



GAIL FARBER, Director

**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331

<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

May 03, 2016

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:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

40 MAY 3, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

**DELEGATE AUTHORITY TO ADOPT, ADVERTISE, AND AWARD  
CONSTRUCTION CONTRACT  
WILLOWBROOK AREA ACCESS IMPROVEMENTS,  
IN THE UNINCORPORATED COMMUNITY OF WILLOWBROOK  
(SUPERVISORIAL DISTRICT 2)  
(3 VOTES)**

**SUBJECT**

This action is to approve the Willowbrook Area Access Improvements project in the unincorporated community of Willowbrook; find the project has designated products by specific brand names; carry out accelerated delivery of the project including the delegation of authority to the Director of Public Works or her designee to adopt the plans and specifications; call for bids; award and execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid for the preparation of a baseline construction schedule and a storm water pollution prevention plan for a fee not to exceed \$10,000; award and execute a construction contract with the responsible contractor with the lowest responsive bid; and implement certain responsibilities to carry out this project.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the project and delegate to the Director of Public Works or her designee the authority to adopt the plans and specifications and call for bids, at an estimated construction contract cost between \$2,200,000 and \$3,000,000.
2. Find that this project has designated benches, trash receptacles, and concrete pavers by specific brand names in order to match existing benches, trash receptacles, and concrete pavers currently being used within the unincorporated County area of Willowbrook.

3. Authorize the Director of Public Works or her designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
4. Authorize the Director of Public Works or her designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and storm water pollution prevention plan for a fee not to exceed \$10,000 funded by existing project funds.
5. Authorize the Director of Public Works or her designee to award and execute a construction contract with the responsible contractor with the lowest responsive bid within the estimated cost range.
6. Delegate to the Director of Public Works or her designee the following authority in connection with this contract: (1) approve and execute change orders within the same monetary limits delegated to the Director of Public Works under Section 2.18.050 of the Los Angeles County Code relative to the construction of County buildings; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code Sections 4100 et seq. and 5100 et seq., respectively; (3) accept the project upon its final completion; (4) release retention money withheld consistent with the requirements of State Public Contract Code Sections 7107 and 9203; and (5) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code Section 4104.5.
7. Authorize the Chief Executive Officer to permit the Director of Public Works or her designee to award and execute a construction contract for the project if the lowest responsive bid exceeds the estimated cost range and if the Chief Executive Officer finds that additional and appropriate funds have been identified.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is for the Board to approve the project, to find the project has designated products by specific brand name, carry out its accelerated delivery by delegating authority to the Director of Public Works or her designee to adopt the plans and specifications for the project, call for bids, execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule and storm water pollution prevention plan for a fee not to exceed \$10,000 funded by existing project funds; award and execute a construction contract with the responsible contractor with the lowest responsive bid; and implement certain responsibilities to carry out this project.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). The recommended actions will help achieve these goals by enriching the lives of the County of Los Angeles residents by enhancing access in the unincorporated community of Willowbrook with streetscape improvements.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$2,200,000 to \$3,000,000. The total project cost is estimated to be \$6,400,000. In addition to the construction contract cost, the total project cost includes the cost of preparation of plans and specifications, consultant services, survey, environmental clearance, right-of-way and utility clearances, inspection, contract administration, change order contingency, and other County services.

This project will be administered utilizing Federal-aid funding under the Transportation Alternatives Program through the State Active Transportation Program (ATP). Under the Transportation Alternatives Program, Federal-aid funds allocated to local agencies are used to finance a portion of the construction cost of qualifying projects.

Funding for this project is included in the Second Supervisorial District's Transportation Improvement Program in the Proposition C Local Return Fund and Measure R Local Return Fund Fiscal Year 2015-16 Budgets.

The annual maintenance cost of the landscaping improvements and pedestrian lighting is estimated to be \$80,000. Commencing in Fiscal Year 2017-18, sufficient appropriation will be included in the Second Supervisorial District's annual Transportation Improvement Program Road Fund Budget to finance the ongoing maintenance cost.

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

This project is part of the Department of Public Works' ongoing highway construction program. It will be advertised in accordance with Section 20392 of the State Public Contract Code.

The State Public Contract Code Section 3400 allows a product to be designated by specific brand name for several purposes, one of which is to match other products in use on a completed public improvement, if the awarding authority makes a finding and language is included in the Invitation for Bids. The project plans and specifications designate the benches; trash receptacles to be those manufactured by Landscape Forms Company; and the concrete pavers to be those manufactured by Ackerstone Industries in order to match the existing benches, trash receptacles, and concrete pavers currently being used within the unincorporated community of Willowbrook. The Notice Inviting Bids includes language describing this finding.

This project is to be completed in 160 working days. It is anticipated the work will start in August 2016 and be completed in October 2016.

Delegating to the Director or her designee the authority to award and execute this construction contract will allow for an accelerated process for project delivery that will ensure we meet the funding deadline for the Active Transportation Program.

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

The award of this contract will be in full compliance with Federal, State, and County regulations. The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County's

Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), 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; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's 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.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (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 exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making an award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

## **ENVIRONMENTAL DOCUMENTATION**

On April 2, 2013, Agenda Item 34, the Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

## **CONTRACTING PROCESS**

This project will be contracted on an open-competitive bid basis. An award by the Director or her designee will be made upon review of the bids meeting the criteria established by the Board and the State Public Contract Code. The County Local Small Business Enterprise preference will not be applied to the determination of the lowest responsive and responsible bidder. To be eligible for Federal funds, financing the majority of this project, Title 49, Code of Federal Regulations requires award to the lowest bidder.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with Us" and Public Works' "Contract Opportunities" websites for upcoming bids.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business to maximize outreach.

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

When the project is completed, it will have a positive impact by enhancing the aesthetics of the access in the Willowbrook area thereby improving the quality of life for the community residents.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER

Director

GF:JTS:vr

c: Chief Executive Office (Rochelle Goff)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)