



MARK PESTRELLA, 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
Telephone (626) 458-5100
<http://dpw.lacounty.gov>

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

IN REPLY PLEASE
REFER TO FILE

October 31, 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

40 October 31, 2017

LORI GLASGOW
EXECUTIVE OFFICER

**CONSTRUCTION RELATED CONTRACTS
WATER RESOURCES AND TRANSPORTATION CORE SERVICE AREAS
AWARD CONSTRUCTION CONTRACTS FOR
AS-NEEDED EMERGENCY-RELATED SERVICES FOR
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FACILITIES
AND COUNTY HIGHWAY AND ROAD FACILITIES
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to award contracts for as-needed emergency-related services for the Los Angeles County Flood Control District facilities and County highway and road facilities throughout Los Angeles County.

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

1. Find that the recommended actions in this Board letter are not a project pursuant to the California Environmental Quality Act for the reasons stated in this Board letter.
2. Award and authorize the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District or his designee, to execute construction contracts with the following firms: Mike Bubalo Construction Co., Inc.; Mike Prlich and Sons, Inc.; and Clarke Contracting Corporation to provide as-needed emergency-related services for the Los Angeles County Flood Control District for a not to exceed aggregate amount of \$3 million for each contract year, with a total not to exceed aggregate program amount of \$12 million for a total 3-year term, including a one 1-year extension option.

3. Delegate authority to the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District or his designee, to authorize additional services and extend the contract expiration date as necessary to complete those additional services when those additional services are: 1) previously unforeseen, 2) related to a previously assigned scope of work on a given project, and 3) are necessary for the completion of that given project.

4. Delegate authority to the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District or his designee, to supplement the initial not to exceed aggregate program amount by up to 10 percent.

5. Delegate authority to the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District or his designee, to execute the one 1-year extension option on the above referenced three contracts at the discretion of the Chief Engineer of the Los Angeles County Flood Control District based upon workload demands and the level of satisfaction with the services provided.

6. Delegate authority to the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District or his designee, to approve and execute amendments to incorporate necessary changes within the scope of work and to suspend work if, in the opinion of the Chief Engineer of the Los Angeles County Flood Control District or his designee, it is in the best interest of the Los Angeles County Flood Control District.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the recommended actions in this Board letter are not a project pursuant to the California Environmental Quality Act for the reasons stated in this Board letter.

2. Award and authorize the Director of Public Works or his designee to execute construction contracts with the following firms: Los Angeles Engineering, Inc., Mike Prlich and Sons, Inc., and Sully-Miller Contracting Company to provide as needed emergency County highway and road facility repair services for a not to exceed aggregate program amount of \$12 million for a total 3-year term, with one 1-year extension option for each firm.

3. Delegate authority to the Director of Public Works or his designee to authorize additional services and extend the contract expiration date as necessary to complete those additional services when those additional services are: 1) previously unforeseen, 2) related to a previously assigned scope of work on a given project, and 3) are necessary for the completion of that given project.

4. Delegate authority to the Director of Public Works or his designee to supplement the initial not to exceed aggregate program amount by up to 10 percent.

5. Delegate authority to the Director of Public Works or his designee to execute the 1-year extension option on the above referenced three contracts, at the discretion of the Director of Public Works, based upon workload demands and the level of satisfaction with the services provided.

6. Authorize the Director of Public Works or his designee, acting as the Road Commissioner, to direct work to be performed on County highways and road facilities under these agreements, up to the \$12 million aggregate program amount, when he determines that the work is necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency, and the public

interest and necessity demands immediate action to safeguard life; health; or property, pursuant to Public Contract Code Section 20395(e).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Los Angeles County Flood Control District Facilities:

On August 3, 2006, your Board adopted a resolution authorizing the Director of Public Works, in the case of an emergency, to order the repair or replacement of any facility of the Los Angeles County Flood Control District, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for such purposes.

The purpose of these recommended actions is to implement the August 3, 2006, resolution by having as-needed contractors available to assist Public Works in performing emergency-related services. The types of facilities may include but are not limited to: dams, debris basins, storm drains, flood channels, ocean outlets, pump stations, spreading grounds, low-flow diversions, seawater barriers, and other flood control structures.

Approval of the recommended actions will allow the District to perform emergency-related repairs and other work to critical flood control and water conservation infrastructure located throughout the County in a more expeditious manner. These services will help protect the residents and businesses from flooding and help to replenish the groundwater for water supply. The District has contracted for these services since 2006.

County Highway and Road Facilities:

The Director of Public Works performs the duties of Road Commissioner under the Streets and Highways Code and directs Public Works staff in performing the road functions, including the repair and maintenance of County highways and road facilities, such as paved streets, road shoulders, slopes, embankments, road culverts and swales, improved and unimproved sidewalks, parkways, and bridges. During emergency situations of a natural or man-made occurrence, Public Works may need to act immediately to safeguard life, health, property, County highways, and road facilities. The ability to perform such emergency actions and repairs may need to be augmented through contracts when Public Works crews are engaged in other crucial work or when the emergency repairs necessitate specialized skills.

The recommended as-needed emergency repair service contracts for County highways and road facilities will allow Public Works the ability to deliver emergency services to County-maintained highways and roads throughout the County of Los Angeles. The contracts will be used by Public Works for emergency repair work when the Director of Public Works or his designee, acting as the Road Commissioner, determines that such work is necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency, and the public interest and necessity demands immediate action to safeguard life; health; or property, pursuant to Public Contract Code Section 20395(e).

Whenever any services are authorized under these contracts, Public Works will notify the affected Board office as soon as possible of the proposed repair services and will work with Board staff to notify affected residents or property owners.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Strategy III.3, Pursuing Operational Effectiveness, Fiscal Responsibility, and Accountability and Objective III.3.2, Manage and Maximize County Assets. The recommended action will allow for emergency-related repairs and other work on District facilities and County highway and road facilities throughout Los Angeles County.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

Los Angeles County Flood Control District Facilities:

The as-needed emergency-related services will be for a not to exceed aggregate amount of \$3 million for each contract year, with a total not to exceed aggregate program amount of \$12 million for a total 3-year term, including one 1-year extension option. Funding for the services is included in the Flood Control District Fiscal Year 2017-18 Budget. Funding to finance the contract's remaining terms, optional terms, and the 10 percent additional funding for contingencies will be budgeted in subsequent years' annual budgeting process. Total annual expenditures for this service will not exceed the contract amount approved by the Board. These contracts do not allow cost-of-living adjustments.

County Highway and Road Facilities:

The recommended contracts are for a not to exceed aggregate program amount of \$12 million for a total 3-year term, with one 1-year extension option. Funding for these services is included in the Road Fund and Special Road District Funds Fiscal Year 2017 18 Budgets. Funding to finance the contract's remaining terms, optional extension, and additional funding for 10 percent contingencies will be requested through the annual budget process. Total expenditures for these services will not exceed the contract amount approved by the Board. These contracts do not allow cost-of-living adjustments.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A standard construction contract, in the form previously approved by County Counsel, will be used. The construction contracts will contain terms and conditions in compliance with the Chief Executive Office and the Board's ordinances, policies, and programs. The contract also includes a provision requiring the contractor firms to track contractor's utilization of Local Small Business Enterprise, Disabled Veterans Business Enterprise, and Social Enterprise businesses.

The term of each contract shall commence on the date of the full execution of the contract and shall extend for a period of 3 years from such commencement date. The expiration of each of the construction contracts is subject to the following condition: Where services for a given project have been authorized in writing by the County or Los Angeles County Flood Control District but are not completed by the contractor prior to the stated expiration date, the expiration date will be automatically extended solely to allow for the completion of such services.

The contractors were selected upon final analysis and consideration without regard to race, creed, gender, or color.

ENVIRONMENTAL DOCUMENTATION

The proposed action is not subject to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b) of the CEQA Guidelines.

The proposed action to award as-needed emergency-related service contracts for District facilities and County highways and road facilities is an administrative activity of government, which will not result in direct or indirect changes to the environment.

Prior to directing any work to be performed under these agreements, the Director of Public Works or his designee will determine whether the work is statutorily exempt pursuant to Section 15269 of the CEQA Guidelines. The Director of Public Works or his designee will only proceed with such work if it is determined that the exemption applies and will file a Notice of Exemption for that work with the Registrar-Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code.

CONTRACTING PROCESS

On March 2, 2017, Public Works issued a Request for Proposals (RFP) for as-needed emergency facility repair services for roads and highways. On April 13, 2017, Public Works issued an RFP for flood control infrastructure. The RFP was posted on the County Doing Business with Public Works and the Public Works Contract Opportunities websites and in the Los Angeles Daily Journal, Los Angeles Sentinel, and La Opinion. Also, Public Works informed 1,243 local small business enterprises (LSBE) about these business opportunities. Public Works reached out to non-LSBE and/or small business enterprise (SBE) firms to inform them and their subcontractors of the benefits of being a certified LSBE and to encourage them to become an LSBE, if eligible. The selected and nonselected contractors' utilization participation is on file with Public Works.

Public Works has evaluated and determined that the Los Angeles County Code Chapter 2.201 (Living Wage Program) does not apply to the recommended agreements. These construction contracts are exempt from the requirements of Proposition A because the services are required on an emergency basis. The appropriate Union was notified. They did not request to be consulted. No engineering design services will be performed under these contracts.

Los Angeles County Flood Control District Facilities:

The District's RFP indicated a total of up to four firms could be awarded contracts. On May 17, 2017, four firms submitted proposals. An evaluation committee, consisting of Public Works' technical staff, evaluated the proposals as outlined in the RFP. The selected firms represent the best qualified firms to provide the required services based upon their price, technical expertise, proposed work plan, experience, personnel, qualifications, and understanding of the work requirements. Based on this evaluation, it is recommended that contracts be awarded to the three highest-ranked contractors. The following firms were selected without regard to race, creed, color, or gender: Mike Bubalo Construction Co., Inc.; Mike Prlich and Sons, Inc.; and Clarke Contracting Corporation.

The Community Business Enterprises participation data and 3-year contracting history for the three selected firms are on file with Public Works.

County Highway and Road Facilities:

The RFP for the as-needed emergency highway and road facility repairs stated that up to three firms

would be awarded contracts. On May 3, 2017, four firms submitted proposals. An evaluation committee consisting of Public Works' technical staff evaluated the proposals as outlined in the RFP. The selected firms represent the best qualified firms to provide the required services based upon their price, technical expertise, proposed work plan, experience, personnel, qualifications, and understanding of the work requirements. Based on this evaluation, it is recommended that contracts be awarded to the three highest-rated contractors. The following firms were selected without regard to race, creed, color, or gender: Los Angeles Engineering, Inc.; Mike Pritch and Sons, Inc.; and Sully-Miller Contracting Company.

The Community Business Enterprises participation data and 3-year contracting history for the three selected firms are on file with Public Works.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects during the performance of the recommended construction contracts. These construction contracts will provide necessary as-needed emergency-related services for District and County highway and road facilities.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Business Relations and Contracts Division.

Respectfully submitted,



MARK PESTRELLA
Director

MP:SK:sg

c: Chief Executive Office (Chia Ann-Yen)
County Counsel (Mike Simon, Mark Yanai)
Executive Office