



COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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GAIL FARBER, Director

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

March 08, 2011

ADOPTED

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

31 March 8, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT
PACOIMA DAM UNDERGROUND UTILITY PROJECT
IN THE UNINCORPORATED COMMUNITY OF SYLMAR
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to award a public works construction contract for the Pacoima Dam Underground Utility Project and authorize the Director of Public Works or her designee to execute a contract for work in the unincorporated community of Sylmar.

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

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. FCC0001165 - Pacoima Dam Underground Utility Project, to remove and replace potable and nonpotable waterlines and construct electrical and communication conduits, in the unincorporated community of Sylmar, to J. Fletcher Creamer & Son, Inc., in the amount of \$783,820.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain approval from your Board, acting as the governing body of the Los Angeles County Flood Control District, to award this construction contract and authorize the Director of Public Works (Director) or her designee to execute the contract and

establish the effective contract date following receipt of approved Faithful Performance and Labor and Materials bonds and insurance filed by the contractor for this project.

On December 14, 2010, Agenda Item 49, your Board approved the project, adopted the plans and specifications, and instructed the Executive Office to advertise the project.

The enclosure includes the project description, the call for bids and bid opening dates, 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 community.

FISCAL IMPACT/FINANCING

This action will have no impact to the County General Fund.

The construction cost of \$783,820 is included in the Fiscal Year 2010-11 Flood Control District Fund Budget.

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.

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.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. 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 County's Child

Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; 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 each respective 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 community where the work is scheduled.

CONCLUSION

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

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBBER
Director

GF:JTS:bc

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel
Executive Office
Office of Affirmative Action Compliance

AWARD OF CONTRACT
March 8, 2011

PROJECT ID NO. FCC0001165 – PACOIMA DAM UNDERGROUND UTILITY PROJECT (in the unincorporated community of Sylmar), Supervisorial District 5

TYPE OF WORK: Removal and replacement of potable and nonpotable waterlines, construction of electrical and communication conduits, and the performance of other appurtenant work.

CALL FOR BIDS DATE: December 14, 2010 (Agenda Item 49)

BID OPENING DATE: January 25, 2011

BID SUMMARY:

Low	J. Fletcher Creamer & Son, Inc., a corporation 12874 San Fernando Road Sylmar, California 91342 (818) 367-9748	\$ 783,820.00
2	*Perry C. Thomas Construction, Inc.	\$ 976,638.00
3	Mike Prlich & Sons, Inc.	\$1,123,650.00
4	+Western Group, Inc.	\$1,195,300.00
5	+G.B. Cooke, Inc.	\$1,332,720.00

*MWBE
+LSBE

Environmental Construction, Inc., submitted a bid of \$1,238,085; however, its bid indicated that over 50 percent of the work will be performed by subcontractors, which violates the self-performance requirements of the contract documents. United Engineering & Construction, Inc., did not submit a bid bond as required by the contract documents. Therefore, both bids were considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$584,100.00
Amount of recommended contract	\$783,820.00
Amount of recommended contract above estimate	\$199,720.00

The amount of the recommended contract is 34 percent above the estimate, which was based on recent average contract prices for similar items of work. A review of the estimate indicates that prices for the underground electrical and communication line work was below current market prices and the estimate did not take into account all of the costs associated with this work. While the bid price is higher than the estimate, the bids received from the responsive contractors are competitive, and readvertising the project will result in increased contract administration costs and delay construction with no guarantee that lower bids will be received. Therefore, we recommend award of the contract to the low bidder.

Sufficient funds for this project are included in the Fiscal Year 2010-11 Flood Control District Fund Budget.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISES DATA:

J. Fletcher Creamer & Son, Inc., has no MWBE subcontractors/suppliers under this contract.

ENVIRONMENTAL IMPACT:

On December 14, 2010, Agenda Item 49, your Board found this project categorically exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 40 working days. It is estimated the work will start in June 2011 and be completed in August 2011.

CM:bc