



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

GAIL FARBER, Director

December 15, 2009

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

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

65 DECEMBER 15, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT
UNION PACIFIC AVENUE, ET AL.
CITY OF WHITTIER AND IN THE
UNINCORPORATED COMMUNITY OF EAST LOS ANGELES
(SUPERVISORIAL DISTRICTS 1 AND 4)
(3 VOTES)**

SUBJECT

This action is to award a public works construction contract for Union Pacific Avenue, et al., and authorize the Director of Public Works or her designee to execute the contract for work in the City of Whittier and the unincorporated community of East Los Angeles.

IT IS RECOMMENDED THAT YOUR BOARD:

Award and authorize the Director of Public Works or her designee to prepare the construction contract in the form previously approved by County Counsel, execute the contract, and establish the effective date following receipt of approved Faithful Performance and Labor and Material bonds and insurance filed by the contractor for Project ID No. RDC0013745 - Union Pacific Avenue, et al., to reconstruct roadway pavement and construct curb and gutter, driveways, sidewalk, curb ramps, detectable warning surfaces, and stabilization geotextile, in the City of Whittier and the unincorporated community of East Los Angeles, to Sully-Miller Contracting Company, in amount of \$703,532.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain the County of Los Angeles Board of Supervisors' (Board) approval to award this construction contract and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved bonds and insurance filed by the contractor for this project. The Board approved the project and authorized solicitation of bids on October 6, 2009.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended construction contract is necessary to execute a Board directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and will enhance the quality of life in the affected communities.

FISCAL IMPACT/FINANCING

The recommended contract amount of \$703,532 will have no impact to the County General Fund.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

This project is included in the First and Fourth Supervisorial Districts' Road Construction Program in the Fiscal Year 2009-10 Road Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and your Board's requirements.

This contract contains terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) 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; 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 was considered before making this recommendation to 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

This project was found to be categorically exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of this finding are included in the enclosure.

CONTRACTING PROCESS

The contract was solicited on an open competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This construction contract will result in improved public works infrastructure in the communities where the work is scheduled.

CONCLUSION

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

Respectfully submitted,



GAIL FARBER

Director

GF:JTS:sc

Enclosures

- c: Chief Executive Office (Lari Sheehan)
- County Counsel
- Executive Office
- Office of Affirmative Action Compliance

AWARD OF CONTRACT
December 15, 2009

PROJECT ID NO. RDC0013745 - UNION PACIFIC AVENUE, ET AL., (City of Whittier and in the unincorporated community of East Los Angeles),
Supervisorial Districts 1 and 4

TYPE OF WORK: Reconstruction of roadway pavement; construction of curb and gutter, driveways, sidewalk, curb ramps, detectable warning surfaces, and stabilization geotextile; and the performance of other appurtenant work.

CALL FOR BIDS DATE: October 6, 2009 (Agenda Item 25)

BID OPENING DATE: November 3, 2009

BID SUMMARY:

| | | |
|------|---|----------------|
| Low | Sully-Miller Contracting Company 1100 East Orangethorpe Avenue, Suite 200 Anaheim, CA 92801 (714) 578-9600 | \$ 703,532.00 |
| (2) | Terra Pave, Inc. | \$ 714,969.00 |
| (3) | Advanced Construction | \$ 752,800.50 |
| (4) | All American Asphalt | \$ 763,000.00 |
| (5) | Shawan | \$ 764,557.00 |
| (6) | Hardy & Harper, Inc. | \$ 787,000.00 |
| (7) | Excel Paving Company | \$ 849,254.25 |
| (8) | Bannaoun Engineers Constructors | \$ 859,160.35 |
| (9) | A.H. Engineering Construction, Inc. | \$ 832,734.30 |
| (10) | Griffith Company | \$ 976,732.00 |
| (11) | S.P. Pazargad Engineering Construction, Inc. | \$1,035,626.85 |

There were no LSBE or MWBE bidders.

Saeico, Inc., submitted a bid in the amount of \$948,869.80; however, they failed to include a fully executed bid bond. Therefore, their bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

| | |
|---|--------------|
| Amount of estimate | \$925,598.25 |
| Amount of recommended contract | \$703,532.00 |
| Amount of recommended contract below estimate | \$222,066.25 |

The amount of the recommended contract is 24 percent below the estimate.

A portion of this project is within the City of Whittier. The City of Whittier will finance its jurisdictional share of the project costs, currently estimated to be \$20,300, under City Service Request No. 19087. The County of Los Angeles' portion of the project costs will be financed with State Proposition 1B transportation bond funds under the Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account of 2006. This project is included in the First and Fourth Supervisorial Districts' Road Construction Program in the Fiscal Year 2009-10 Road Fund Budget.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Sully-Miller Contracting Company has one MWBE subcontractor/supplier under this contract.

ENVIRONMENTAL IMPACT:

On October 6, 2009, Agenda Item 25, your Board found this project categorically exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 60 working days. It is estimated the work will start in January 2010 and be completed in April 2010.

BP:sc