



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles
CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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"To Enrich Lives Through Effective And Caring Service"

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Fifth District

November 05, 2013

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

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS:
JOB ORDER CONTRACTS FOR MAINTENANCE,
REPAIR, REMODEL, AND REFURBISHMENT OF
COUNTY INFRASTRUCTURE AND FACILITIES
AWARD JOB ORDER CONTRACTS
1301AED THROUGH 1315AED
(ALL DISTRICTS)
(3 VOTES)**

SUBJECT

This action will award 15 separate Job Order Contracts (1301AED through 1315AED) to the apparent Lowest Responsive and Responsible Bidders, and authorize the Director of Public Works, or her designee, to issue work orders. This action will also delegate authority to the Director of Public Works, or her designee, to act on behalf of the Los Angeles County Flood Control District to issue work orders.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the award of Job Order Contract Nos. 1301AED through 1315AED exempt from the California Environmental Quality Act for the reasons stated in this letter and in the records pertaining to the Job Order Contracts.
2. Find that New Creation Builders' bids on Job Order Contracts Nos. 1301AED and 1304AED failed to satisfy the required minimum qualifications because the Experience Modification Rate is greater than the maximum allowable rate of 1.2 in the past three years, and disqualify the bids on such basis.

3. Find Access Pacific, Inc.'s bid on Job Order Contract No. 1304AED nonresponsive for failing to acknowledge Notice to Bidders B and reject the bid on such basis; in addition, find that the bidder failed to satisfy the specified minimum experience requirements and disqualify the bid on such further basis.
4. Award one Job Order Contract No. 1301AED, to MTM Construction, Inc., for a maximum amount of \$4.3 million, to be financed through the appropriate maintenance, repair, and refurbishment projects.
5. Award six Job Order Contracts Nos. 1302AED, 1303AED, 1304AED, 1305AED, 1309AED, and 1310AED, to Ace Engineering, Inc., each for a maximum amount of \$4.3 million, and each to be financed through the appropriate maintenance, repair, and refurbishment projects.
6. Award four Job Order Contracts Nos. 1306AED, 1307AED, 1308AED, and 1311AED, to Mackone Development, Inc., each for a maximum amount of \$4.3 million, and each to be financed through the appropriate maintenance, repair, and refurbishment projects.
7. Award one Job Order Contract No. 1312AED, to Harry H. Joh Construction, Inc., for a maximum amount of \$4.3 million, to be financed through the appropriate maintenance, repair, and refurbishment projects.
8. Award three Job Order Contracts Nos. 1313AED, 1314AED, and 1315AED, to Torres Construction Corporation, each for a maximum amount of \$4.3 million, and each to be financed through the appropriate maintenance, repair, and refurbishment projects.
9. Authorize the Director of Public Works, or her designee, to execute the Job Order Contracts in the form previously approved as to form by County Counsel and establish the effective date following receipt of approved Faithful Performance and Payment for Labor and Materials Bonds filed by MTM Construction, Inc.; Ace Engineering, Inc.; Mackone Development, Inc.; Torres Construction Corporation; and Harry H. Joh Construction, Inc.
10. Authorize the Director of Public Works, or her designee, to issue work orders for the maintenance, repair, remodeling, and refurbishment of County facilities and infrastructure to MTM Construction, Inc.; Ace Engineering, Inc.; Mackone Development, Inc.; Torres Construction Corporation; and Harry H. Joh Construction, Inc., in the aggregate work order amount not-to-exceed the maximum amount of each Job Order Contract upon receipt of funding authorization from the Chief Executive Office or the appropriate funding source.

ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

11. Authorize the Director of Public Works, or her designee, to issue work orders for the maintenance, repair, remodeling, and refurbishment of Los Angeles County Flood Control District facilities and infrastructure to MTM Construction, Inc.; Ace Engineering, Inc.; Mackone Development, Inc.; Torres Construction Corporation; and Harry H. Joh Construction, Inc., in the aggregate work order amount not-to-exceed the maximum amount of each Job Order Contract upon receipt of funding authorization from the Chief Executive Office or the appropriate funding source.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find award of the Job Order Contracts (JOCs) exempt from the California Environmental Quality Act (CEQA) and augment the Department of Public Works' (Public Works) ability to effectively and efficiently maintain, repair, remodel, and refurbish County and Flood Control District infrastructure and facilities.

Public Works received 117 bids on the solicitation for the advertised 15 JOC Nos. 1301AED through 1315AED as listed in Attachment A.

Approval of the recommended action will award 15 separate JOCs to the apparent Lowest Responsive and Responsible Bidders (see Contracting Process section for details). New Creation Builders' bids on JOC Nos. 1301AED and 1304AED are recommended to be disqualified for failing to satisfy the required minimum qualifications because the Experience Modification Rate of 2.34 in 2010, is greater than the maximum allowable rate of 1.2 in any of the past three years. Access Pacific, Inc.'s bid on JOC No. 1304AED is recommended to be rejected as nonresponsive for failing to acknowledge Notice to Bidders B; in addition, the bid is recommended to be disqualified because the bidder failed to satisfy the specified minimum 10-year experience requirement.

JOC is a flexible, cost-effective unit price contracting method used by Public Works for the maintenance, repair, remodeling, and refurbishment of County and Flood Control District facilities and infrastructure without extensive plans and specifications. The State Public Contract Code provides that JOCs are contracts of a single-year duration. Public Works will implement the Board-approved Local Worker JOC Program based on project location in accordance with the intent of the program. As required by State Public Contract Code 20128.5, the proposed JOCs will be used for maintenance, repair, remodeling, and refurbishment or other repetitive work, but will not be used for new construction.

In order to have adequate JOC capacity available on a continuous basis, the aggregate requested amount of JOC authority is \$64.5 million (15 JOCs), which includes eight JOCs for the County's Electronic Health Records Project, two JOCs for the Rancho Los Amigos North Campus Infrastructure and Demo Project, one JOC for Department of Parks and Recreation projects, and four JOCs for other capital projects and infrastructure projects. This capacity is based on the anticipated need for maintenance, repair, remodeling, and refurbishment projects for other County General and Special Fund departments.

This relatively simple and straightforward JOC process reduces administrative requirements and lowers direct construction costs for maintenance, repair, remodeling, and refurbishments while meeting federal, State, and County procurement requirements. The JOCs were publicly advertised for bids and will be awarded to the apparent Lowest Responsive and Responsible Bidders in accordance with the State Public Contracting Code (see the Facts and Provisions/Legal Requirements and Contracting Process sections for details and definitions).

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) by increasing the County's ability to manage workload fluctuations in a responsive manner and provide responsive, efficient, and high-quality public service.

FISCAL IMPACT/FINANCING

Maintenance, repair, remodeling, and refurbishment work will be financed through the appropriate capital, refurbishment, infrastructure, or Public Works' operating and special fund(s). For capital

projects and refurbishments, no work will be assigned to these JOCs without the prior review and funding verification from the Chief Executive Office (CEO) and the approval of the project scope and budget by the Board. For Public Works' infrastructure and maintenance projects, no work will be assigned to these JOCs without the appropriate funding authorization.

Public Works will work with the CEO to quantify any administrative costs attributable to the Local Worker JOC Program and present any necessary recommendations for budget adjustments to the Board for approval.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contracts will be in the form previously reviewed and approved as to form by County Counsel. The proposed contracts, JOC Nos. 1301AED through 1315AED, have been solicited on an open competitive basis and in accordance with applicable federal, State, and County requirements. The contractors will be in compliance with the CEO's and the Board's requirements.

Award of the contracts will not result in unauthorized disclosure of confidential information and will be in full compliance with federal, State, and County regulations.

The contracts will contain terms and conditions supporting the Board's ordinances, policies, and programs, including, but not limited to: County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs, Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; and the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

Data regarding the bidders' minority participation will be on file with Public Works. The contractors will be selected upon final analysis and consideration without regard to race, creed, color, or gender.

The General Conditions, Specifications, and Unit Price Book include the contractual provisions, methods, and material requirements necessary for these contracts and are on file with Public Works.

The State Public Contract Code requires the County to award construction contracts to the apparent Lowest Responsive and Responsible Bidder, which is defined as the firm that: 1) submits the lowest-priced bid; 2) is deemed by the County to be responsive to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and 3) is determined by the County to be a responsible bidder by demonstrating the attributes of trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the work required under the bid solicitation.

To ensure that the contracts are awarded to the apparent Lowest Responsive and Responsible Bidder with a satisfactory history of performance, bidders will be required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints

filed with the Contractors' State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractors was considered before making a recommendation to award.

Local Worker JOC Program

The Local Worker JOC Program requires Contractors to make a good faith effort to employ qualified local residents to perform at least 30 percent of the total construction labor hours. Monitoring of the Local Worker JOC Program will be provided by Public Works' contract administration staff based on review of the JOC worksite and individual labor hours in the local area to determine a percentage of Local Worker JOC Program hours worked on each of the specific work orders. The contractors will provide certified payroll records for labor forces. These records will be monitored by work order, hours worked, and zip code of the workers to establish the percentage of Local Worker JOC Program hours to be reported to the Board on a quarterly basis.

ENVIRONMENTAL DOCUMENTATION

Award of the JOCs is exempt from CEQA because it can be seen with certainty that there is no possibility that approval of the actions may have a significant impact on the environment pursuant to Section 15061(b)(3) of the CEQA Guidelines. This proposed action is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The Board's approval of the award of the JOCs does not include approval of the work done pursuant to the specific contracts. The implementation of each work order under these JOCs will be subject to prior determination and documentation by Public Works that the work is exempt from CEQA. In the event the work is not exempt, the Board will be requested to approve the appropriate environmental finding and any applicable documentation pursuant to CEQA prior to implementation of work orders under the contracts.

CONTRACTING PROCESS

On August 20, 2013, using the JOC Unit Price Book and Specifications adopted by the Board on March 5, 2013, Public Works issued and advertised a Notice Inviting Bids for a total of 15 JOCs. Bids were due on September 17, 2013. The bid results are summarized in Attachment A. Bidders were required to submit a set of cost adjustment factors that would be applied to the unit prices for work in the JOC Unit Price Book. Bids were determined by calculating a composite factor using a predetermined advertised formula. The lowest responsive and responsible bidders listed in Attachment A were deemed the apparent lowest responsive and responsible bidders meeting the criteria adopted by the Board with regard to the respective JOC agreements identified herein. The JOC Unit Price Book and contractors' adjustment factors will be incorporated in the awarded JOCs.

To ensure the contracts are awarded to responsible contractors with a satisfactory performance history, bidders were required to report violations of the False Claims Act, their civil litigation history, and information regarding prior criminal convictions.

The information reported by the apparent Lowest Responsive and Responsible Bidders listed in Attachment A was considered before making this recommendation to award the contracts.

As requested by the Board on February 3, 1998, the invitation for bids were listed on the "Doing Business with Us" website and were posted on the "Public Works Contract Opportunities" website. A

copy of the website posting is included as Attachment B for your reference.

Public Works has evaluated and determined that the Living Wage Program (County Code Chapter 2.201) does not apply to the recommended contracts as these contracts are for non-Proposition A services.

Participation by Community Business Enterprises (CBE) in the project is encouraged through Public Works' Capital Projects CBE Outreach Program and by monitoring the good faith efforts of bidders to utilize CBEs.

The contractors will be in compliance with the CEO's and the Board's requirements.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The use of these JOCs will expedite the completion of maintenance, repair, remodeling, and refurbishment of County and Flood Control District facilities and infrastructure work managed by Public Works. Minor impacts to tenant departments may occur while maintenance, repair, remodeling, and refurbishment work on such facilities and infrastructure is underway.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office, Facilities and Asset Management Division; and the Department of Public Works, Architectural Engineering Division.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:SHK:DJT
SW:RB:rp

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Public Works

**DEPARTMENT OF PUBLIC WORKS:
JOB ORDER CONTRACTS FOR MAINTENANCE,
REPAIR, REMODEL, AND REFURBISHMENT OF
COUNTY INFRASTRUCTURE AND FACILITIES
AWARD JOB ORDER CONTRACTS
1301AED THROUGH 1315AED**

OSHPD and General JOCs 1301AED-1311AED

JOC	Low Bidder Ranking	CONTRACTOR	Composite Adjustment Factor	Non- Selected Bids			Notes
				A	B	C	
1301AED	1	New Creation Builders	0.5425	X			
	2	MTM Construction, Inc.	0.5650				Recommend award of contract
	3	Ace Engineering, Inc.	0.5700			X	
	4	Torres Construction Corp	0.5800			X	
	5	Harry H. Joh Construction	0.5933			X	
	6	Access Pacific, Inc.	0.6000			X	
	7	Mackone Development, Inc.	0.6150			X	
1302AED	1	Ace Engineering, Inc.	0.5100				Recommend award of contract
	2	New Creation Builders	0.5425			X	
	3	MTM Construction, Inc.	0.5650			X	
	4	Torres Construction Corp	0.5800			X	
	5	Access Pacific, Inc.	0.5884			X	
	6	Harry H. Joh Construction	0.6134			X	
	7	Mackone Development, Inc.	0.6300			X	
1303AED	1	Ace Engineering, Inc.	0.5100				Recommend award of contract
	2	New Creation Builders	0.5500			X	
	3	MTM Construction, Inc.	0.5650			X	
	4	Access Pacific, Inc.	0.5884			X	
	5	Mackone Development, Inc.	0.6050			X	
	6	Torres Construction Corp	0.6250			X	
	7	Harry H. Joh Construction	0.6334			X	
1304AED	1	New Creation Builders	0.5500	X			
	2	Access Pacific, Inc.	0.5884	X	X		
	3	Ace Engineering, Inc.	0.5900				Recommend award of contract
	4	MTM Construction, Inc.	0.5950			X	
	5	Mackone Development, Inc.	0.6050			X	
	6	Torres Construcion Corp	0.6400			X	
	7	Harry H. Joh Construction	0.6534			X	
1305AED	1	Ace Engineering, Inc.	0.5100				Recommend award of contract
	2	New Creation Builders	0.5625			X	
	3	Access Pacific, Inc.	0.5884			X	
	4	MTM Construction, Inc.	0.5950			X	
	5	Torres Construction Corp	0.6050			X	
	6	Mackone Development, Inc.	0.6100			X	
	7	Harry H. Joh Construction	0.6734			X	
1306AED	1	Mackone Development, Inc.	0.5150				Recommend award of contract
	2	New Creation Builders	0.5625			X	
	3	Ace Engineering, Inc.	0.5800			X	
	4	Access pacific, Inc.	0.5884			X	
	5	MTM Construction, Inc.	0.5950			X	
	6	Torres Construction Corp	0.6400			X	
	7	Harry H. Joh Construction	0.6934			X	

Non-Selected Bids

A) Failed to meet the minimum special qualifications and requirements on hospital projects.

B) Deemed non-responsive for failure to acknowledge Notice to Bidders B.

C) Bids Not Rated

OSHPD and General JOCs 1301AED-1311AED

JOC	Low Bidder Ranking	CONTRACTOR	Composite Adjustment Factor	Non- Selected Bids			Notes
				A	B	C	
1307AED	1	Mackone Development, Inc.	0.5150				Recommend award of contract
	2	New Creation Builders	0.5625			X	
	3	MTM Construction, Inc.	0.5650			X	
	4	Access Pacific, Inc.	0.5884			X	
	5	Torres Construction Corp	0.6175			X	
	6	Ace Engineering, Inc.	0.6200			X	
	7	Harry H. Joh Construction	0.7134			X	
1308AED	1	Mackone Development, Inc.	0.5150				Recommend award of contract
	2	New Creation Builders	0.5325			X	
	3	MTM Construction, Inc.	0.5650			X	
	4	Access Pacific, Inc.	0.5884			X	
	5	Ace Engineering, Inc.	0.6000			X	
	6	Torres Construction Corp	0.6050			X	
	7	Harry H. Joh Construction	0.7334			X	
1309AED	1	Ace Engineering, Inc.	0.5100				Recommend award of contract
	2	New Creation Builders	0.5325			X	
	3	MTM Construction, Inc.	0.5650			X	
	4	Torres Construction Corp	0.5700			X	
	5	Access Pacific, Inc.	0.5884			X	
	6	Mackone Development, Inc.	0.6075			X	
	7	Harry H. Joh Construction	0.7534			X	
1310AED	1	Ace Engineering, Inc.	0.5100				Recommend award of contract
	2	Mackone Development, Inc.	0.5150			X	
	3	Torres Construction Corp	0.5550			X	
	4	MTM Construction, Inc.	0.5850			X	
	5	New Creation Builders	0.5875			X	
	6	Access Pacific, Inc.	0.5884			X	
	7	Harry H. Joh Construction	0.7734			X	
1311AED	1	Mackone Development, Inc.	0.5150				Recommend award of contract
	2	Torres Construction Corp	0.5400			X	
	3	MTM Construction, Inc.	0.5700			X	
	4	New Creation Builders	0.5875			X	
	5	Access Pacific, Inc.	0.5884			X	
	6	Ace Engineering, Inc.	0.6100			X	
	7	Harry H. Joh Construction	0.7934			X	

Non-Selected Bids

A) Failed to meet the minimum special qualifications and requirements on hospital projects.

B) Deemed non-responsive for failure to acknowledge Notice to Bidders B.

C) Bids Not Rated

Special Construction and General JOCs 1312AED - 1315AED

ATTACHMENT A

JOC	Low Bidder Ranking	CONTRACTOR	Composite Adjustment Factor	Non-Selected Bids			Notes
				A	B	C	
1312AED	1	Harry H. Joh Construction	0.4959				Recommend award of contract
	2	New Creation Builders	0.5075			X	
	3	Torres Construction Corp	0.5250			X	
	4	MTM Construction, Inc.	0.5600			X	
	5	Exbon, Inc.	0.5750			X	
	6	Access Pacific, Inc.	0.5884			X	
	7	Angeles Contractor, Inc.	0.5900			X	
	8	Mackone Development, Inc.	0.6300			X	
	9	Pub Construction	0.6434			X	
	10	Minco Construction	0.8125			X	
1313AED	1	Torres Construction Corp	0.5250				Recommend award of contract
	2	New Creation Builders	0.5375			X	
	3	Harry H. Joh Construction	0.5459			X	
	4	MTM Construction, Inc.	0.5600			X	
	5	Exbon, Inc.	0.5750			X	
	6	Angeles Contractor, Inc.	0.5850			X	
	7	Access Pacific, Inc.	0.5884			X	
	8	Pub Construction	0.5934			X	
	9	Mackone Development, Inc.	0.6300			X	
	10	Minco Construction	0.8125			X	
1314AED	1	Torres Construction Corp	0.5350				Recommend award of contract
	2	Angeles Contractor, Inc.	0.5650			X	
	3	Exbon, Inc.	0.5750			X	
	4	New Creation Builders	0.5800			X	
	5	MTM Construction, Inc.	0.5825			X	
	6	Access Pacific, Inc.	0.5884			X	
	7	Pub Construction	0.5934			X	
	8	Harry H. Joh Construction	0.6259			X	
	9	Mackone Development, Inc.	0.6300			X	
	10	Minco Construction	0.8125			X	
1315AED	1	Torres Construction Corp	0.5250				Recommend award of contract
	2	New Creation Builders	0.5325			X	
	3	Exbon, Inc.	0.5750			X	
	4	MTM Construction, Inc.	0.5825			X	
	5	Angeles Contractor, Inc.	0.5875			X	
	6	Access Pacific, Inc.	0.5884			X	
	7	Harry H. Joh Construction	0.6159			X	
	8	Mackone Development, Inc.	0.6300			X	
	9	Pub Construction	0.6434			X	
	10	Minco Construction	0.8125			X	

Non-Selected Bids

A) Failed to meet the minimum special qualifications and requirements on hospital projects.

B) Deemed non-responsive for failure to acknowledge Notice to Bidders B.

C) Bids Not Rated

Bid Detail Information

Bid Detail Information

Bid Number : JOC 1301-1315
Bid Title : JOC 1301 Through 1315
Bid Type : Construction
Department : Public Works
Commodity : CONSTRUCTION SERVICE, GENERAL (DIGGING, DITCHING, ROAD GRADING, ROCK STABILIZATION, ETC.)
Open Date : 8/20/2013
Closing Date : 9/17/2013 12:45 PM
Bid Amount : \$ 4,300,000
Bid Download : Not Available

Bid Description : The work consists of a broad array of maintenance, repair, and refurbishment of County infrastructure and facilities projects under the direction of Public Works. Public Works will hold a mandatory prebid conference for all JOC bids at 2:00 p.m. on September 3, 2013, at 900 South Fremont Avenue, Conference Room A, Alhambra, California 91803, to provide information on the JOC, bidding process, and answer any questions that potential bidders may have. To be considered responsive to this invitation for bid, bidders must attend the mandatory prebid conference. Bids from bidders who do not attend the prebid conference will be rejected as nonresponsive. It is strongly recommended that the prebid conference be attended by a principal of the company or a person authorized to make decisions for the company. The maximum dollar value of each contract is \$4,300,000. JOC Specification Packets and Bid Forms may be downloaded for free from the Los Angeles County Public Works website:

[Click here to download documents](#)

or are available for purchase at the Cashiers Office of Public Works. Individual bid sets are \$15, or \$165 for all 15 sets. For further directions, please contact Ms. Rosalinda Franco with Architectural Engineering Division at (626) 458-2534.

Contact Name : Rosalinda Franco
Contact Phone# : (626) 458-2534
Contact Email : rfranco@dpw.lacounty.gov
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