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

"To Enrich Lives Through Effective and Caring Service"

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September 10, 2024

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

62 September 10, 2024

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:

Edward Yen
EDWARD YEN
EXECUTIVE OFFICER

**CONSTRUCTION-RELATED CONTRACT
WATER RESOURCES CORE SERVICE AREA
AWARD CONSTRUCTION MANAGER AT RISK AGREEMENT
BASSETT HIGH SCHOOL STORMWATER CAPTURE PROJECT
IN THE CITIES OF BALDWIN PARK AND LA PUENTE AND
IN THE UNINCORPORATED COMMUNITY OF BASSETT
CAPITAL PROJECT NO. 69842
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to award a Construction Manager at Risk preconstruction and construction services agreement and proceed with the preconstruction phase services only for the proposed Bassett High School Stormwater Capture Project at Bassett High School and in the unincorporated community of Bassett.

IT IS RECOMMENDED THAT THE BOARD:

1. Find the recommended actions to establish the proposed Bassett High School Stormwater Capture Project is not a project under the California Environmental Quality Act and that authorization to execute a Construction Manager at Risk preconstruction and construction agreement is exempt under the California Environmental Quality Act for the reasons stated in this Board letter and in the record of the proposed activities.

2. Establish the proposed Bassett High School Stormwater Capture Project, Capital Project No. 69842.

3. Approve the budget for the preconstruction phase only in the amount of \$16,400,000 to fund the preconstruction activities for the proposed Bassett High School Stormwater Capture Project.

4. Authorize the Director of Public Works or his designee to execute a Construction Manager at Risk preconstruction and construction services agreement with Balfour Beatty Infrastructure, Inc., for the proposed Bassett High School Stormwater Capture Project for the maximum preconstruction contract sum of \$6,255,000; and the \$500,000 allowance for the additional field investigation, testing, and necessary abatement services during preconstruction services phase as authorized by the County to include, but not be limited to, hazardous materials investigation and underground utilities verification; and authorize the issuance of a Notice to Proceed for the duration of the preconstruction phase until final determination of the recommended Guaranteed Maximum Price.

5. Delegate authority to the Director of Public Works or his designee to supplement the maximum preconstruction contract sum of \$6,255,000 by up to 25 percent of the contract amount for the preconstruction phase services.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to comply with the California Environmental Quality Act (CEQA) and allow Public Works to plan for the proposed stormwater improvements at Bassett High School and its surrounding areas should the Board ultimately approve the project (see Enclosure A).

The proposed project site is located within Bassett High School (755 Ardrilla Avenue, La Puente, CA 91746) and its surrounding area in the Cities of Baldwin Park and La Puente and in the unincorporated community of Bassett.

In accordance with the California Regional Water Quality Control Board's Los Angeles Regional Phase I Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for Municipal Separate Storm Sewer System (MS4), the County is responsible for the bacteria and toxic pollutants' Total Maximum Daily Load of all the unincorporated areas of Los Angeles County.

The proposed project will assist the County and the Cities of Baldwin Park, Industry, La Puente, and West Covina in meeting their MS4 permit requirements through a regional stormwater capture and infiltration system that would mitigate stormwater pollutants from ultimately discharging into the San Gabriel River, contributing to the effort of achieving Total Maximum Daily Load compliance. The proposed project would include construction of an underground infiltration gallery below Bassett High School and various stormwater diversion structures and underground pipelines.

The proposed project will also upgrade the existing sports field within Bassett High School and construct a new passive recreation area at the southwest corner of the Bassett High School property that includes decomposed granite walking paths, public gathering areas, educational signages about water quality and water conservation, and low impact development components, such as bioswales, native and drought tolerant landscaping, and porous pavement.

Public Works is proposing that the project be delivered using the Construction Manager at Risk (CMAR) project delivery method, in which the CMAR acts as a consultant to the County in the development and design phases (preconstruction), assumes the risk for construction performance as

a general contractor holding all trade subcontracts during the construction phase, and is accountable for the work. The CMAR contractor provides design-assist preconstruction services at a fixed fee and works closely with the design team to verify cost estimates and constructability. This is particularly suitable for large and complex projects, such as the proposed Bassett High School Stormwater Capture Project, which would benefit from intense contractor participation throughout preconstruction.

The design is estimated to be completed by October 2026 and the CMAR contractor subsequently will submit a Guaranteed Maximum Price (GMP) for the full scope of construction for the proposed project. When full funding for the proposed project is identified, Public Works will then return to the Board for approval of the negotiated GMP and authorization to move forward with the construction phase. The CMAR contractor would serve as the project's general contractor and assumes risk for construction performance. The GMP will be based on actual direct construction cost (open-book accounting) plus a previously agreed to construction services fee as specified in the CMAR agreement.

The proposed project has a preliminary total project cost estimate of \$92,000,000 and, if approved, is anticipated to be completed by the third quarter of 2030.

On June 20, 2017, the Board delegated authority to Public Works, on behalf of the County, to enter into cooperative agreements with other public agencies to collaborate on activities needed to implement MS4 permit compliance programs.

Bassett High School is owned and operated by the Bassett Unified School District. On December 28, 2017, the County and the School District executed a partnership agreement to collaborate in the development of design plans for the proposed construction at Bassett High School. Upon approval of the design plans, Public Works will return to the Board for approval of a construction Use and Maintenance Agreement with the School District.

Public Works will also return to the Board for approval of a Ground Lease and Joint Use Agreement to outline the School District's intent to lease the southeast corner of Bassett High School to the County for the purpose of developing a new passive recreation area on the property for recreational and community services.

Public Works will also return to the Board to enter into cooperative and cost-sharing funding agreements with other MS4 permittees in the area, including the Cities of Baldwin Park, Industry, La Puente, and West Covina. The cooperative funding agreements for the proposed project would outline each partner's roles and obligations pertaining to the project, including partner responsibilities, responsibilities relating to construction of the project, land use, permit and access issues, financial obligations, funding contribution from the Safe Clean Water Regional Program (Upper San Gabriel River Watershed Area) associated with the planning, design, and construction costs of the project, and a commitment to enter into a separate agreement to address operations and maintenance of the proposed project and costs following completion of the project.

Each partnering MS4 permittee would also receive stormwater capture credit to help with their compliance efforts towards their corresponding stormwater permit. All partnering MS4 permittees would contribute funds towards the operations and maintenance of the proposed project for its useful life.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: North Star 2, Foster Vibrant and Resilient Communities, Focus Area Goal D, Sustainability, Strategies i & iv, Climate Health, and Environmental Justice, by improving public infrastructure assets that support the quality of life of Los Angeles County residents.

FISCAL IMPACT/FINANCING

The recommended CMAR agreement for preconstruction phase services with Balfour Beatty Infrastructure, Inc., is for a maximum preconstruction contract sum of \$6,255,000 and total allowance of \$500,000 for additional field investigation, testing, and underground utilities verification. The estimated amount needed to fund the preconstruction period is \$16,400,000, which includes the proposed CMAR agreement.

The preliminary total project cost estimate is \$92,000,000. There is currently \$49,291,000 of appropriation in Capital Project No. 69842, which is funded with \$31,000,000 in net County cost; \$18,045,000 from Safe Clean Water (Measure W); \$200,000 from Solid Waste Management Fund; and \$46,000 from Vehicle License Fee Gap Loan Funds. Sufficient appropriation is available to fully fund preconstruction activities, which will be completed by Board-approved on-call consultants and the CMAR contractor.

Public Works will continue to coordinate with potential project funding partners and pursue other funding opportunities through the completion of the project to offset the net County cost currently budgeted in the project. Project funding partners include the Cities of Baldwin Park, Industry, La Puente, and West Covina.

Public Works will work with Balfour Beatty Infrastructure, Inc., and Board-approved, on call consultants in the preconstruction phase to finalize the design and validate the construction cost estimate and schedule. After completion of the preconstruction phase, Public Works will return to the Board to request approval of the total project budget, to proceed with the construction phase under the CMAR agreement, and any related funding agreements with partnering MS4 permittees and Bassett Unified School District.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The proposed project is subject to the Board's Civic Art Policy. The amount of funding for Civic Art will be identified when we return to the Board for approval of the GMP and construction of the project.

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.

A CMAR Agreement, in a form previously approved by County Counsel, will be used. The CMAR Agreement contains terms and conditions in compliance with the Chief Executive Officer's and the Board's requirements. The agreement also includes a provision requiring that the consultant firms track subcontractors' utilization of Local Small Business Enterprise, Disabled Veterans Business Enterprise, and Social Enterprise Businesses.

The term of the CMAR agreement would commence on the date of the full execution of the contract and would continue for the duration of the project. The initial Notice to Proceed will be for the preconstruction phase only, from the date of full execution of the contract, until final Board approval of the negotiated GMP and approval of the construction phase. Enclosure B reflects the Community Business Enterprises participation data, and Enclosure C reflects the consultants' minority participation data.

ENVIRONMENTAL DOCUMENTATION

The recommended actions to establish the capital project for budget purposes only and approve the project budget, are not a project under CEQA because they are excluded from the definition of a project under Section 21065 of the California Public Resources Code, and are organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment and involve the creation of government funding mechanisms or fiscal activity, which do not involve any commitment to any specific project that may result in a potentially significant impact on the environment. The award and authorization for execution of a CMAR consultant service agreement, delegation of authority to supplement the agreement amount, and related actions are statutorily exempt from Public Resources Code Section 21102 and State CEQA Guidelines Section 15262 because they involve feasibility and planning studies for possible future actions that the County has not approved, adopted, or funded, and for which environmental factors have been considered. The actions are also categorically exempt under Sections 15304 and 15306 of the State CEQA Guidelines and Classes 4 and 6 of the County of Los Angeles Environmental Document Reporting Procedures and Guidelines, Appendix G, which apply to basic data collection and resource evaluation activities, which do not result in serious or major disturbance to an environmental resource and minor alteration to land that does not involve removal of trees.

The services that would be provided by the CMAR and Board-approved on-call consultants during the preconstruction phase include exploratory excavation of existing utilities and soils investigation to confirm design parameters. In addition, based on the proposed project records, it will comply with all applicable regulations and are not in a sensitive environment, and there are no cumulative impacts; unusual circumstances; damage to scenic highways; listing on hazardous waste site lists compiled pursuant to Government Code, Section 65962; or indications that it may cause a substantial adverse change in the significance of a historical resource that would make the exemption inapplicable.

Approval of the currently recommended actions would not constitute approval of the proposed Bassett High School Stormwater Capture Project. Public Works will return to the Board with appropriate recommendations under CEQA when approval of the proposed project is recommended.

Upon the Board's approval of the recommended actions, Public Works will file a Notice of Exemption with the Registrar-Recorder/County Clerk and with the State Clearinghouse at the Governor's Office of Planning and Research in accordance with Section 21152 of the Public Resources Code and will post the notice to the County's website in accordance with Section 21092.2.

CONTRACTING PROCESS

Public Works will continue to utilize Board-approved on-call consultants to complete technical studies, reports, environmental analysis, and design.

On October 31, 2023, a notice of the Request for Proposal (RFP) for CMAR services was placed on the County’s “Doing Business with Us” and the “Public Works Contract Opportunities” websites and advertisements were placed in the Los Angeles Daily Journal, Los Angeles Sentinel, La Opinion, Daily Commerce, The Signal, San Gabriel Valley Tribune, Pasadena Star News, Whittier Daily News, Daily News Los Angeles, and World Journal newspapers. Also, Public Works informed 1,487 Local Small Business Enterprises; 165 Social Enterprises; and 147 Disabled Veteran Business Enterprises about this business opportunity. Twenty-nine firms registered on the Public Works website for this RFP.

On January 31, 2024, one firm submitted a proposal. An evaluation committee consisting of Public Works staff evaluated the proposals based on the criteria describe in the RFP, including technical response, experience, personnel, qualifications, demonstrated competence, understanding of the work requirements, and price. Based on the evaluation of the proposal, Balfour Beatty Infrastructure, Inc., was selected without regard to race, creed, color, or gender. Public Works has determined that Balfour Beatty Infrastructure, Inc., represents the best value firm to provide the required services. The three-year contracting history for the selected firm is on file with us.

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

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects as a result of authorizing the recommend actions.

CONCLUSION

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

Respectfully submitted,



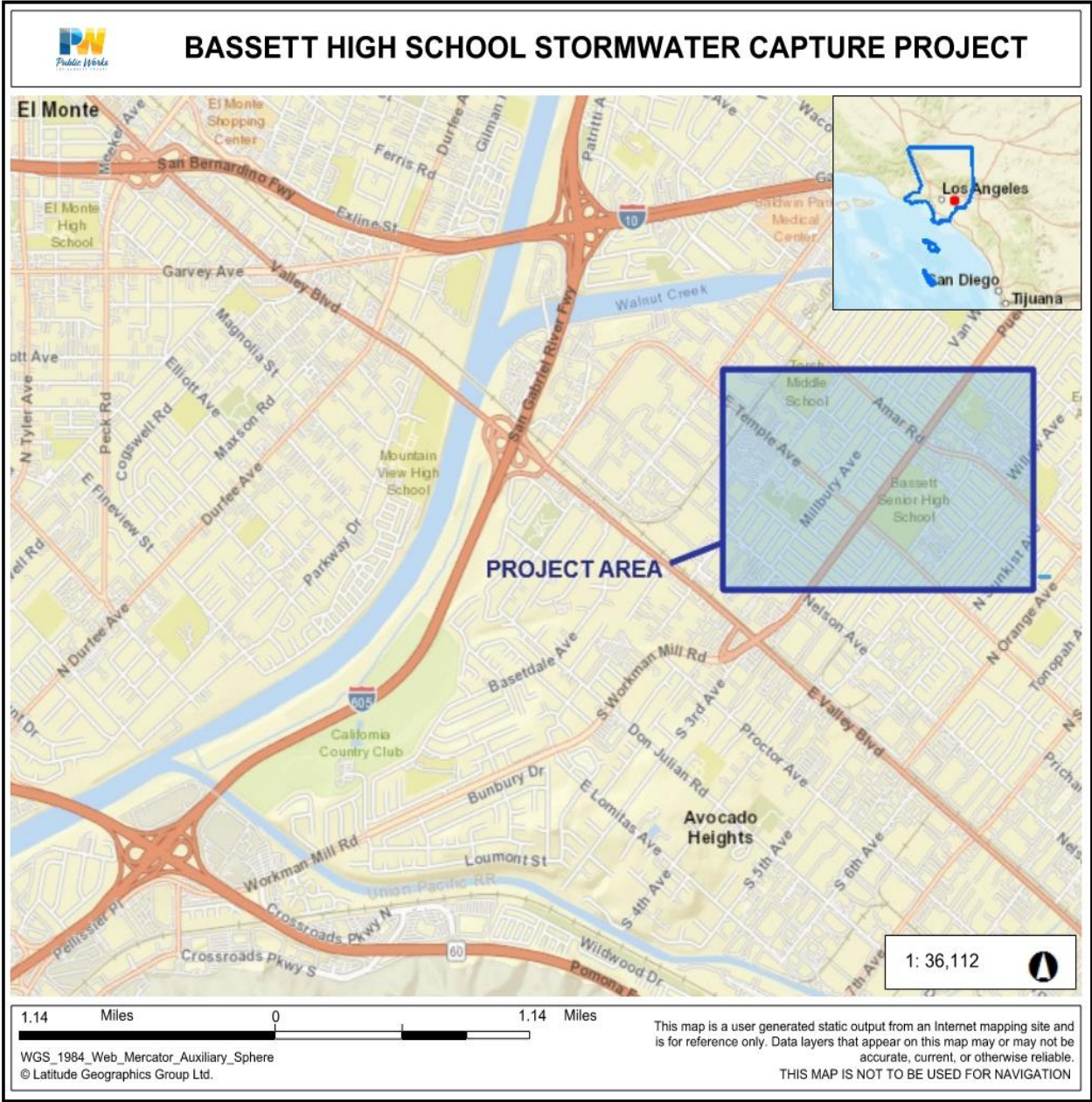
MARK PESTRELLA, PE

Director

MP:JWA:ml

Enclosures

- c: Department of Arts and Culture (Civic Art Division)
- Auditor-Controller
- Chief Executive Office (Susana Graether)
- County Counsel
- Executive Office



**PROPOSERS' UTILIZATION PARTICIPATION AND COMMUNITY BUSINESS
ENTERPRISE PROGRAM INFORMATION FOR CONSTRUCTION MANAGER
AT RISK PRECONSTRUCTION SERVICES FOR BASSETT HIGH SCHOOL
STORMWATER CAPTURE PROJECT
REQUEST FOR PROPOSAL NO. BRC0000486**

SELECTED FIRM

	Proposer Name (Prime with subcontractors* listed below) *only subcontractors with Utilization Participation are listed.	Local Small Business Enterprise	Small Business Enterprise	Minority	Women-Owned	Disadvantaged Business	Disabled Veteran Business Enterprise	Social Enterprise	Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning-Owned Business Enterprise
1	Balfour Beatty Infrastructure, Inc.								

NON-SELECTED FIRMS

	Proposer Name	Local Small Business Enterprise	Small Business Enterprise	Minority	Women-Owned	Disadvantaged Business	Disabled Veteran Business Enterprise	Social Enterprise	Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning-Owned Business Enterprise
1	Not applicable								

*Information provided by proposers in response to the Request for Proposal. On final analysis and consideration of award, vendors were selected without regard to race, creed, gender, or color.

**PROPOSERS' UTILIZATION PARTICIPATION AND COMMUNITY BUSINESS ENTERPRISE
PROGRAM INFORMATION FOR CONSTRUCTION MANAGER AT RISK PRECONSTRUCTION
SERVICES FOR BASSETT HIGH SCHOOL STORMWATER CAPTURE PROJECT
REQUEST FOR PROPOSAL NO. BRC0000486**

FIRM INFORMATION*		Balfour Beatty Infrastructure, Inc.
BUSINESS STRUCTURE		Corporation
CULTURAL/ETHNIC COMPOSITION		NUMBER / % OF OWNERSHIP
OWNERS/PARTNERS	Black/African American	130 / 4%
	Hispanic/Latino	1,080 / 35%
	Asian or Pacific Islander	59 / 2%
	American Indian	10 / .3%
	Filipino	
	White	1,827 / 59%
	<i>Female (included above)</i>	
		NUMBER
MANAGERS	Black/African American	
	Hispanic/Latino	
	Asian or Pacific Islander	
	American Indian	
	Filipino	NA
	White	
	<i>Female (included above)</i>	
STAFF	Black/African American	
	Hispanic/Latino	
	Asian or Pacific Islander	
	American Indian	
	Filipino	
	White	
	<i>Female (included above)</i>	
Total No. of Employees*		1,827
*Managers and Staff numbers are the breakdown of the Owners/Partners/Associate Partners numbers		
COUNTY CERTIFICATION		
Community Business Enterprise		N/A
Local Small Business Enterprise		N/A
OTHER CERTIFYING AGENCY		N/A

*Information provided by proposers in response to the Request for Proposal. On final analysis and consideration of award, vendors were selected without regard to race, creed, gender, or color.