

Department of Public Works

Bureau of Engineering  
Bureau of Contract Administration  
Joint Report No. 2

August 1, 2008  
CD No. 9

ADOPTED BY THE BOARD OF  
PUBLIC WORKS OF THE CITY  
of Los Angeles, California  
AND REFERRED TO THE MAYOR  
SEP - 3 2008

  
Secretary

173727

**REQUEST FOR AUTHORITY TO EXECUTE CONTRACT AMENDMENT NO. 3 TO CONTRACT NO. C-106467 WITH DMJM DESIGN/ROTH+SHEPPARD JOINT VENTURE FOR ARCHITECTURAL AND ENGINEERING (A/E) DESIGN CONSULTANT SERVICES FOR THE NEW POLICE ADMINISTRATION BUILDING (PAB) - W.O. No. E170910**

#### RECOMMENDATIONS

1. Approve and forward this report with transmittals to the Council and Mayor requesting the following:
  - a. Approval of Contract Amendment No. 3 to the Contract No. C -106467 between the City of Los Angeles (City) and DMJM Design/Roth+Sheppard Joint Venture to increase the total contract amount by \$3,048,320 from \$14,900,000 to \$17,948,320.
  - b. Authorize the President or two members of the Board of Public Works (BPW) to execute the Contract Amendment No. 3
2. Notify the Bureau of Engineering (BOE), PAB Program, Julie Sauter (213-473-6211) when this Amendment is ready to be executed by your Board, whereupon five original documents will be delivered to the Secretary of the Board for signature.
3. Upon execution, request the City Clerk to attest and certify all five original copies of Amendment No. 3. The City Clerk and the Board are each to retain one original copy of the Amendment and forward the remaining three original copies to the BOE, PAB Program, Julie Sauter.

#### TRANSMITTALS

1. One copy of the original contract, Contract No. C-106467, between the City and DMJM Design/Roth+Sheppard Joint Venture.
2. One copy of Amendment No. 1 to Contract No. C-106467 between the City and DMJM Design/Roth+Sheppard Joint Venture.
3. One copy of Amendment No. 2 to Contract No. C-106467, between the City and DMJM Design/Roth+Sheppard Joint Venture.

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4. One copy of the proposed Amendment No. 3 to Contract No. C-106467, between the City and DMJM Design/Roth+Sheppard Joint Venture.
5. One copy of the City Administrative Officer (CAO) Charter Section 1022 Determination.

### **FISCAL IMPACT STATEMENT**

The cost for Amendment No. 3 which includes additional design and design services during construction for the Police Headquarters Facility project, also known as the PAB project, in the amount of \$3,048,320 is available as approved by City Council on November 6, 2007, Council File 07-3498 through the Municipal Improvements Corporation of Los Angeles (MICLA) Certifications of Participation. The debt obligation of this financing will be paid by the General Fund.

### **DISCUSSION**

#### ***Background***

On April 6, 2004, the City executed a contract in the amount of \$11,650,000 with DMJM Design/Roth+Sheppard Joint Venture for architectural and engineering design services and design services during construction for the new PAB (Transmittal No. 1). The scope of work in this agreement included the design and related construction services for the new PAB and related facilities. The new PAB will consist of an 11-story, 500,000 square-foot building, auditorium, cafe and related facilities, including Motor Transport and Parking Structure for the Los Angeles Police Department (LAPD).

On June 23, 2004, the City Council approved the Public Safety Master Plan, finalizing the location of the PAB at the old Caltrans site; a block bounded by 1<sup>st</sup>, 2<sup>nd</sup>, Main, and Spring Streets. Consequently, Amendment No. 1, in the amount of \$1,950,000, was executed with DMJM Design/Roth+Sheppard Joint Venture based on the revised project scope and schedule (Transmittal No. 2). Amendment No. 1 increased the original contract amount to \$13,600,000 and also added 24 months to the original contract duration increasing the term of the contract to six years and eight months.

On September 29, 2006, the City Council approved revisions to the PAB landscape and plaza design based on the recommendations of the Municipal Facilities Committee (MFC) and Council District No. 9 (CD9), which included an enlarged plaza lawn area, meandering 2<sup>nd</sup> Street sidewalk, enhanced memorial garden and more trees. Subsequently, on February 27, 2007, the City Council approved Amendment No. 2 (Transmittal No. 3), with DMJM Design/Roth+Sheppard Joint Venture to provide the additional design services. Amendment No. 2 in the amount of \$1,300,000 increased the contract from \$13,600,000 to \$14,900,000. No additional time was added through Amendment No. 2.

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***This Amendment***

This proposed amendment (Transmittal No. 4), will authorize DMJM Design/Roth+Sheppard to perform design revisions beyond the contract requirements including additional redesign due to community input, separation of contract documents to allow separate bids for the PAB and Motor Transport Division/Main Street Parking Structure (MTD/MSP) and Aiso Street Parking Structure (ASP) projects, additional and extended construction administration support services and various other changes including a delay in land acquisition for the MTP/MSP project. This amendment will increase the contract by \$3,048,320 (\$2,873,545 for Professional Services plus \$174,775 for reimbursable expenses) for a new contract total of \$17,948,320. No additional time will be added to the contract.

<b>Document</b>	<b>Approved / Proposed Amount</b>	<b>Professional Fees</b>	<b>Reimbursable Expenses</b>	<b>Approved Duration</b>
Original Contract	\$11,650,000	\$11,300,000	\$350,000	4 Yrs. 8 Mon.
Amendment No. 1	\$ 1,950,000	\$ 1,902,000	\$ 48,000	2 Years
Amendment No. 2	\$ 1,300,000	\$ 1,200,000	\$100,000	0
Amendment No. 3	\$ 3,048,320	\$ 2,873,545	\$174,775	0
<b>Contract Total</b>	<b>\$17,948,320</b>	<b>\$17,275,545</b>	<b>\$672,775</b>	<b>6 Yrs. 8 Mon.</b>

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

At the time of distribution of the original Request for Qualification for this contract, the City had established an MBE/WBE/OBE Subcontractor Outreach Program for this project with anticipated MBE and WBE participation levels of 23 and 7 percent respectively. The participation levels that DMJM Design/Roth+Sheppard Joint Venture pledged in the original contract were 26.42 percent MBE, 7.87 percent WBE and 1.83 percent OBE.

After Amendment No. 1 was added to the contract, the revised pledged MBE/WBE/OBE participation levels were 29.69 percent MBE, 9.41 percent WBE, and 1.47 percent OBE. Amendment No. 2 revised the pledged MBE/WBE/OBE participation levels to 28.17 percent MBE, 8.81 percent WBE, and 1.38 percent OBE.

Based on the Subconsultant Utilization for invoices through June 30, 2008, the achieved participation levels are 32.62 percent MBE, 8.33 percent WBE, and 1.53 percent OBE. Amendment No. 3 will result in pledged participation levels of 30.77 percent MBE, 7.61 percent WBE, and 1.23 percent OBE. Since Amendment No. 2 was adopted by the Board on November 29, 2006, two subconsultants have been added to this contract.

HKA Elevator Consulting (HKA) was added in order to provide advisory services regarding the vertical transportation systems in the building after the DMJM Design employee that had been performing these services passed away. When it became apparent that HKA had scheduling and other constraints that made it impossible for them to continue with the work, Lerch Bates - US was substituted in for HKA. DMJM Design did not perform a good faith effort to reach out to MBE, WBE and OBE subconsultants prior to utilizing either HKA or Lerch Bates - US.

Seven of the subconsultant contracts have been decreased since Amendment No. 2 was adopted. According to DMJM Design, the decreases are due to changes in the scope of work that occurred prior to Amendment No. 2, but were not reflected in Amendment No. 2. Additionally, based on the documentation reviewed for Amendment No. 2, Ted Short & Associates was reported to have invoiced more than what is now being reported for Amendment No. 3. These reporting errors pertain to the following seven subconsultants and the correct amounts, according to DMJM Design, are reflected in this board report:

1. Melendrez Balabas Associates, dba, Melendrez Design Partners (WBE)
2. Merry Norris Contemporary Art (WBE)
3. Kaminski Kaneko Design (WBE)
4. Murakawa Communications (WBE)
5. Ted Short & Associates (MBE)
6. Cini Little (OBE)
7. D7 Consulting (OBE)

The achieved and pledged subconsultant information for DMJM is as follows:

**Subconsultant Data**

Gender/Ethnicity Codes:

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

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<b>Actual Participation as of June 30, 2008</b>				
<b>Subconsultants</b>	<b>Gender/ Ethnicity</b>	<b>MBE/ WBE/ OBE</b>	<b>(%) of Invoiced To Date</b>	<b>(\$) Amount Invoiced To Date</b>
Melendrez Balabas Associates, dba, Melendrez Design Partners	F/C	WBE	2.41%	\$ 300,790
Friedman Kimm Architects	F/APA	WBE	4.19%	\$ 523,242
Merry Norris Contemporary Art.	F/C	WBE	0.40%	\$ 50,000
Cibola Systems	F/C	WBE	0.59%	\$ 73,475
Kaminski Kaneko Design	F/C	WBE	0.54%	\$ 67,381
Murakawa Communications	F/APA	WBE	0.22%	\$ 26,883
Delon Hampton Associates	M/AA	MBE	1.63%	\$ 203,540
Shimoda Design Group	M/APA	MBE	0.71%	\$ 88,500
Studio 0.10 Architecture	M/APA	MBE	1.67%	\$ 209,122
TMAD Engineers, Inc.	M/SAA	MBE	25.47%	\$ 3,183,932
VSA n Associates, Inc.	M/SAA	MBE	0.62%	\$ 77,346
Yuang Tai, Inc	M/APA	MBE	2.45%	\$ 305,675
Ted Short & Associates	M/AA	MBE	0.08%	\$ 9,700
Schirmer Engineering		OBE	0.39%	\$ 49,166
Cini Little International, Inc.		OBE	0.50%	\$ 62,063
John A Weir Consulting		OBE	0.31%	\$ 38,508
D7 Consulting		OBE	0.28%	\$ 35,000
HKA Elevator Consulting		OBE		\$ 2,200
Lerch Bates – US`		OBE		\$ 4,650
<b>Total MBE Participation to Date</b>			<b>32.62%</b>	<b>\$ 4,077,815</b>
<b>Total WBE Participation to Date</b>			<b>8.33%</b>	<b>\$ 1,041,771</b>
<b>Total OBE Participation to Date</b>			<b>1.53%</b>	<b>\$ 191,587</b>
<b>Total Invoiced</b>				<b>\$12,500,300</b>

<b>Overall Contract Pledged Participation Including Proposed Amendment No. 3</b>				
<b>Subconsultants</b>	<b>Gender/ Ethnicity</b>	<b>MBE/ WBE/ OBE</b>	<b>(%) Of Contract</b>	<b>Sub-Contract Amount</b>
Melendrez Balabas Associates, dba, Melendrez Design Partners	F/C	WBE	1.89%	\$ 326,380
Friedman Kimm Architects	F/APA	WBE	4.33%	\$ 747,175
Merry Norris Contemporary Art.	F/C	WBE	0.29%	\$ 50,000
Cibola Systems	F/C	WBE	0.56%	\$ 97,075
Kaminski Kaneko Design	F/C	WBE	0.39%	\$ 67,381
Murakawa Communications	F/APA	WBE	0.16%	\$ 26,883
Delon Hampton Associates	M/AA	MBE	1.30%	\$ 224,875
Shimoda Design Group	M/APA	MBE	0.51%	\$ 88,500
Studio 0.10 Architecture	M/APA	MBE	1.67%	\$ 288,480
TMAD Engineers, Inc.	M/SAA	MBE	25.01%	\$ 4,319,991
VSA n Associates, Inc.	M/SAA	MBE	0.45%	\$ 77,900
Yuang Tai, Inc	M/APA	MBE	1.77%	\$ 305,675
Ted Short & Associates	M/AA	MBE	0.06%	\$ 9,700
Schirmer Engineering		OBE	0.30%	\$ 51,150
Cini Little		OBE	0.44%	\$ 76,114
John A Weir Consulting		OBE	0.23%	\$ 39,000
D7 Consulting		OBE	0.20%	\$ 35,000
HKA Elevator Consulting		OBE	0.01%	\$ 2,200
Lerch Bates		OBE	0.06%	\$ 9,650
<b>Total MBE Pledged Participation</b>			<b>30.77%</b>	<b>\$ 5,315,121</b>
<b>Total WBE Pledged Participation</b>			<b>7.61%</b>	<b>\$ 1,314,894</b>
<b>Total OBE Pledged Participation</b>			<b>1.23%</b>	<b>\$ 213,114</b>
<b>Total Contract</b>				<b>\$17,275,545*</b>

\*The amended Total Contract amount does not include reimbursable expenses of \$672,775.

The Office of Contract Compliance has verified the subconsultants' certification status.

***Compliance with City Policies and with the Board's Policy***

On May 22, 2007, the Notification of Intent to Contract was filed with the CAO. In compliance with Charter Section 1022, the CAO found that the work proposed to be contracted can be performed more feasibly by a contractor than by City employees (Transmittal No. 5).

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; and Discount Terms.

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Businesses are encouraged to locate or remain within the City of Los Angeles to preserve and enhance the economic base and well-being of the City. Consultant currently staffs 1,348 employees, with the number and percentage of employees residing in the City of Los Angeles being 65 and 4.8 percent, respectively.

The quality of the work performed by the consultants will be monitored in accordance with the Contractor Evaluation Ordinance No. 173018 (Division 10, Chapter 1, Article 13 Los Angeles Administrative Code) and the Rules for the Evaluation of Service Contractors which require departments to prepare performance evaluations upon completion of all service contracts over \$25,000 and at least three months in duration. The critiques are kept on file in the Bureau of Contract Administration, Special Research & Investigation Section for reference by other City Departments and Agencies.

***Amendment Review***

This agreement, Amendment No. 3, has been prepared to conform to Standard Form Personal Services Contract/Amendment for the Municipal Facilities Program. The City Attorney's office has approved the amendment as to form.

**STATUS OF FINANCING**

Funds in the amount of \$14,900,000 have been appropriated in MICLA Fund Nos. 295/50 Account No. T233, 293/50 Account No. V203, 298/50 Account No. Y612, 298/50 Account No. W520, and 26A/50 Account No. A520 effective July 31, 2007 against the revised contract amount of \$14,900,000. The balance of \$3,048,320 for Amendment No. 3 for a revised contract ceiling amount of 17,948,320 will be funded from 26A/50 Account No. A520. Funds indicated in the matrix below for 298/50 Account No. W520 have subsequently been transferred to 26A/50 Account No. A520.

Fund	Original Contract	Amendment No. 1	Amendment No. 2	Amendment No. 3	Contract Total
293/50/V203	\$ 1,093,088.00				\$ 1,093,088.00
295/50/T233	\$ 1,706,912.00				\$ 1,706,912.00
298/50/Y612	\$ 129,647.49				\$ 129,647.49
26A/50/A520	\$ 3,340,352.51	\$1,334,743.49	\$1300,000.00	\$3,048,320	\$ 9,023,416.00
298/50/W520 (26A/50/A520)	\$ 5,380,000.00	\$ 615,256.51			\$ 5,995,256.51
<b>Grand Total</b>	<b>\$11,650,000.00</b>	<b>\$1,950,000.00</b>	<b>\$1,300,000</b>	<b>\$3,048,320</b>	<b>\$17,948,320.00</b>

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( JKS TSA WRB )

Report reviewed by:

Respectfully submitted,

BOE (PAC)

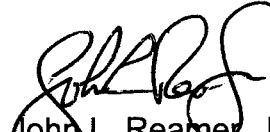


Report prepared by:

Gary L. Moore, P.E.  
City Engineer

Police Administration Building

Julie K. Sauter, P.E.  
Program Manager  
Phone No. (213) 473-6293



John L. Reamer, Jr.  
Inspector of Public Works


Compliance Review performed  
and Approved by:



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

Statement as to Funds Approved by:



 Craig V. Bloomquist, Director  
Office of Accounting  
Date: 7/28/08

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Questions regarding this report  
may be referred to:  
Writer: Julie K. Sauter  
Phone No. (213) 473-6293  
Fax No. (213) 473-6248

RECEIVED BUREAU OF ENGINEERING  
ADMINISTRATIVE SERVICES  
LETTER FILES

SEP 10 2008

ASSIGNED Weintraub, Harano, Sauter, Allen

CITY OF LOS ANGELES  
CALIFORNIA

KAREN E. KALFAYAN  
City Clerk



Office of the  
CITY CLERK

Council and Public Services  
Room 395, City Hall  
Los Angeles, CA 90012  
General Information - (213) 978-1133  
Fax: (213) 978-1040

When making inquiries  
relative to this matter,  
please refer to the Council  
File No.

CLAUDIA M. DUNN  
Chief, Council and Public Services Division

ANTONIO R. VILLARAIGOSA  
MAYOR

[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)  
**173834**

07-0329-S1

CD 9

APPROVED BY THE BOARD  
OF PUBLIC WORKS OF THE  
CITY OF LOS ANGELES  
CALIFORNIA

AND THAT THE PRESIDENT OR TWO MEMBERS BE  
AUTHORIZED TO EXECUTE THE SAID CONTRACT  
ON BEHALF OF THE BOARD

October 7, 2008

**OCT 22 2008**

CITY ENGINEER

Councilmember Perry  
Councilmember Wesson  
Councilmember Huizar  
Board of Public Works  
Department of Public Works  
City Attorney  
Chief Legislative Analyst  
Los Angeles Police Department

*Joseph*  
Secretary

RE: PROPOSED AMENDMENT NO. 3 TO CONTRACT NO. C-106467 WITH DMJM DESIGN/ROTH + SHEPPARD JOINT VENTURE FOR THE POLICE ADMINISTRATION BUILDING - NEW PARKER CENTER PROJECT FOR ARCHITECTURAL AND ENGINEERING DESIGN SERVICES

At the meeting of the Council held October 3, 2008, the following action was taken:

Attached report adopted .....	_____
Attached motion (Wesson - Huizar) adopted .....	_____ <b>X</b> _____
Attached resolution ( - ) adopted .....	_____
FORTHWITH .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve committee report recommendation(s) .....	_____
Motion adopted to approve communication recommendation(s) .....	_____
Findings adopted .....	_____
Negative Declaration adopted .....	_____
Categorically exempt.....	_____
Generally exempt.....	_____

*Karen E. Kalfayan*

City Clerk  
me

**VERBAL MOTION**

I HEREBY MOVE that Council ADOPT the following recommendations with respect to proposed Amendment No. 3 to Contract No. C-106467 with DMJM Design/Roth + Sheppard Joint Venture for the Police Administration Building - New Parker Center (PAB) Project for architectural and engineering design services on today's Council agenda (Item No. 17, CF 07-0329-S1):

1. APPROVE Amendment No. 3 to Contract No. C-with DMJM Design/Roth + Sheppard Joint Venture to increase compensation by \$3,048,320 from \$14,900,000 to a maximum not-to-exceed compensation total of \$17,948,320 for architectural and engineering design services for the PAB Project subject to City Attorney approval.
2. AUTHORIZE the President of the Board of Public Works to execute Amendment No. 3 to Contract No. C-106467 with DMJM Design/Roth + Sheppard Joint Venture.

**Fiscal Impact Statement:** The City Administrative Officer reports that as approved by the Council and Mayor on November 6, 2007 (Council file No. 07-3498), the current budget for the PAB Project is approximately \$436.9 million, with financing from the Municipal Improvement Corporation of Los Angeles (MICLA), the Special Parking Revenue Fund and Proposition C, in the approximate amounts of \$411.8 million, \$23.9 million and \$1.1 million, respectively. The budget includes \$19 million in MICLA funding for architectural and engineering design services for all PAB project components, which is sufficient to provide funding up to the new contract ceiling specified in this amendment.

MICLA financing in the amount of up to \$500 million in lease revenue bonds was approved by Council on November 8, 2006 for both the Public Works Building and the PAB Project (Council file No. 06-2627). For the PAS component of the bond issuance, debt service averaging \$24.5 million of the bond issuance must be paid from the General Fund beginning in Fiscal Year 2010-11.

Once completed, the opening of the new Los Angeles Police Department headquarters and associated facilities may have an impact on the General Fund with regard to the costs of facility operation and maintenance. These costs may be offset as operations at existing facilities are reduced or stopped. The proposed amendment is not expected to result in an increase of operating and maintenance costs for the new facilities.

**Community Impact Statement:** None submitted.

**(Public Works Committee waived consideration of the above matter)**

PRESENTED BY \_\_\_\_\_  
HERB J. WESSON, JR  
Councilmember, 10th District

SECONDED BY \_\_\_\_\_  
JOSE HUIZAR  
Councilmember, 14th District

October 3, 2008

CF 07-0329-S1

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*Motion*  
**ADOPTED**  
OCT 3 2008  
**LOS ANGELES CITY COUNCIL**