



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 18, 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 18, 2017

LORI GLASGOW  
EXECUTIVE OFFICER

**ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT  
TRANSPORTATION CORE SERVICE AREA  
CHARTER OAK BIKEWAY ACCESS IMPROVEMENTS  
IN THE UNINCORPORATED COMMUNITY OF CHARTER OAK  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

**SUBJECT**

This action is to approve and advertise the Charter Oak Bikeway Access Improvements project in the unincorporated community of Charter Oak; find the median reduction portion of this project categorically exempt from the California Environmental Quality Act; find that the installation of the Class II bicycle route for this project is within the scope of the County 2012 Bicycle Master Plan Final Program Environmental Impact Report; adopt the plans and specifications; authorize the Director of Public Works or his designee to execute a consultant services agreement with the apparent responsible contractor with the lowest responsive bid for the preparation of a baseline schedule and a storm water pollution prevention plan for a fee not to exceed \$6,000; authorize the Director of Public Works or his designee to award and execute a construction contract for bikeway access improvements with the responsible contractor with the lowest responsive bid; and delegate authority to the Director of Public Works or his designee to carry out the project.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find the median reduction portion of the project categorically exempt from the California Environmental Quality Act for the reasons stated in this letter and in the record of the project.
2. Find that the installation of the Class II bicycle route for the project is within the scope of the County 2012 Bicycle Master Plan Final Program Environmental Impact Report.

BIDS: August 15, 2017 at 11:00 a.m.

3. Approve the project and adopt the plans and specifications that are on file in Construction Division of the Department of Public Works for Project ID No. RDC0015962, Charter Oak Bikeway Access Improvements, at an estimated construction contract cost between \$1,200,000 and \$1,600,000.
4. Instruct the Executive Officer of the Board of Supervisors to 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 15, 2017, in accordance with the Notice Inviting Bids.
5. Authorize the Director of Public Works 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.
6. Authorize the Director of Public Works 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 and a storm water pollution prevention plan for a fee not to exceed \$6,000 funded by existing project funds.
7. Contingent on the apparent lowest responsive and responsible bidder preparing a baseline construction schedule and storm water pollution prevention plan that are acceptable to the Director of Public Works or his designee, authorize the Director of Public Works or his designee to award and execute a construction contract for bikeway access improvements with the responsible contractor with the lowest responsive bid within the estimated cost range.
8. Delegate to the Director of Public Works 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; and (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 approve and advertise the project; adopt the plans and specifications; authorize the Director of Public Works 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 and a storm water pollution prevention plan for a fee not to exceed \$6,000 funded by existing project funds; authorize the Director or his designee to award and execute a construction contract for the improvement of the roadway for bicycle access with the responsible contractor with the lowest responsive bid; and delegate authority to the Director or his designee to carry out the project.

The project is along Arrow Highway between Glendora Avenue and Valley Center Avenue. The improvements include the narrowing of the existing medians to allow for the addition of bike lanes on both sides of the street.

The designated bike lanes will improve mobility for bicyclists by providing connections to the adjacent stores, shops, and bus stops.

The project consists of the reconstruction of roadway pavement with asphalt concrete; construction of a raised median with grouted river rock; reconstruction of curb, gutter, and sidewalk; installation of bicycle roadway signs; installation of striping and pavement markings; and the performance of other appurtenant work under Project ID No. RDC0015962, Charter Oak Bikeway Access Improvements.

Delegating to the Director or his designee the authority to award and execute this construction contract allows an expedited contracting process to expedite construction and meet the State and Federal funding guidelines, which require the construction contract to be awarded and executed no later than 6 months after Federal Highway Administration approval of the authorization to advertise on October 12, 2017.

The project is to be completed in 60 working days. It is anticipated the work will start in January 2018 and be completed in April 2018.

### **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 the project is in the range of \$1,200,000 to \$1,600,000. The total project cost is estimated to be \$2,400,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, consultant services agreement, survey, utility clearance, inspection, contract administration, change order contingency, and other County services.

The project will be administered under the Federal Highway Safety Improvement Program covered by Agreement No. 76078 with the State of California. Under this program, Federal-aid grant funds in the amount of \$1,013,300 will be used to finance a portion of the project cost.

Funding for the project is included in the Fiscal Year 2017-18 Fifth Supervisorial District's Transportation Improvement Program in the Proposition C Local Return Fund Budget.

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

The project will be advertised in accordance with Section 20392 of the State Public Contract Code.

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.

The Board-adopted Local and Targeted Worker Hire Policy allows exceptions, on a case-by-case basis, for projects with Federal or State funding prohibitions on geographic or other preferences. This project contains \$1,013,300 of Federal-aid funding. Federal-aid policies prohibit preferences such as those contained within the Local and Targeted Worker Hire Policy. In order to preserve the Federal funding, a Local and Targeted Worker Hire clause is not included for the project.

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**

The median reduction portion of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15301(c) and Class 1 Subsections (x)14 and (x)22 of the Environmental Document Reporting Procedures and Guidelines previously adopted by the Board. These exemptions provide for reconstruction of existing roadway pavement, curbs, gutters, and sidewalks and maintenance of existing roadway facilities.

On February 28, 2012, the Board certified that the Final Program Environmental Impact Report for the County 2012 Bicycle Master Plan is in compliance with CEQA and that it reviewed and considered the information presented within the Final Program EIR before it approved the County 2012 Bicycle Master Plan; found that the Final Program EIR reflected the independent judgment and analysis of the County; and determined that the significant adverse effect of the projects included in the County 2012 Bicycle Master Plan have been reduced to an acceptable level as outlined in the findings of fact that adopted the Mitigation Monitoring and Reporting Program and made a finding pursuant to Public Resources Code Section 21081.6 that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during the County 2012 Bicycle Master Plan implementation.

On March 13, 2012, the Board adopted the County 2012 Bicycle Master Plan to replace the 1975 Master Plan of Bikeways. The installation of a Class II bicycle route on Arrow Highway between Glendora Avenue and Valley Center Avenue was considered in the Final Program EIR for the County 2012 Bicycle Master Plan.

A one-time fee of \$2,919 was paid on March 2, 2012, at the filing of the first Notice of Determination for the Final Program EIR certification. In accordance with Title 14, Section 753.5(e)(3) of the California Code of Regulations, only one fee is required when an existing certified EIR is used for multiple project approvals that would result in no additional effect to fish and wildlife. Upon the Board's approval of the Charter Oak Bikeway Access Improvements project, Public Works will file a Notice of Determination in accordance with 21152(a) of the State Public Resources Code and pay the required processing fee in the amount of \$75.

### **CONTRACTING PROCESS**

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

An award by the Director 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.

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.

While the Local and Targeted Worker Hire clause is not included, language, as used in other Federal-aid projects, will be included within the contract documents requiring the contractor to offer to meet with job placement organizations within the local community. This effort should serve to enhance the contractor's efforts to implement the affirmative actions specified in the construction contract to meet the Federal hiring goals for minority and female employment on the project.

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>

<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.

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

When the project is completed, it will have a positive impact by providing bicycle lanes to improve mobility within the community.

**CONCLUSION**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" written in a larger, more prominent script than the last name "Pestrella".

MARK PESTRELLA

Director

MP:SRB:vr

c: Chief Executive Office (Chia-Ann Yen)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)