385
E-mail: Mark.Nakata@lacity.org

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