



Agenda Item #: II C: Action Item  
Date: March 11, 2021  
To: Magnolia Educational & Research Foundation dba Magnolia Public Schools  
("MPS")  
From: MPS Audit/Facilities Committee  
Staff Lead: Patrick Ontiveros, General Counsel & Director of Facilities  
RE: Approval of MSA-1 Design Contract for Capital Improvement Projects

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## I. Proposed Recommendation(s)

Move that the Board approve the selection of Franco Architects Inc. for design and engineering services for certain capital improvement projects (collectively, the "**Project**") at Magnolia Science Academy—1 ("**MSA-1**").

## II. Background

MSA-1 filed for and received a zone change for its parking lot parcels from the City of Los Angeles. As a condition to the zone change, MSA-1 agreed to make certain improvements to the parcel that serves the MSA-1 middle school building. They include the following: (1) the fixing of drainage on the middle school parking lot; (2) the creation of an open green space and a concrete pad with a solar shade; (3) fencing surrounding the entire MSA-1 parking lot parcels; (4) the creation of a track; and (5) the installation of modular outdoor restrooms. MSA-1 wishes to undertake these improvements because it will assist the school during the current pandemic to allow for activities to take place outside. Looking to the future, having a good recreation and outdoor space will benefit the students and may in fact attract more students to the campus.

An architect's services are also needed to (1) obtain permits for the construction of the block wall at the back of the middle school parking lot, (2) modify the first floor interior of the middle school building to be level (the middle of the first floor is sunk as compared to the rest of the first floor) and (3) propose a paint scheme for the middle school building to complement the newly constructed high school building. The block wall at the rear of the middle school parking lot is required to be constructed under a settlement agreement with the neighbors who share the wall. MSA-1 would like to make the first floor level in order to increase the utility of the space.

In addition, in the current pandemic it is critical to undertake the Project now to provide MSA-1 the opportunity to use the outdoors for instruction.



### III. Procurement

#### A. Architect Selection

Staff solicited bids from four (4) design firms -- Franco Architects, Berliner Architects, CannonDesign (fka gkkworks), and David Ke Design Studio. Franco Architects was the architect for the MSA-1 high school building which included the redesign of the grading and drainage on the parking lot serving the high school building. Franco Architects also assisted with some of the master plan design work for the middle school parking lot that resulted in a zone change from “parking” to “commercial”. Berliner was the architect of record on the MSA-Santa Ana project. Berliner also completed a feasibility study for MSA-1 on or about October 2012 so is familiar with the MSA-1 site. Before it was acquired by CannonDesign, gkkworks assisted with the master planning of the middle school and high school parking lots during the zone change application. CannonDesign is a large architecture and design firm with offices in most major U.S. cities. David Ke is a small design firm with whom we have not worked before. The firm had previously introduced itself to Staff. Based on its experience and thoughtful approach to design, Staff elected to include it in the RFP.

#### B. Bids

The original bid amounts received from each architect are summarized below. Each of Berliner Architects, CannonDesign, and David Ke explicitly noted what work was excluded from their scope while Franco Architects’s bid did not. For example, Berliner Architects indicated that its fee was premised on a modular restroom being procured. If it was decided that the modular restroom was not cost effective or suitable then the its fee would increase to include the design of the restroom. It also indicated that it would evaluate pre-engineered solar shade structures versus a site built structure and if a structure needed to be designed, it would have to increase its fee.

Firm	Bid
Franco Architects	\$61,000
Berliner Architects	\$201,415
CannonDesign (fka gkkworks)	\$314,000
David Ke Design Collaborative Studio	\$175,930

Because CannonDesign’s bid was significantly higher than the next highest bid, Staff ruled them out. A more detailed breakdown of each of the three other design firms’ bids is set forth below.

Category of Work	Design Firm		
	Franco Architects* Cost	Berliner Architects Firm / Cost	David Ke DCS Firm / Cost
Structural	Not Specified	\$30,000.00	\$7,500.00
Electrical	Not Specified	\$12,150.00	\$25,000.00
Plumbing	Not Specified	included in structural fees	\$0.00
Civil	Not Specified	\$41,000.00	\$14,135.00
Landscape	Not Specified	\$9,150.00	\$52,730.00



Category of Work	Design Firm		
	Franco Architects <sup>†</sup> Cost	Berliner Architects Firm / Cost	David Ke DCS Firm / Cost
Geotech	Not Specified	Not included	\$6,900.00
Architecture Fee <sup>†</sup>	Not Specified	\$99,615.00	\$69,665.00
Reimbursable Fees (estimate)	At Cost/ Not Specified	\$9,500.00 <sup>‡</sup>	Not specified
<b>TOTAL</b>	<b>\$61,000.00</b>	<b>\$201,415.00</b>	<b>\$175,930.00</b>

**Notes:**

- \* Franco Architect broke down their fees by effort.
  - Site Work (track, field, landscaping, site plumbing engineering)
  - Proto Wall Permit
  - Raising the floor on the first floor of the middle school building
  - Design paint scheme for middle school building
- † Berliner Architecture Fee is consists of both an architect's fee and a subcontractor coordination fee
- ‡ Cost plus 7.5%

Staff originally recommended that the Committee approve the selection of Franco Architects as the architect. Concerned about the disparity between the Franco bid and the other bids, the Committee asked Staff to delve further into the bids to insure that no scope was missing from the Franco bid. Since CannonDesign's bid is 55% greater than the next largest bid from Berliner Architects, Staff did not pursue their bid any further. Staff also used this opportunity to approach Berliner and David Ke to challenge them to tighten up their bid (i.e., lower it) and to split it into two scopes – the site work and the middle school structural work. Franco Architects was also directed to split their scope into the two scopes and provide a breakdown by subcontractor. Moreover, due to its dismal performance on the high school construction project, Franco Architects was instructed to substitute a different plumbing engineer for the original plumbing engineer, Hyle Engineering.

**c. RFP Revised Bids**

Each of Franco Architects, Berliner Architects and David Ke submitted revisions to their original estimates. Franco Architects clarified the exclusions to their bid. A summary of the revised bids is shown below.

Firm / Scope	Bid
Franco Architects	
Site Work	\$38,900.00
Middle School Bldg	\$35,000.00
<b>TOTAL</b>	<b>\$73,900.00</b>
Berliner Architects	
Site Work	\$184,043.00 <sup>†</sup>
Middle School Bldg	\$21,400.00
<b>TOTAL</b>	<b>\$205,443.00</b>



Firm / Scope	Bid
David Ke DCS	
Site Work	\$150,775.00 <sup>‡</sup>
Middle School Bldg	\$7,200.00
<b>TOTAL</b>	<b>\$157,975.00</b>

**Notes:**

† Berliner includes “off-site work” as part of this scope – street improvements & alley improvements

‡ David Ke included off site work as an alternate. For illustrative purposes, the amount \$5,300 is added to the site work of \$145,475.

A more detailed breakdown of each of the firms revised bids by Scope is set forth below.

**Site Improvements**

Category of Work	Design Firm		
	Franco Architects* Cost	Berliner Architects Cost	David Ke DCS Cost
Structural	\$2,200.00	\$25,000.00	\$7,500.00
Electrical	\$4,300.00	\$11,150.00	\$23,000.00
Plumbing	\$3,700.00	Not Included	Not Included
Civil	\$4,000.00	\$36,000.00	\$17,800.00
Landscape	\$5,700.00	\$9,150.00	\$41,310.00
Geotech	Not included	Not included	\$6,900.00
Architecture Fee	\$19,000.00	\$90,000.00	\$54,265.00
Reimbursable Fees (estimate)	Not included	\$4,065.00	Not Included
<b>TOTAL</b>	<b>\$38,900.00</b>	<b>\$184,043.00</b>	<b>\$150,775.00</b>

**Middle School Building Improvements**

Category of Work	Design Firm		
	Franco Architects Cost	Berliner Architects Firm / Cost	David Ke DCS Firm / Cost
Structural	\$12,500.00	\$5,000.00	\$0.00
Electrical	Not Included	\$3,000.00	\$0.00
Architecture Fee <sup>†</sup>	\$22,500.00	\$12,000.00	\$7,200.00
Sub Coordination Fee	Not Included	\$400.00	\$0.00
Reimbursable Fees (estimate)	Not Included	\$1,000.00	\$0.00



**Middle School Building Improvements**

Category of Work	Design Firm		
	Franco Architects Cost	Berliner Architects Firm / Cost	David Ke DCS Firm / Cost
<b>TOTAL</b>	<b>\$35,000.00</b>	<b>\$21,400.00</b>	<b>\$7,200.00</b>

Staff reviewed the revised proposals for completeness. Staff is satisfied that the proposals included all pertinent scope. In particular, Franco Architects clarified the exclusions from its scope.

In order to “normalize” the bids so that they all include the same costs, Staff created the following table to include any costs included by one architect but not others that may be reasonably anticipated to be part of the Project.

**All Scope**

Category of Work	Design Firm		
	Franco Architects* Cost	Berliner Architects Cost	David Ke DCS Cost
Structural	\$14,500.00	\$30,000.00	\$61,465.00
Electrical	<b>\$23,000.00*</b>	\$14,150.00	\$23,000.00
Plumbing	\$3,700.00	<b>\$3,700.00*</b>	<b>\$3,700.00*</b>
Civil	\$17,800.00	\$36,000.00	\$17,800.00
Landscape	<b>\$9,150.00*</b>	\$9,150.00	\$41,310.00
Geotech	<b>\$6,900.00*</b>	<b>\$6,900.00*</b>	\$6,900.00
Elevator Engineer	<b>\$10,000.00*</b>	<b>\$10,000.00*</b>	<b>\$10,000.00*</b>
Architecture Fee	\$19,000.00	\$102,000.00	\$54,265.00
Sub Coordination Fee†	\$0.00	\$4,465.00	\$0.00
Reimbursable Fees (estimate)	<b>\$9,500.00*</b>	\$9,678.00	<b>\$9,500.00*</b>
<b>TOTAL</b>	<b>\$113,550.00</b>	<b>\$226,043.00</b>	<b>\$227,940.00</b>

**Notes:**

\* Adjusted amounts

† No consultant coordination fees are added to either Franco Architects or David Ke fees

None include an elevator engineer. Berliner Architects included estimates for reimbursable expenses but the other firms did not. Therefore, appropriate allowances were included in the table above for each of these two categories.

For all proposals, all assume that the solar shade structure and the restroom structure will be “design build” or “modular”, meaning that a vendor will be identified and they will be responsible for designing and permitting the structure. Each design firm will assist in identifying vendors to provide these services.



#### **IV. Conclusion**

Each of the design firms that responded to the targeted RFP are capable and talented architects. However, based on the revised RFP responses and their respective fees, Staff recommends that Franco Architects be selected to provide the design services for the Project. Their price is the most affordable even accounting for exclusions. Staff is satisfied that both scopes of work are sufficiently straightforward – for example, the requirements for the site work are clearly laid out in the zone change documents. None of the issues from the high school new construction project that caused delays and cost over-runs (a roof top play area, for example) are present.

To double check its conclusion, Staff discussed the Project with Oltmans Construction, the general contractor that constructed the high school building. They opined that none of the change orders from the high school project were red flags for them, except that they did not find the plumbing engineer's performance adequate. The plumbing engineer in their original proposal was replaced in the revised proposal per Staff's request.