



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

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

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# ADOPTED

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REFER TO FILE

July 21, 2020

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

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

28 July 21, 2020

CELIA ZAVALA  
EXECUTIVE OFFICER

Dear Supervisors:

**CONSTRUCTION-RELATED CONTRACT  
CONSTRUCTION MANAGEMENT CORE SERVICE AREA  
WHITTIER AQUATIC CENTER PROJECT  
APPROVE PROJECT BUDGET AND APPROPRIATION ADJUSTMENT  
ADOPT YOUTH EMPLOYMENT PLAN  
APPROVE STIPENDS FOR DESIGN-BUILD  
AWARD DESIGN-BUILD CONTRACT  
CAPITAL PROJECT NO. 69838  
(SUPERVISORIAL DISTRICT 4)  
(FISCAL YEAR 2020-2021, 4 VOTES)**

## **SUBJECT**

Public Works is seeking Board approval of the project budget and youth employment plan for the proposed Whittier Aquatic Center project, approval of stipends for shortlisted design-build proposers participating in the selection process, and award the design-build contract and authorize Public Works to execute the design-build contract with Morillo Construction, Inc., for the completion of the Whittier Aquatic Center project.

## **IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the recommended actions are within the scope of the Mitigated Negative Declaration under the California Environmental Quality Act previously adopted by the Board for the Whittier Aquatic Center project for the reasons stated below and in the record for the project.
2. Approve the Whittier Aquatic Center project, Capital Project No. 69838, with a total project budget of \$29,910,000.

3. Approve an appropriation adjustment to appropriate \$3,035,000, which will be funded with \$3,013,000 in State of California, Department of Parks and Recreation Proposition 68 Statewide Park Program (Proposition 68 Funds), and \$22,000 in Excess Funds, available to the Fourth Supervisorial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996 (Proposition A Excess Funds), to Capital Assets-Buildings and Improvements under Capital Project No. 69838 to fully fund the Whittier Aquatic Center project.

4. Find that Morillo Construction, Inc., is the responsive and responsible proposer that submitted the most advantageous and best value proposal to the County, offering the best value to the public, for design and construction of the Whittier Aquatic Center project using the design-build project delivery method, based on the best value criteria stated in the Request for Proposals, including qualifications, technical design, construction expertise, proposed delivery plan, price, workforce commitment, local and targeted worker hiring program, design excellence, acceptable safety record, and lifecycle cost.

5. Award a design-build agreement to Morillo Construction, Inc., and authorize the Director of Public Works or his designee to execute the design-build agreement with Morillo Construction, Inc., for a contract sum of \$22,594,000 and a maximum contract sum of \$24,094,000 (inclusive of a design completion allowance of \$1,500,000), subject to receipt by the County of acceptable Faithful Performance and Payment for Labor and Materials Bonds and evidence of required contract insurance filed by the design-build entity; to establish the effective date of the contract upon receipt of acceptable performance, payment bonds, and evidence of required insurance; and to take all actions necessary and appropriate to fully deliver the project.

6. Authorize the Director of Public Works or his designee to execute a consultant services agreement for conceptual design services and pay a stipend in the amount of \$50,000 to the second ranked qualifying proposer that was not selected as the best value design builder. This stipend will enable the County to use all design and construction ideas and concepts that are included within the proposal.

7. Authorize the Director of Public Works or his designee to exercise control of the design completion allowance with concurrence from the Chief Executive Office, including the authority to reallocate the allowances into the contract sum, as appropriate, to resolve cost issues with Morillo Construction, Inc., that are identified during the design phase of the project, such as changes resulting from unforeseen conditions, including construction-related impacts.

8. Adopt the Youth Employment Plan for the Whittier Aquatic Center project as required by the Los Angeles County Regional Park and Open Space District Procedural Guide.

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

Approval of the recommended actions will find the project within the scope of the Mitigated Negative Declaration previously adopted by the Board; approve the Whittier Aquatic Center project with a budget of \$29,910,000; approve an appropriation adjustment; authorize Public Works to execute consultant services agreements to pay a stipend in the amount of \$50,000 to the second ranked qualifying design-build proposer, as the third proposer was disqualified due to not being able to accept the terms and conditions of the Request for Proposal (RFP); and authorize Public Works to award a design-build contract to Morillo Construction, Inc.

## Project Description and Background

The proposed Whittier Aquatic Center project is located at Pioneer High School, 10800 Ben Avon Street, Whittier, in the unincorporated community of West Whittier Los Nietos, neighboring the City of Pico Rivera. The project site is currently used as a parking lot by Pioneer High School. The main objective of the project is to construct an aquatic facility available for public use.

On August 14, 2018, the Board established the Whittier Aquatic Center, Capital Project (C.P.) No. 69838, and authorized Public Works to proceed with the preparation of California Environmental Quality Act (CEQA) and design-build scoping documents in accordance with standard County contracting requirements.

The Whittier Aquatic Center will contain, but not be limited to, two swimming pools: a 50 meter by 25-yard competitive swimming pool and a 25-meter by 25-yard practice pool. It will also include an approximately 10,000-square-foot pool building, a parking lot, spectator bleachers, a monument sign, a shade structure, an electronic scoreboard, passive recreational amenities, perimeter fencing/wall, and perimeter landscaping.

## Youth Employment Plan

In 2009, the Board, acting as the governing body of the Los Angeles County Regional Park and Open Space District (RPOSD), adopted a procedural guide for projects funded by Proposition A. RPOSD's policy requires that the grantee's governing body adopts a Youth Employment Plan for each Proposition A funded project at a duly noticed public meeting. Approval of the recommended actions will adopt a Youth Employment Plan (Enclosure A) for the project to comply with the requirements of RPOSD's policy. However, due to the specialized and highly skilled labor required to perform the proposed work, youth will not be employed for the project.

## Green Building/Sustainable Design Program

The Whittier Aquatic Center project will support the Board's Green Building/Sustainable Design Program by pursuing a United States Green Building Council Leadership in Energy and Environmental Design Gold Certification or higher. The project will incorporate design and construction sustainability features to optimize energy and water use, enhance the sustainability of the site, improve indoor environmental quality, and maximize the use and reuse of sustainable and local resources while considering long-term maintenance.

## **Implementation of Strategic Plan Goals**

These recommendations support the County Strategic Plan: Strategy II.1, Drive Economic and Workforce Development in the County, Objective II.1.2, Support Small Businesses and Social Enterprises; and Strategy II.2, Support the Wellness of our Communities, Objective II.2.2, Expand Access to Recreational and Cultural Opportunities. The project supports these goals by providing a new facility that will greatly benefit an underserved population and meet the urgent need for aquatic programs in the West Whittier-Los Nietos community. The project would provide contracting opportunities that will support small businesses and social enterprises and could potentially employ local, targeted workers.

## **FISCAL IMPACT/FINANCING**

The total project budget is currently \$29,910,000 (Enclosure B), which includes predesign, design, plan check, consultant services, Civic Arts, construction, design completion allowance, youth employment, and County services.

The recommended appropriation adjustment (Enclosure C) will appropriate \$3,035,000, which will be funded with \$3,013,000 in State Proposition 68 Funds and \$22,000 in Proposition A Excess Funds, to Capital Assets-Buildings and Improvements under C.P. No.69838 to fully fund the Whittier Aquatic Center project.

Upon approval of the recommended actions, sufficient appropriation will be available in the Fiscal Year 2020-2021 Capital Project/Refurbishment Budget under C.P. No. 69838 to proceed with the project. The project funding consists of \$5,514,000 of Proposition A Excess Funds; \$17,941,000 of Fourth Supervisorial District's Measure U – Utility Users Tax Funds; \$3,142,000 of Proposition 62 Utility Users Tax Funds; \$300,000 of Fourth Supervisorial District net County cost; and \$3,013,000 of the State's Proposition 68 Funds for a total of \$29,910,000.

### **Operating Budget Impact**

Based on the project description, Parks and Recreation anticipates one-time and ongoing operating costs. One-time funds of approximately \$828,000 are estimated to be needed for furniture, fixtures, and equipment and to start operating the facility. Annual ongoing funds of \$3,783,704 are needed for health and safety lifeguard operations and maintenance. Parks and Recreation will work with the Chief Executive Office for one time and ongoing funds in Parks and Recreations Fiscal Year 2022-23 new facilities request.

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

The project site is on the Pioneer High School property of the Whittier Union High School District. On March 31, 2020, the Whittier Union High School District and Parks and Recreation executed a 30-year ground lease, which may be extended by the County up to two additional consecutive 10-year terms, not to exceed an aggregate total of 50 years. The lease specifies site area and parking requirements and allows for construction to be implemented in a timely manner.

In accordance with Board Policy 5.270, Countywide Local and Targeted Worker Hiring, the project will require that at least 30 percent of the California construction labor hours to be performed by qualified Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers. The project will also include a jobs coordinator who will facilitate implementation of the targeted hiring requirement of the policy.

On November 26, 2019, the Board approved this project to include a Community Workforce Agreement to further support the hiring of local and targeted workers and encourage participation in this covered project by local small businesses, disabled veteran-owned businesses, and social enterprises.

In accordance with the Board's Civic Art Policy, adopted on December 7, 2004, and last amended on August 11, 2015, the project budget includes one percent of eligible design and construction

costs in the amount of \$226,000 to be allocated to the Civic Art Fund.

## **ENVIRONMENTAL DOCUMENTATION**

On March 31, 2020, the Board, on behalf of the Los Angeles County and as lead agency for the project under CEQA, adopted a Mitigated Negative Declaration and approved a 30-year Ground Lease Agreement with the Whittier Union High School District for the construction of the Whittier Aquatic Center. A Mitigation Monitoring and Reporting Program was also adopted and will continue to apply.

There have been no changes to the project or circumstances under which it will be undertaken that would require additional CEQA findings.

The location of the documents and other materials constituting the record of the proceedings upon which the Board's decision is based in this matter is 900 South Fremont Avenue, Alhambra, California 91803. The custodian of such documents and materials is the Assistant Deputy Director of Project Management Division II, Public Works. Upon the Board's approval of the recommended actions, Public Works will file a Notice of Determination with the Registrar-Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code. The County will also comply with the Governor's Executive Order N-54-20 regarding publishing public postings related to CEQA.

## **CONTRACTING PROCESS**

The project will be completed using the design-build project delivery method. To this effect, on February 12, 2019, the Board authorized Public Works to use NAC Architecture to prepare the design-build scoping documents.

On September 17, 2019, Public Works issued an RFP for design-build services and advertised this contracting opportunity on the County's "Doing Business with Us" and "Do Business with Public Works" websites; on La Opinión, Whittier Daily News; and Daily Journal. Also, Public Works informed 1,379 local small business enterprises; 350 community business enterprises; 151 disabled veterans business enterprises; and 147 social enterprises about this business opportunity.

The first phase of the RFP process was the submittal of a prequalification questionnaire (Part A) by all interested design-build firms. On October 24, 2019, five prequalification questionnaires were received for evaluation. The prequalification questionnaires were reviewed by an evaluation committee made up of members from the Chief Executive Office, Parks and Recreation, and Public Works. The evaluation was made based on responses to questions concerning evidence of the design-builder's experience and capacity to perform projects of similar size and complexity, licenses, registration, credentials, violations of State and Federal labor codes and safety regulations, debarment, default, bankruptcy, lawsuits on Public Works projects in the preceding five years, and other relevant criteria. Each of the five firms provided an enforceable commitment that it and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project as required by Public Contract Code §22164(c).

Based on the review and evaluation of the prequalification questionnaires, five firms were determined to be prequalified. In accordance with the shortlisting requirements in the RFP, three firms were shortlisted and invited to submit technical and cost proposals (Part B) for the project. On February 13, 2020, the three shortlisted design-build firms submitted technical and cost proposals for evaluation. The technical and cost proposals were evaluated by the evaluation committee based on technical design and construction expertise, proposed delivery plans, price, life cycle costs, workforce commitment, local and targeted worker hiring program, design excellence, and design-build team personnel and organization. On February 20, 2020, one of the shortlisted firms confirmed they were not able to accept the terms and conditions of the RFP and, therefore, was found nonresponsive and disqualified from the solicitation. Morillo Construction, Inc., in its design-build proposal, was found to have submitted the best value and most advantageous proposal to perform these services under the design build delivery method in accordance with the evaluation criteria stated in the RFP. These evaluations were completed without regard to race, creed, color, or gender. Selected firms Community Business Enterprises participation data and three-year contracting history are on file with Public Works.

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

There will be no impact on current County services or projects during the performance of the recommended actions.

#### **CONCLUSION**

Please return one adopted copy of this Board letter to Public Works, Project Management Division II.

Respectfully submitted,



MARK PESTRELLA

Director

MP:VY:mm

Enclosures

c: Department of Arts and Culture  
Auditor-Controller  
Chief Executive Office (Capital Programs  
Division)  
County Counsel  
Executive Office  
Department of Parks and Recreation

**ENCLOSURE A**

**CONSTRUCTION-RELATED CONTRACT  
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**YOUTH EMPLOYMENT PLAN**

**Background (Scope of Work)**

The Whittier Aquatic Center project is located at Pioneer High School, 10800 Ben Avon Street, Whittier, in the unincorporated community of West Whittier-Los Nietos, neighboring the City of Pico Rivera. The project site is currently used as a parking lot by Pioneer High School. The Whittier Aquatic Center will contain two swimming pools: a 50-meter by 25-yard competitive swimming pool and a 25-meter by 25-yard practice pool. It will also include an approximately 10,000-square-foot pool building, a parking lot, spectator bleachers, a monument sign, a shade structure, an electronic scoreboard, passive recreational amenities, perimeter fencing/wall, and perimeter landscaping.

**Tasks That May Be Performed by At-Risk Youth**

Due to the nature of specialized upgrades and highly skilled labor required to perform the work, no youth will be hired under the Youth Employment Plan.

**Youth Employment Goal**

The Youth Employment Goal for the County of Los Angeles was \$15,739,507.43. Public Works has exceeded this goal.

**ENCLOSURE B**

**CONSTRUCTION-RELATED CONTRACT**  
**CONSTRUCTION MANAGEMENT CORE SERVICE AREA**  
**WHITTIER AQUATIC CENTER PROJECT**  
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**(SUPERVISORIAL DISTRICT 4)**  
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**I. OVERALL PROJECT SCHEDULE**

<b>Project Activity</b>	<b>Completion Date</b>
Design-Build Request for Proposal*	September 2019
Board Action to Approve CEQA and Ground Lease*	March 2020
Board Action to Award Design-Build	July 2020
Substantial Completion	June 2022
Project Acceptance	September 2022

\*Indicates a completed activity.

**II. OVERALL PROJECT BUDGET**

<b>Budget Category</b>	<b>Budget</b>
Construction	
Design-Build Contract	\$ 22,594,000
Civic Arts (1%)	\$ 226,000
Change Orders (10%)	\$ 2,259,400
Design-Completion Allowance	\$ 1,500,000
Stipends	\$ 50,000
Utility Company Connection Fees	\$ 100,000
Subtotal	\$ 26,729,400
Plans and Specifications	\$ 374,869
Consultant Services	\$ 710,000
Miscellaneous Expenditures	\$ 76,500
Jurisdictional Reviews	\$ 442,000
County Services	\$ 1,577,231
<b>Total</b>	<b>\$ 29,910,000</b>



