



MARK PESTRELLA, Director

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS**

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

IN REPLY PLEASE
REFER TO FILE

February 27, 2024

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

64 February 27, 2024

JEFF LEVINSON
INTERIM EXECUTIVE OFFICER

Dear Supervisors:

**CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
DELEGATE AUTHORITY TO ADOPT, ADVERTISE, AND AWARD
DEVIL'S GATE RESERVOIR ANNUAL CLEANOUT '24 AND '25
PROJECT ID NO. WRDM000063
IN THE CITY OF PASADENA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to carry out the accelerated delivery of the Devil's Gate Reservoir Annual Cleanout '24 and '25 Project, including delegated authority to adopt the plans and specifications, advertise for bids, and award and execute a construction contract in the City of Pasadena.

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

1. Find that the proposed Devil's Gate Reservoir Annual Cleanout '24 and '25 Project, and related recommended actions herein, are within the scope of the Final Environmental Impact Report, certified by the Board on November 12, 2014, together with the Recirculated Portions of the Final Environmental Impact Report, certified by the Board on November 7, 2017, for the Devil's Gate Reservoir Sediment Removal and Management Project; find that the impacts of the project previously analyzed in the Final Environmental Impact Report previously adopted by the Board comply with the California Environmental Quality Act; find that the previously adopted Mitigation Monitoring and Reporting Program continues to be adequately designed to ensure compliance with the mitigation measures during project implementation; find that the previous Environmental Findings

of Fact and Statement of Overriding Considerations, which findings and statement are adopted and incorporated by reference, continue to apply to the project; and find on the basis of the whole record before the Board that no changes are proposed in the project or substantial changes have occurred with respect to the circumstances under which the project is being undertaken.

2. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to adopt the plans and specifications for the Devil's Gate Reservoir Annual Cleanout '24 and '25 Project at an estimated construction cost between \$8,000,000 and \$12,250,000.

3. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to instruct the Interim Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement with the Notice Inviting Bids when ready to advertise this project.

4. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.

5. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to award and execute a construction contract for the Devil's Gate Reservoir Annual Cleanout '24 and '25 Project with the responsible contractor with the lowest responsive bid within or less than the estimated cost range of \$8,000,000 and \$12,250,000 or that exceeds the estimated cost range by no more than 15 percent, if additional and appropriate funds have been identified.

6. Delegate to the Chief Engineer of the Los Angeles County Flood Control District or his designee the following authority in connection with this contract: (a) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (b) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq. and 5100 et seq., respectively; (c) approve and execute change orders within the same monetary limits delegated to the Director of Public Works or his designee under Section 2.18.050 of the Los Angeles County Code; (d) accept the project upon its final completion; and (e) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the project and related recommendations are within the previously adopted Final Environmental Impact Report (FEIR) for the Devil's Gate Reservoir Sediment Removal and Management Project, together with the Recirculated Portions of the Final Environmental Impact Report (RFEIR) and Mitigation Monitoring and Reporting Program to comply with the California Environmental Quality Act (CEQA), and allow Public Works to manage vegetation, remove up to 250,000 cubic yards of sediment, stabilize slopes, and grade the reservoir bottom to restore the low flow channel.

The project, when completed, will preserve the structural integrity and capacity of the reservoir to provide flood protection to the downstream communities along the Arroyo Seco.

It is anticipated the work for Phase 1 will start in July 2024 and be completed in November 2024. Work for Phase 2 will start in July 2025 and be completed in November 2025.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, Objective III.3.2, Manage and Maximize County Assets by supporting ongoing efforts to manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$8,000,000 and \$12,250,000 with a maximum construction contract cost to be 15 percent above this range. The total project cost is estimated to be \$17,000,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, environmental compliance, and other County services.

Funding for this proposed project is included in the Flood Control District Fund (B07 – Services and Supplies) Fiscal Year 2024-25 and 2025-26 Budgets.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Public Contract Code Section 20995 allows the Los Angeles County Board of Supervisors to delegate approval of plans and specifications to the Chief Engineer of the Los Angeles County Flood Control District on a project-by-project basis. If plans are approved, the Chief Engineer of the Los Angeles County Flood Control District would then instruct the Interim Executive Officer of the Board of Supervisors to advertise the project for bids in accordance with Section 20991 of the State Public Contract Code. It is anticipated that the project will advertise for bids within the next month.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved by County Counsel.

As required by Board Policy No. 5.140, information, such as defaulted contracts with the County, complaints filed with the Contractors State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

Documents related to award of the proposed contract will be available at Los Angeles County Public Works, Project Management Division III, 900 South Fremont Avenue, 8th Floor, Alhambra, CA 91803.

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 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 the implementation of the targeted hiring requirement of the policy.

Effective June 7, 2023, Countywide Community Workforce Agreement (CWA) applies to projects with an estimated construction contract value of \$5,000,000 or greater. Therefore, CWA will apply to

this project. The contractor and all subcontractors must comply with all terms and conditions of the CWA which, among other things, increases work opportunities for those seeking to start a new career in the construction industry and promotes the hiring of underrepresented individuals on the project.

ENVIRONMENTAL DOCUMENTATION

On November 12, 2014, the Board, acting on behalf of the Los Angeles County Flood Control District, as lead agency under CEQA, certified the FEIR for the Devil's Gate Reservoir Sediment Removal and Management Project. A RFEIR was subsequently recirculated and certified by the Board on November 7, 2017. The '24 and '25 Project is within the scope of the Devil's Gate Reservoir Sediment Removal and Management Project as described and analyzed in the previously certified FEIR and RFEIR. The Scope of Work includes removal of up to 250,000 cubic yards of sediment, slope stability work at the reservoir embankments, vegetation management, grading the invert of the reservoir, and construction of an entrainment (low-flow) channel.

There are no changes to the project, and no substantial changes have occurred with respect to the circumstances under which the project would be undertaken that require further review under CEQA pursuant to Section 15162 of the State CEQA Guidelines. The recommended action is within the scope of the project impacts analyzed in the FEIR and RFEIR previously certified by the Board. The previously approved Environmental Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program continue to apply to the project. The previously approved FEIR and RFEIR are available at <https://pw.lacounty.gov/swe/devilsgate/resources>.

The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is 900 South Fremont Avenue, 2nd Floor, Alhambra, CA 91803. The custodian of such documents and materials is Stormwater Engineering Division, Sediment Management Section, Los Angeles County Public Works.

Upon the Board's approval of the project and finding that the recommended actions are within the scope of the previously adopted FEIR and RFEIR, Public Works will file a Notice of Determination in accordance with Section 21152 of the California Public Resources Code and will post the notice to its website in accordance with Section 21092.2.

CONTRACTING PROCESS

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with Los Angeles County" and "Do Business with Public Works" websites for open bids:

<https://www.lacounty.gov/business/doing-business-with-la-county/>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including X (formerly Twitter).

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize

outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code; Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by preserving the structural integrity and capacity of the Devil's Gate Reservoir, thereby protecting the safety and property of the surrounding community from flooding.

CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,



MARK PESTRELLA, PE

Director

MP:RLG:dw

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide
Contract Compliance)

PROJECT ID NO. WRDM000063
DEVIL'S GATE RESERVOIR ANNUAL CLEANOUT '24 AND '25 PROJECT

