



COUNTY OF LOS ANGELES  
DEPARTMENT OF PARKS AND RECREATION  
*"Creating Community Through People, Parks and Programs"*



Tim Gallagher, Director

December 16, 2003

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**ACCEPTANCE OF CONSTRUCTION CONTRACT; RELEASE OF RETENTION;  
IMPLEMENTATION OF A REVEGETATION PLAN; AND AUTHORIZATION OF AN  
INCREASE TO THE CONTRACT AND PAYMENT TO THE CONTRACTOR FOR  
PETER F. SCHABARUM REGIONAL PARK GENERAL IMPROVEMENTS PROJECT  
C.P. No. 68803, Spec. No. 99-0210  
(Fourth District - 3 Vote Matter)**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICE THAT  
YOUR BOARD:**

1. Accept the work of the Contractor, Ecology Construction, Inc., (ECI), for completion of the General Park Improvements Project at Peter F. Schabarum Regional Park at a total construction cost of \$1,736,159.
2. Instruct the Department of Parks and Recreation (DPR) to release the retention amount of \$173,471 to ECI.
3. Approve the implementation of a revegetation plan in the amount of \$57,115, to be funded from savings in the project realized at the time of contract award, and find that this action is exempt from the California Environmental Quality Act (CEQA).
4. Approve a \$1,454 increase to the contract amount which has been determined by DPR, to be fair compensation for unanticipated additional grading work in the youth camping area at Peter F. Schabarum Regional Park, and authorize the Director of DPR to proceed with the payment to the Contractor, ECI.

### PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will accept the work of ECI, allow DPR to release the retention to the Contractor and authorize DPR to pay ECI for additional grading work at the site. Also, DPR will be able to implement a revegetation plan, with available project funding, required by the California State Department of Fish and Game (CDFG), U.S. Army Corps of Engineers (ACOE), and the Regional Water Quality Control Board (RWQCB).

### Project Background

On September 4, 2001, your Board awarded a construction contract in the amount of \$1,548,890 to ECI for the Peter F. Schabarum Regional Park, General Improvements Project (C.P. No. 68803). Your Board also authorized DPR to approve change orders up to a maximum amount of \$185,867, for a total authorized construction cost of \$1,734,757. Upon your Board's approval of the payment to ECI the final construction costs will be \$1,736,159. The construction was completed on September 23, 2003.

The completed facilities consist of two new tennis courts; a youth camping area; additional parking; refurbished security lighting inside the park; two renovated play areas (equipment, surfacing, and amenities); upgraded portions of the irrigation system; two re-roofed restroom buildings; ADA (Americans with Disabilities Act) upgrades to four restroom buildings; new ADA compliant walkways; and modifications to four existing parking areas for ADA compliance. DPR utilized youth work forces to remove play equipment and light poles and to plant about 80 trees. In addition, the re-roofing of the existing administration office building was completed by DPR's South Agency in Phase One of this project.

### Payment for Grading Work

Subsequent to the completion of construction, in a letter dated March 31, 2003, the Contractor submitted to DPR, a written Request for Equitable Adjustment, for additional costs allegedly incurred on the project. The total amount requested by ECI was \$259,662 for slope clearing and grubbing, slope grading, and fill materials.

DPR reviewed all of ECI's claims. On July 15, 2003, DPR notified ECI, in writing, that the County rejected all of ECI's submitted claims except for the \$1,454 for unanticipated additional grading and reserved all rights with regard to the subject project, including the right to assess and/or pursue claims for liquidated damages.

Upon approval by your Board, DPR will proceed with payment of the \$1,454 to ECI for the grading work, which DPR believes is the amount ECI is entitled to as fair compensation. Payment of this amount will not require an increase to the Board approved budget as it is offset by a reduction in the charges for County Services.

In a letter dated, November 11, 2003, ECI submitted a claim in the amount of \$425,926 to DPR under Section 20104.2 of the Public Contract Code. DPR is reviewing the claim request with County Counsel and the findings will be reported by DPR to your Board.

#### Proposed Revegetation Plan

During the construction of the tennis courts the riparian habitat along a dry tributary to a stream was impacted. As a result, DPR entered into a Stream Alteration Agreement with CDFG on December 19, 2001, to satisfy the requirements set forth by CDFG, ACOE, and RWQCB. On August 4, 2003, CDFG approved a revised revegetation plan, which waived grading requirements. The revegetation plan includes two sites. The first site, impacted by the installation of an 8-inch water main line, consists of 117 square feet along a dry blue line stream in the park. The second site, impacted by grading for the tennis courts, consists of approximately 22,215 square feet along a dry tributary. Both sites will be planted with native riparian vegetation indigenous to the area to restore and enhance the riparian habitat. The estimated cost for the revegetation plan is \$57,115 and will be funded from savings in the project budget, which were realized at the time that the construction contract was awarded.

#### Implementation of Strategic Plans Goals

The completion of this capital project enhances Fiscal Responsibility (Goal No. 4 of the County's Strategic Plan) by investing in the public infrastructure and will expand recreation programming and special event opportunities promoting Service Excellence (Goal No. 1) for park patrons.

This project is one of more than 200 capital improvement projects DPR has undertaken as a result of the voters' approval of the Safe Neighborhood Parks Propositions of 1992 and 1996.

#### FISCAL IMPACT/FINANCING

##### Total Project Budget

Your Board initially approved a total project budget in the amount of \$2,457,744. At the time of the award of the construction contract, the total project budget was revised to \$2,349,193 based upon the successful bid amount, a savings of \$108,551 from the original project budget.

The total final project cost, excluding the implementation of the revegetation plan, was \$2,349,193, including plans and specifications, construction, change orders, consultant services and County services (see Attachment A). The total final project cost includes \$114,000 for additional consultant services that were required during construction of the project. These services included \$72,000 for geotechnical inspection services, \$19,000 for the preparation of a revegetation plan and monitoring program required by CDFG, and \$23,000 for construction administration. The total increase in expenditures for Consultant Services has been offset within the revised project budget by a decrease in costs associated with plan review and implementation of the at-risk youth program, as well as a reduction in County services charged to the project.

The proposed cost for the implementation of the revegetation plan totals \$57,115, including \$10,565 for plans and specifications, \$3,500 for County services, and \$43,050 for construction including all change orders (see Attachment B). The \$57,115 will be funded from \$108,551 of savings in the initial project budget of \$2,457,744.

The project funding breakdown is as follows:

The Safe Neighborhood Parks Proposition of 1992, under Section (8), Subsection (a), Paragraph (2), Subparagraph (II), provided funds in the amount of \$1,727,744.

The Safe Neighborhood Parks Proposition of 1996, under Section (3), Subsection (a), Paragraph (I), Subparagraph (PP), provided funds in the amount of \$678,564 (including the amount of \$57,115 for implementation of the revegetation plan).

#### Operating Budget Impact

DPR incurred a one-time start-up of \$11,489 for maintenance equipment and outdoor furnishings. An additional annual amount of \$46,334 has been incurred for ongoing operational costs for staffing, equipment, supplies and utilities to operate and maintain the park improvements. Funding for these costs is included in DPR's Fiscal Year 2003-04 Adopted Budget.

Following the completion of the revegetation, DPR is required to implement a five-year monitoring plan, which includes maintenance, inspection, and submission of monitoring reports to the CDFG, ACOE, and RWQCB. Implementation of the monitoring program will result in additional ongoing operating costs during the five-year period of \$6,976 for the first year and \$8,256 for each of the following four years. DPR will work with the Chief Administrative Office to identify the additional funding for the required and unanticipated monitoring program.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The improvements to two play areas and two restrooms were substantially completed on September 20, 2002, and DPR took beneficial occupancy of this portion of the project on that date.

The improvements to the two additional restrooms were substantially completed on September 25, 2002, and DPR took beneficial occupancy of this portion of the project on that date.

The construction of two new tennis courts, a youth camping area, parking lot, and roadside lighting were substantially completed on November 15, 2002, and DPR took beneficial occupancy of this portion of the project on that date.

The improvements to the pump station, which were part of the irrigation upgrades, were substantially completed on September 23, 2003, and DPR took beneficial occupancy of this portion of the project on that date.

### **CONTRACTING PROCESS**

On September 4, 2001, your Board awarded a construction contract to ECI for \$1,548,890 and authorized the Director of DPR to approve change orders up to a maximum amount of \$185,867, of which DPR has issued change orders in the amount of \$185,815.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The completion of the park improvements has provided additional recreational facilities primarily for the surrounding communities of Hacienda Heights, Rowland Heights, La Puente, and Whittier.

### **ENVIRONMENTAL DOCUMENTATION**

A Negative Declaration for the project was approved by your Board on November 4, 1993.

An Agreement Regarding Proposed Stream Alteration with the State of California, Department of Fish and Game, was signed on December 19, 2001. The Regional Water Quality Control Board issued a Conditional Certificate on March 7, 2002. The U.S. Army Corps of Engineers issued a Nationwide Permit on April 15, 2002.

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A revegetation plan to augment riparian habitat along a dry tributary and blue line stream will be implemented upon approval by your Board to satisfy requirements set forth by CDFG, ACOE, and RWQCB.

The revegetation plan is categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State Guidelines, insofar as the work is per the directive of a regulatory agency and is intended to maintain, restore and/or enhance natural resources.

### CONCLUSION

Please instruct the Executive Officer-Clerk of the Board to forward one (1) conformed copy to the Chief Administrative Office, Capital Projects Division, and four (4) conformed copies of this letter to DPR for distribution.

Respectfully,



FOR Tim Gallagher  
Director

David E. Janssen  
Chief Administrative Officer

Attachments (2)

c: Executive Office (22)  
County Counsel

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**PROJECT SCHEDULE**

Project Activity	Scheduled Completion Date	Revised Completion Date	Date Completed
1. Land Acquisition	N/A		
2. Environmental Impact Report	N/A		
3. Program	N/A		
4. Schematic Design	10-97		10-97
5. Design Development	04-98	06-98	06-98
6. Construction Documents	12-99	11-00	11-00
7. Jurisdictional Approval	N/A		
8. Construction Contract Award	08-01	09-01	09-01
9. Construction Start	08-01	09-01	09-01
10. Beneficial Occupancy	03-02	04-02	09-03
11. Final Acceptance	05-02	06-02	12-03

**II. PROJECT COST SUMMARY OF GENERAL IMPROVEMENTS PROJECT**

Cost Category	Estimated Project Cost	Impact of Proposed Action	Revised Project Cost	Expenditure & Encumbrance
1. Land Acquisition	N/A	N/A	N/A	N/A
2. Plans and Specifications	\$201,400	\$0	\$201,400	\$201,400
3. Plan Review	\$14,502	(\$9,448)	\$5,054	\$5,054
4. Make-Ready Activities	N/A	N/A	N/A	N/A
5. Construction	\$1,548,890	\$ 0	\$1,548,890	\$1,548,890
Change Order	\$ 185,867	\$ 1,402	\$ 187,269	\$ 185,815
	<u>\$1,734,757</u>	<u>\$ 1,402</u>	<u>\$1,736,159</u>	<u>\$1,734,705</u>
6. Equipment	N/A	N/A	N/A	N/A
7. Consultant Services	\$50,000	\$110,450	\$160,450	\$160,450
8. County Services	\$270,884	(\$94,051)	\$176,833	\$176,833
9. Other: Re-Roofing*	\$34,668	\$0	\$34,668	\$34,668
At-risk Youth**	\$42,982	(\$8,353)	\$34,629	\$34,629
<b>TOTAL</b>	<b>\$2,349,193</b>	<b>\$0</b>	<b>\$2,349,193</b>	<b>\$2,347,739</b>

\* Re-roofing of the Administration Building was completed by the South Agency in Phase I of this project.

\*\* Including youth employment, supervision, and materials. Trees were provided by the contractor.

**ATTACHMENT B**

**ACCEPTANCE OF CONSTRUCTION CONTRACT; RELEASE OF RETENTION;  
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Project Activity	Scheduled Completion Date	Revised Completion Date	Date Completed
1. Land Acquisition	N/A		
2. Environmental Impact Report	N/A		
3. Program	N/A		
4. Schematic Design	12-03		
5. Design Development	12-03		
6. Construction Documents	01-04		
7. Jurisdictional Approval	N/A		
8. Construction Contract Award	01-04		
9. Construction Start	02-04		
10. Beneficial Occupancy	04-04		
11. Final Acceptance	05-04		

**II. PROJECT COST SUMMARY OF IMPLEMENTATION OF REVEGETATION PLAN**

Cost Category	Estimated Project Cost	Impact of Proposed Action	Revised Project Cost	Expenditure & Encumbrance
1. Land Acquisition	N/A	N/A	N/A	N/A
2. Plans and Specifications	\$10,565	\$0	\$10,565	\$0
3. Plan Review	\$0	\$0	\$0	\$0
4. Make-Ready Activities	N/A	N/A	N/A	N/A
5. Construction	\$39,136	\$0	\$39,136	\$0
Change Order	\$3,914	\$0	\$3,914	\$0
	<u>\$43,050</u>	<u>\$0</u>	<u>\$43,050</u>	<u>\$0</u>
6. Equipment	N/A	N/A	N/A	N/A
7. Consultant Services	\$0	\$0	\$0	\$0
8. County Services	\$3,500	\$0	\$3,500	\$0
9. Other: At-risk Youth	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$57,115</b>	<b>\$0</b>	<b>\$57,115</b>	<b>\$0</b>