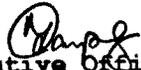


BUREAU OF SANITATION
 BUREAU OF CONTRACT ADMINISTRATION
 JOINT BOARD REPORT NO. 1
 AUGUST 20, 2018

ADOPTED BY THE BOARD
 PUBLIC WORKS OF THE CITY
 of Los Angeles California
 AND REFERRED TO THE MAYOR
 AUG 27 2018
 AND REFERRED TO THE CITY COUNCIL

CD: 6


 Executive Officer
 Board of Public Works

AUTHORITY TO EXECUTE AMENDMENT NO. 1 TO PERSONAL SERVICES
 CONTRACT NO. C-122941 WITH CONEJO FOR JAPANESE GARDEN LANDSCAPE
 AND SITE SERVICES

RECOMMENDATION

1. Approve and forward this report with transmittals to the Mayor and the City Council (Council) with the request that the Board of Public Works (Board) be authorized to execute Amendment No. 1 to Personal Services Contract C-122941 between the City of Los Angeles (City) and Conejo Crest Landscape, Inc. (Conejo) for the Japanese Garden Landscape and Site Services. All terms and conditions will remain in effect. This Amendment will extend the original contract term by two (2) years and increase the cost ceiling to \$4,950,000.
2. Upon the Mayor's and Council's authorization, the President or two members of the Board will execute the contract amendment.
3. Return the executed contract amendment to LASAN for further processing. Contact the Board Report Section at (213) 485-2832 for pick up.

FISCAL IMPACT STATEMENT

There is no General Fund impact resulting from exercising this amendment. This contract is funded by the Sewer Operations and Maintenance Fund and Public Works Trust Fund 834 Department 50.

TRANSMITTALS

1. LASAN and Bureau of Contract Administration Joint Board Report No. 1, adopted February 11, 2013, authorizing the execution of a personal services contract with Conejo for the Japanese Garden Landscape and Site Services.
2. Copy of the Council Action, Council File No. 13-0878, adopted August 20, 2013, which authorized the Board to execute a contract with Conejo.
3. LASAN and Bureau of Contract Administration Joint Board Report No. 1, adopted September 12, 2016, to exercise the first of two one-year renewal options contained in Contract No. C-122941 with Conejo for the Japanese Garden Landscape and Site Services.
4. LASAN and Bureau of Contract Administration Joint Board Report No. 1, adopted May 24, 2017, to exercise the final, one-year renewal option contained in Contract No. C-122941 with Conejo for the Japanese Garden Landscape and Site Services.
5. Copy of Contract No. C-122941, executed on September 10, 2013.

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6. Copy of the proposed Amendment No. 1 between the City and Conejo for the Japanese Garden Landscape and Site Services. Originals will be delivered to the Board Office when the Board Report Section is notified that the contract amendment is ready for execution.

DISCUSSION

Background

LASAN operates the Japanese Garden (Garden), a 6.5 acre authentic Japanese Garden located at LASAN's Donald C. Tillman (DCT) Water Reclamation Plant, 6100 Woodley Avenue, Van Nuys, CA. The Garden is irrigated with 100% recycled water from the water reclamation plant. The Garden was dedicated on June 6, 1984. It consists of a "dry garden" composed of a traditional arrangement of stones, gravel, and bonsai-style pines; a Chisen-karesansui "wet garden with promenade" that is fashioned after stroll gardens built during the 18th and 19th centuries; and an authentic Shoin building with a meditation tea garden.

On February 11, 2013, the Board authorized the award and execution of a personal services contract with Conejo for landscape and site services at the Japanese Garden (Contract C-122941) (Transmittal No. 1). On August 20, 2013, the City Council authorized the Board to execute the contract with Conejo (Transmittal No. 2). On September 12, 2016, the Board executed the option to exercise the first of two one-year renewals, and subsequently authorized the execution of the final one-year renewal option on May 24, 2017 (Transmittal Nos. 3 and 4). This Contract (C-122941), executed on September 10, 2013, was for a term of three (3) years with two (2) one-year renewal options with a cost ceiling of \$3,500,000. These landscape and site services include, but are not limited to: application of chemicals and fertilizers, pruning, trimming and training of plant material, irrigation, planting, weeding, renovation and/or development of garden/site elements and programs (Transmittal No. 5).

Justification

The Garden is ranked #10 out of 300 public Japanese gardens in the northern hemisphere. The Garden hosts over 43,000 visitors annually, conducts Docent volunteer public and school tours, hosts special public cultural events, issues rental contracts and supports filming industry activities.

LASAN is working on a new Request For Qualifications (RFQ) for LASAN Landscape and Site Services for an initial contract period of five (5) years and two (2) two-year renewal periods. The contract will be administered by the LASAN's Hyperion Water Reclamation Plant.

The execution of Amendment No. 1 with Conejo will provide the City with continued landscape and site services for maintaining the Japanese Garden and its programs until the new LASAN Landscape and Site Service contract is in place (Transmittal No. 6). In addition, Conejo has provided satisfactory services to the City thus far and has proven that they are a reliable contractor.

Proposed Contract Amendment Term and Cost

This Amendment No. 1 with Conejo will extend the contract term by two (2) years to September 9, 2020. With the execution of this Amendment, the cost ceiling will increase from \$3,500,000 to \$4,950,000.

MBE/WBE/OBE Subcontractor Outreach Program

At the time of distribution of the Request for Proposals (RFP) for this contract (which happened prior to July 2011), the City had established an MBE/WBE/OBE Subcontractor Outreach Program for this project with anticipated MBE and WBE participation levels of 18.00 and 4.00 percent respectively. At the time of contract award, Conejo’s pledged participation levels were 0.00 percent MBE, 0.00 percent WBE, and 0.70 percent OBE. With Renewal Option No. 1, Conejo’s pledged participation levels were 0.00 percent MBE, 3.77 percent WBE, and 13.60 percent OBE. With Renewal Option No. 2, Conejo’s pledged participation levels were 0.00 percent MBE, 5.77 percent WBE, and 22.60 percent OBE. As of March 31, 2018, Conejo has achieved 0.00 percent MBE, 5.01 percent WBE, and 18.05 percent OBE. With Amendment No. 1, Conejo’s pledged participation levels will be 0.00 percent MBE, 4.24 percent WBE, and 15.78 percent OBE.

RAM Landscape and Irrigation was the only subcontractor listed on Conejo’s original Schedule A. However, this company went out of business prior to the award of the contract. Since then, additional subcontractors were added as needed.

Gender/Ethnicity Codes:

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

The achieved MBE/WBE/OBE subcontractor utilization for Conejo as of March 31, 2018 is as follows:

Table 1

Listed Subcontractor	Gender/ Ethnicity	MBE/ WBE/ OBE	% of Contract Amount Invoiced	Contract Amount Invoiced
BriteWorks, Inc.	F/HA	WBE	5.01%	\$152,534.39
American Precision		OBE	1.92%	\$58,635.03
Critter Busters, Inc. *		OBE	1.73%	\$52,602.50
Garrett Custom Trailers		OBE	0.56%	\$17,150.00
Green Ninja Landscaping Inc.		OBE	3.99%	\$121,590.00
Primo Construction		OBE	7.80%	\$237,514.80
Randall Swarts		OBE	0.28%	\$8,475.00
Silvia Rigon Design		OBE	0.06%	\$1,850.00

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Listed Subcontractor	Gender/ Ethnicity	MBE/ WBE/ OBE	% of Contract Amount Invoiced	Contract Amount Invoiced
Signature Creative, Inc.		OBE	1.71%	\$52,175.00
Total MBE Participation			0.00%	\$0.00
Total WBE Participation			5.01%	\$152,534.39
Total OBE Participation			18.05%	\$549,992.33
Total MBE/WBE/OBE Participation			23.06%	\$702,526.72
Total Contract Amount Invoiced to Date				\$3,046,673.97

*Certified small and emerging business enterprise

Signature Creative Inc. was added as a subcontractor to update the Japanese Garden website and collateral print utilizing Public Works Trust Fund 834/50. A subcontractor outreach was performed and approved by CCU on April 13, 2017.

With the addition of Amendment No. 1, the pledged MBE/WBE/OBE subcontractor utilization for Conejo will be as follows:

Listed Subcontractors	Gender/ Ethnicity	MBE/WBE/ OBE	% of Contract Pledge d	Contract Amount Pledged
BriteWorks, Inc.	F/HA	WBE	4.24%	\$210,000.00
American Precision**		OBE	1.18%	\$58,635.03
Critter Busters, Inc.*		OBE	1.68%	\$83,000.00
Garrett Custom Trailers**		OBE	0.35%	\$17,150.00
Green Ninja Landscaping, Inc.		OBE	3.88%	\$192,000.00
Primo Construction		OBE	6.67%	\$330,000.00
Randall Swarts**		OBE	0.17%	\$8,475.00
Signature Creative, Inc.		OBE	1.82%	\$90,000.00
Silvia Rigon Design**		OBE	0.04%	\$1,820.00
Total MBE Pledged Participation			0.00%	\$0.00

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Listed Subcontractors	Gender/ Ethnicity	MBE/WBE/ OBE	% of Contract Pledged	Contract Amount Pledged
Total WBE Pledged Participation			4.24%	\$210,000.00
Total OBE Pledged Participation			15.78%	\$781,080.03
Total MBE/WBE/OBE Pledged Participation			20.02%	\$991,080.03
Total Contract Amount				\$4,950,000.00

*Certified Small and Emerging Business Enterprise

**The projects have been completed for which Garrett Custom Trailers, American Precision, Randall Swarts, and Silvia Rigon Design were utilized. Therefore, the services of these subcontractors will not be needed for Amendment No. 1.

The decrease in pledged WBE and OBE utilization for this amendment is due to the decrease in previous services and projected projects as follows:

- BriteWorks Inc. - Administration building support is no longer necessary.
- Primo Construction – Part of the anticipated small replacement/repair projects were reallocated to projects managed by Bureau of Engineering's Environmental Engineering Division.
- Green Ninja Landscaping Inc. – Some of the projected work and nursery expansion was put on hold due to the upcoming DCT Berm Improvement project. Also, work needed depends on the growth of plant material and how much professional shaping is required. The need for such services fluctuates yearly.
- Critter Busters Inc. – In addition to regular pest control services, this subcontractor is utilized for other problems as they arise. The need for 'call out' services fluctuates yearly.

Other City Requirements

Conejo shall continue to comply with all of the City's contract requirements including:

- Nondiscrimination/Equal Employment Practices/Affirmative Action
- Living Wage and Worker Retention Ordinances
- Americans with Disabilities Act
- Insurance Requirements
- Child Support Obligation Ordinance

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- City Business Tax Registration Certificate
- Equal Benefits Ordinance
- Slavery Disclosure Ordinance
- Non-collusion Affidavit
- City of Los Angeles Contract History
- Los Angeles Residence Information
- First Source Hiring Ordinance
- Municipal Lobbying Ordinance
- Contract Bidder Campaign Contribution and Fundraising Restrictions
- Iran Contracting Act of 2010
- Contractors' Use of Criminal History for Consideration of Employment Applications

Notification of Intent to Contract

The required "Notification of Intent to Contract" for this amendment was filed with the City Administrative Office (CAO) Clearinghouse on February 16, 2017.

Charter Section 1022

The Personnel Department made a Charter Section 1022 determination on September 5, 2017 and concluded that City employees do not have the expertise to perform the work and work assignment exceeds staffing availability.

Contractor Performance Evaluation

In accordance with Article 13, Chapter 1, Division 10 of the City of Los Angeles Administrative Code, the appropriate City personnel responsible for the quality control of this personal services contract shall submit Contractor Performance Evaluation Reports to the Bureau of Contract Administration (Department of Public Works) upon completion of this contract.

Peak Hour Construction and Right-of-Way Obstruction Regulations

All contractors are to comply with the requirements specified in the Los Angeles Municipal Code (L.A.M.C.) 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 project are subject to compliance with the requirements specified in the City of Los Angeles' Contractor Responsibility Ordinance #173677, [Article 14, Chapter 1, Division 10, L.A.A.C.]. Failure to comply with all requirements specified in the Ordinance will render the bidder's contract subject to termination pursuant to the conditions expressed therein.

Contract Administration

Responsibility for administration of the contract will be with the Water Reclamation Division, LASAN.

Headquarters and Work Force Information

The headquarters address of Conejo is at 16435 Hart Street, Van Nuys, CA 91406. The contractor has a staff of seven consistent staff (varies seasonally) assigned to this contract. 93% of their employees reside in the City of Los Angeles.

STATUS OF FINANCING

There is no impact to the General Fund. The total funding for this amendment is not to exceed \$1,450,000. Funding in the amount of \$640,000 is available in the Public Works Trust Fund, Fund No. 834, and the Sewer Operations and Maintenance Fund, Fund No. 760 as shown in the table below.

	Fund-Department	Appropriation No.	Amount
BFY 2018-19	834/50	5000BC	\$90,000
BFY 2018-19	760/50	50RX82	\$550,000
BFY 2019-20	TBD	TBD	\$810,000
Total			\$1,450,000

Funds and Appropriations for future fiscal years are not yet identified and existing appropriations may change based on available cash balances. Therefore, Funds and Appropriations will be determined by the Director of Sanitation or designee.

Notwithstanding any other provision of this Contract, including any exhibits or attachments incorporated therein, and in order for the City to comply with its governing legal requirements, the City shall have no obligation to make any payments to the Contractor unless the City shall have first made an appropriation of funds equal to or in excess of its obligation to make any payments as provided in this Contract.

The Contractor agrees that any services provided by the Contractor, purchases made by the Contractor or expenses incurred by the Contractor in excess of the appropriation(s) shall be free and without charge to the City and the City shall have no obligation to pay for the services, purchases or expenses. The Contractor shall have no obligation to provide any services, provide any equipment, or incur any expense in excess, of the appropriation, amount(s) until the City, appropriates additional funds for this Contract.

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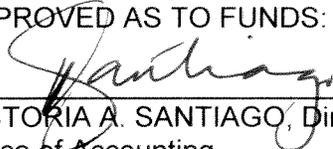
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COMPLIANCE REVIEW PERFORMED
AND APPROVED BY:

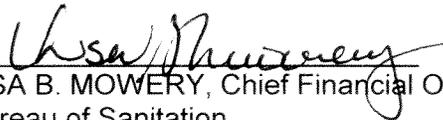


HANNAH CHOI, Assistant Director
Bureau of Contract Administration

APPROVED AS TO FUNDS:

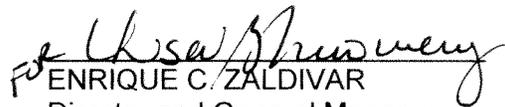


VICTORIA A. SANTIAGO, Director
Office of Accounting
Date: 8/8/2018

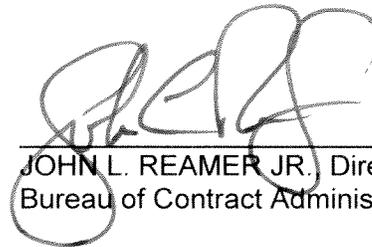


LISA B. MOWERY, Chief Financial Officer
Bureau of Sanitation
Date: 7.23.18

Respectfully submitted,



ENRIQUE C. ZALDIVAR
Director and General Manager
Bureau of Sanitation



JOHN L. REAMER JR., Director
Bureau of Contract Administration

Prepared by:
Gene Greene, DCTWRP
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