



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

September 19, 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

26 September 26, 2017

A handwritten signature in cursive script, reading "Lori Glasgow".

LORI GLASGOW
EXECUTIVE OFFICER

**CONSTRUCTION-RELATED CONTRACT
PUBLIC BUILDINGS CORE SERVICE AREA
AWARD CONSULTANT SERVICES AGREEMENT
FOR OUTREACH AND NEGOTIATION SERVICES FOR
PROJECT LABOR AGREEMENT ON
VARIOUS MAJOR CAPITAL PROJECTS
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

Award and authorize execution of a Consultant Services Agreement to provide labor relations services and negotiate a Project Labor Agreement for four major capital projects.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the award of a consultant services agreement for assistance in outreach for and negotiation of a Project Labor Agreement does not constitute a project under the California Environmental Quality Act for the reasons stated in this letter.
2. Award and authorize the Director of Public Works or his designee to execute a consultant services agreement with Parsons Constructors, Inc. to assist the County in outreach and negotiation services for the creation of a Project Labor Agreement for four major capital projects for a not-to-exceed amount of \$120,000.
3. Delegate authority to the Director of Public Works or his designee to authorize additional services and extend the agreement 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 or maintenance activity; and (3) are necessary for the completion of that given project or maintenance activity.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions is not a project under the California Environmental Quality Act (CEQA) and will award and authorize the Director of Public Works or his designee to execute a consultant services agreement to provide services relating to outreach for and negotiation of a Project Labor Agreement (PLA) for four major capital projects.

Background

On March 21, 2017, the Board directed the Chief Executive Officer (CEO), County Counsel, and the Directors of Public Works, Workforce Development, Aging and Community Services, and Consumer and Business Affairs to engage representatives from various building trades on the terms for a possible PLA for four major capital projects, including the Consolidated Correctional Treatment Facility, Harbor-UCLA Medical Center Master Plan Project, MLK Medical Campus King-Drew Reuse Project, and Mira Loma Women's Detention Center Project. Also on March 21, 2017, the Board directed the same parties to outreach to various stakeholders and organizations to explore the thresholds and feasibility as well as the terms and conditions applicable to all Departments, Commissions, and Agencies delivering County capital and construction projects and economic and housing development projects on County property.

Pursuant to the Board's direction, the terms and conditions in the PLA will be required to include, among other items, implementation of community workforce development programs, which include the July 12, 2016, Board adopted Small Business, Disabled Veteran-Owned Business and Social Enterprise Utilization Plan and the September 26, 2016, Board adopted Local and Targeted Worker Hire Policy, with the goal of re-injecting tax revenue back into local communities.

Public Works initially issued a Request for Proposals (RFP) on March 22, 2017, to procure a firm experienced in the outreach and negotiations of PLAs with stakeholders and to provide services to assist the County in these efforts. A proposer protested the proposal submitted by their competitor and a decision was made to reject all proposals and issue a new RFP. The new proposals were submitted on May 16, 2017. Although another protest was made to this second set of proposals, both Public Works and CEO are recommending that the Board award the consultant services agreement to the highest ranked proposer, which is Parsons Constructors, Inc. Parsons will provide labor relations services to negotiate the terms and conditions of a PLA, including outreach to seek input from the various interested parties, evaluating the terms of the PLA, modifying necessary negotiating terms, and negotiating terms with the building trades.

On August 16, 2017, the CEO informed the Board on the progress made towards negotiations of the terms and conditions of a PLA.

Upon completion of PLA negotiations, we will return to the Board to recommend approval of the PLA, and will include recommendations for the implementation, administration, and management of the executed PLA.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provision of Strategy II.1, Drive Economic Development in the

Community, Objective II.1.2, Support Small Businesses and Social Enterprises, and Objective II.1.3, Coordinate Workforce Development. The recommended actions support the Strategic Plan by supporting the wellness of our communities and by increasing job opportunities for high risk youth, adults, and low to moderate income residents.

FISCAL IMPACT/FINANCING

The recommended consultant services agreement is for a total of \$120,000 not-to-exceed amount for the contracted services to be provided.

There is sufficient funding for the recommended consultant services agreement. It is anticipated that the total cost of the recommended consultant services agreement will be distributed amongst the Consolidated Correctional Treatment Facility project, Capital Project No. 69800, the Harbor-UCLA Medical Center Master Plan project, Capital Project No. 67950, and the Mira Loma Women's Detention Center project, Capital Project No. 69719. Services provided for the MLK Medical Campus King-Drew Reuse project under the consultant services agreement will be funded by the Project and Facility Development Fund, as a Capital Project has not yet been established.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A standard consultant services agreement in the form previously approved by County Counsel will be used. The agreement will contain terms and conditions in compliance with CEO and the Board's requirements, ordinances, policies, and programs. The agreement also includes a provision requiring the consultant firm to track subcontractor's utilization of Local Small Business Enterprise, Disabled Veterans Business Enterprise, and Social Enterprise businesses.

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

ENVIRONMENTAL DOCUMENTATION

The recommended actions are not a project pursuant to CEQA because they are activities that are excluded from the definition of a project by Section 15378(b)(5) of the State CEQA Guidelines. The proposed action, to award a consultant service agreement for outreach and negotiation of a PLA, is an administrative activity of government that will not result in direct or indirect changes in the environment.

CONTRACTING PROCESS

On March 22, 2017, Public Works issued an RFP for labor relations services to negotiate a PLA and for implementation, administration, and management services of a PLA. As requested by the Board on February 3, 1998, this contract opportunity was listed on the "Doing Business with Us" and "Public Works Business Opportunities" websites. Public Works also informed the local small business enterprises about this business opportunity for those certified by the County of Los Angeles Department of Consumer and Business Affairs. The selected and non-selected consultants' utilization participation is enclosed.

Participation by Community Business Enterprises (CBE) in the project is encouraged through Public Works' CBE Outreach Program and by monitoring the good faith efforts of bidders to utilize CBE.

On April 5, 2017, six firms submitted proposals. The proposals were evaluated by an evaluation committee from Public Works, CEO, and Metropolitan Transportation Agency. The committee determined the best qualified firm to be M.L. Johnson. However, during the protest period, Parsons, one of the other proposers, notified Public Works that Parsons had a written exclusivity agreement with a key member of the team proposed by M.L. Johnson. Due to the uncertainty that this protest created as to who this key team member could work for, Public Works ultimately decided in consultation with County Counsel that the RFP should be cancelled and that a new RFP issued. On May 3, 2017, the RFP was cancelled and a new RFP was issued on May 8, 2017.

On May 16, 2017, three firms submitted proposals in response to the new RFP. Proposals were evaluated by an evaluation committee from Public Works and CEO comprised of different personnel than had participated in the original RFP. The evaluation committee determined the best qualified firm to be Parsons, without regard to race, creed, color, or gender. On June 9, 2017, M.L. Johnson submitted a formal protest regarding the selection and award of the contract to Parsons on various grounds.

The protest issues raised were each thoroughly reviewed by Public Works and all issues were determined to be without merit. Public Works recommends award of this contract to Parsons. Parsons represents the best qualified firm to provide the required services based upon its technical expertise, proposed work plan, experience, personnel, qualifications, and understanding of the work requirements.

The CBE participation data and 3-year contracting history for the selected firm is on file with Public Works.

Public Works has evaluated and determined that Los Angeles County Code Chapter 2.201 (Living Wage Program) does not apply to the recommended agreement. This consultant services agreement is exempt from the requirements of Proposition A because the services are required on a part-time and intermittent basis. Public Works notified the Union on this solicitation.

The consultant services agreement includes a cost-of-living adjustment provision in accordance with the Board Policy No. 5.070.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

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

CONCLUSION

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

The Honorable Board of Supervisors

9/19/2017

Page 5

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:AM:ms

Enclosures

c: Chief Executive Office (Capital Programs
Division)
Community Development Commission
Department of Consumer and Business Affairs
County Counsel
Executive Office
Workforce Development, Aging and Community
Services

ENCLOSURE

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
CONSULTANT'S UTILIZATION PARTICIPATION FOR
PROJECT LABOR AGREEMENT ADMINISTRATION SERVICES

Selected Prime Consultant Name (Prime with sub-consultants* listed below) - *only sub-consultants with Utilization Participation were listed.	Local SBE	SBE	Minority	Women	Disadvantaged	DisabledVet
Parsons Constructors Inc.						
Veronica Soto		x				

Non-Selected Prime Consultant Names (Prime with sub-consultants* listed below) - *only sub-consultants with Utilization Participation were listed.	Local SBE	SBE	Minority	Women	Disadvantaged	DisabledVet
M. L. Johnson CA, Inc.						
Liner LLP						
3D Networks Corp	x					
Touchstone Project Solutions, LLC		x	x	x		