



MARK PESTRELLA, Director

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

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE

July 11, 2017

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

34 July 11, 2017

LORI GLASGOW
EXECUTIVE OFFICER

**REJECT ALL BIDS AND
ADOPT, RE-ADVERTISE, AND AWARD CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
SANTA ANITA DAM SPILLWAY MODIFICATION PROJECT
IN THE ANGELES NATIONAL FOREST
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to reject all bids received on April 11, 2017, and re-advertise the Santa Anita Dam Spillway Modification project in the Angeles National Forest; adopt the revised plans and specifications; authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid; award and execute a construction contract for spillway modification with the responsible contractor with the lowest responsive bid; and delegate authority to the Chief Engineer or his designee to carry out the project.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Reject all bids received on April 11, 2017, for Project ID No. FCC0001251, Santa Anita Dam Spillway Modification project.
2. Approve the project and adopt the revised plans and specifications that are on file in the Construction Division of the Department of Public Works for Santa Anita Dam Spillway Modification Project, at an estimated construction contract cost between \$28,000,000 and \$39,000,000.

BIDS: August 22, 2017 at 11:00 a.m.

3. Instruct the Executive Officer of the Board of Supervisors to re-advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement, and which are to be received before 11 a.m. on August 22, 2017, in accordance with the Notice Inviting Bids.
4. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his 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.
5. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule, a storm water pollution prevention plan, and environmental plans for a fee not to exceed \$17,500 funded by existing project funds.
6. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to award and execute a construction contract for spillway modification with the responsible contractor with the lowest responsive bid within the estimated cost range.
7. Delegate to the Chief Engineer of the Los Angeles County Flood Control District or his designee the following authority in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (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) 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; (4) accept the project upon its final completion; (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is for the Board to reject all bids received on April 11, 2017; approve and re-advertise the project; adopt the revised plans and specifications; authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid to prepare a baseline construction schedule, a storm water pollution prevention plan, and environmental plans for a fee not to exceed \$17,500 funded by existing project funds, award and execute a construction contract for spillway modification with the responsible contractor with the lowest responsive bid; and delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to carry out this project.

The project consists of: construction of a new spillway; upgrade of the electrical, mechanical, water, and control systems; re-armoring of the downstream canyon walls and the toe of the dam with additional reinforced shotcrete; resurfacing of the access road with tire rubber modified asphalt concrete; and performance of other appurtenant work under Project ID No. FCC0001251, Santa Anita Dam Spillway Modification project.

On January 31, 2017, the Board approved the project, adopted the plans and specifications, and instructed the Executive Office of the Board of Supervisors to advertise the project. On April 11, 2017, four bids were received. Due to the complexity of the project and its associated submittal requirements, all of the bids received contained discrepancies, incomplete information, or errors. Therefore, all bids need to be rejected and the project should be re-advertised. Public Works has revised the bid documents to provide further clarity.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, Objective III.3.2, Manage and Maximize County Assets. The recommended action supports ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is between the range of \$28,000,000 to \$39,000,000. The total project cost is estimated not to exceed \$42,500,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, consultant services agreement, construction engineering, inspection, contract administration, change order contingency, environmental mitigation, and other County services.

Funding for this project is included in the Fiscal Year 2017-18 Flood Control District Fund Budget. This project is one element of the Santa Anita Stormwater Flood Management and Seismic Strengthening project, which received a State Department of Water Resources Proposition 1-E Grant approved by the Board on April, 5, 2011, and funding by the Cities of Arcadia and Sierra Madre and the Raymond Basin Management Board through a Cooperative Cost Sharing Agreement approved by the Board on March 19, 2013. The project cost will be offset by \$11,000,000 through these funding sources.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Santa Anita Dam provides critical flood control and stormwater capture capabilities for the benefit of downstream communities. In order to comply with the California Division of Safety of Dams regulations and mitigate the flood risk to these downstream communities, a new spillway capable of passing the probable maximum flood will be built. Improvements will be made to the electrical, mechanical, water, and control systems as well. These dam improvements along with modifications to the Santa Anita Debris Dam, Santa Anita Headworks, and Santa Anita Spreading Grounds are estimated to result in an average annual increase in groundwater recharge of over 500 acre feet per year. The project will be re-advertised in accordance with Section 20991 of the State Public Contract Code.

This project is to be completed in 550 working days. It is anticipated the work will start in April 2018 and be completed in May 2020.

Delegating to the Chief Engineer of the Los Angeles County Flood Control District or his designee the authority to award and execute this construction contract allows an expedited contracting process to reduce flood risk and improve critical operations at this flood control facility.

The award of the contract will be in full compliance with Federal, State, and County regulations. The contract agreement will be in the form previously reviewed and approved as to form by County Counsel.

A standard construction contract will be used that contains terms and conditions supporting the Board's ordinances and policies, including but not limited to, the County of Los Angeles' Greater Avenues for Independence and General Relief Opportunities for Work Programs, Contract Language to Assist in Placement of Displaced County Workers, and Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015).

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 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

To ensure compliance with the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration was certified by the Board on July 14, 2015. The Initial Study/Mitigated Negative Declaration indicates that while the project would have had environmental impacts, modifications and/or mitigation measures have been incorporated into the project to reduce its potentially adverse impacts to levels considered less than significant (California Environmental Quality Act Guidelines §15070). Regulatory permits have been received from California Department of Fish and Wildlife, United States Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board.

CONTRACTING PROCESS

This project will be contracted on an open-competitive bid basis.

An award by the Chief Engineer or his designee will be made upon review of the bids. The contract will be awarded to a responsible contractor who submits the lowest responsive bid meeting the criteria established by the Board and the State Public Contract Code.

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy adopted on September 6, 2016, the project will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

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 the County" and "Public Works' Business Opportunities" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

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<http://dpw.lacounty.gov/general/contracts/opportunities>

Also, Public Works will leverage its social media platform by advertising the solicitation through Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises in compliance with Los Angeles County Code, Chapter 2.204.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by improving flood control operations, dam safety, and stormwater capture at this critical facility. Approval of this action will benefit the County by ensuring Public Works is able to safely and efficiently continue to serve and protect communities downstream of the dam.

CONCLUSION

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

Respectfully submitted,



MARK PESTRELLA

Director

MP:SRB:sm

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