



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: July 7, 2010

SUBJECT: **Agenda Item VII: Consideration of resolution authorizing Executive Officer to enter into contracts as necessary for the completion of Confluence Park, Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing Executive Officer to enter into contracts as necessary for the completion of Confluence Park, Los Angeles.

Background: Confluence Park, located near the Los Angeles River Center and Gardens near the confluence of the Arroyo Seco and the Los Angeles Rivers, is currently under construction and close to completion.

After extended delays on the part of the contractor hired to construct the park improvements, the Executive Officer determined that the contractor had materially breached the contract and had proven itself unwilling and unable to complete the improvements in a satisfactory manner. The contractor was terminated for cause effective June 29, 2010.

The MRCA asserted its contractual right to assume the role of the former general contractor and to deal directly with subcontractors and suppliers to complete the park improvements. After taking control of the project, serious issues with construction defects, scheduling delays and insufficient materials were discovered. Resolving these issues will require additional contracts for both labor and materials.

The Executive Officer determined that due to the condition of Confluence Park at the time of termination of the contractor, potentially significant risks to public safety and to public property existed and authorized certain contracts prior to consideration of this item pursuant to Section 4 of the MRCA Purchasing and Contracting Procedures.

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Staff has determined that this resolution is necessary in order to meet applicable timelines in a responsible manner.