

MOTION BY SUPERVISOR HILDA L. SOLIS

September 10, 2024

MacLaren Community Park Project: Approve the Project Budget, Appropriation Adjustment, and Project Stipends for Design-Build; and Award a Design-Build Contract

Los Angeles County (County) and the City of El Monte (City) have partnered to transform a segment of the MacLaren Hall site, located at 4024 Durfee Avenue, into a much-needed green space. The MacLaren Community Park Project will include the demolition of unused and underused buildings to pave the way for the new open space for the community. The previously approved 5.6-acre park will feature a regulation-size soccer field, basketball and tennis courts, fitness area, restrooms, picnic areas, shade structures, pavilion, children's play area, water feature, demonstration gardens, and native landscaping with interpretive signage. This project addresses the significant park space disparity in the City, which is currently offering 0.4 acres per thousand residents compared to the County average of 3.3 acres.

On November 24, 2020, the Board approved the project and adopted resolutions to apply for grants. The Board also authorized the Chief Executive Officer to negotiate

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HAHN _____

BARGER _____

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and execute a 30-year gratis ground lease with the City.

On July 27, 2021, the Board further advanced the project by establishing it as Capital Project (CP) No. 69953. This included approving necessary appropriation adjustments and authorizing the Director of Public Works to prepare technical studies and solicit Design-Build (D-B) proposals, with a stipend for qualifying proposers.

On October 19, 2021, the County, acting as the lead agency under the California Environmental Quality Act (CEQA), adopted the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program for the project where approximately 130,000 square feet of the existing buildings will be demolished. Buildings to be demolished for the community park under the MND include an office building, the school/maintenance building, and two prefabricated trailers.

On November 29, 2022, the City approved an MND and Mitigation Monitoring Program for the Esperanza Village Project, which will be developed on an adjoining segment of the MacLaren Hall site and includes the demolition of eight structures as follows: one modular trailer, a cafeteria building, and six dormitory buildings. The City's MND concluded that the proposed project will have less than significant environmental impacts with incorporated mitigation measures. The City also conducted an Environmental Assessment under National Environmental Policy Act and determined that the proposed project will not significantly impact the human environment, resulting in a Finding of No Significant Impact. Additionally, on August 20, 2024, the City adopted an addendum to the previously approved MND.

Public Works utilized a Board-approved, on-call Architectural/Engineering firm to complete the scoping documents for the proposed D-B solicitation for the

MacLaren Community Park Project. The D-B procurement was conducted in accordance with the D-B policy adopted by the Board on June 4, 2016.

On November 21, 2023, Public Works issued a Request for Proposals (RFP) for D-B services. The RFP was advertised on the County's "Doing Business with Us" and "Do Business with Public Works" websites and in the Daily Journal, LA Sentinel, La Opinion, Daily Commerce, The Signal (SC), San Gabriel Valley Tribune, Pasadena Star News, Whittier Daily News, Daily News Los Angeles, and World Journal (MP). Also, Public Works informed 1,487 local small business enterprises; 147 disabled veterans business enterprises; 165 social enterprises; 812 Community Business Enterprises; and 1,440 Community Based Enterprises about this business opportunity.

The first phase of the RFP process was the submittal of a prequalification questionnaire (Part A) by all interested D-B firms. On January 24, 2024, five prequalification questionnaires were received for evaluation. The prequalification questionnaires were reviewed by an Evaluation Committee consisting of representatives from the Chief Executive Office (CEO), Public Works, and Department of Beaches and Harbors. Based on the review and evaluation of the prequalification questionnaires, three firms were determined to be qualified. In accordance with the shortlisting requirements in the RFP, the three firms were shortlisted and invited to submit technical and cost proposals (Part B) for the proposed project.

On May 28, 2024, the three shortlisted D-B firms submitted technical and cost proposals for evaluation. The technical and cost proposals were evaluated by the evaluation committee members based on technical design, construction expertise, proposed delivery plans, schedule, price, life cycle costs, Countywide Community

Workforce Agreement and Local and Targeted Worker Hiring Program, design excellence, and D-B team personnel and organization. All three technical proposals met the intent, program, and base Scope of Work as defined in the final scoping documents. Bernards Bros., Inc., was found to have submitted the best value and most advantageous proposal to perform these services under the D-B delivery method, in accordance with the evaluation criteria stated in the RFP. These evaluations were completed without regard to race, creed, color, or gender.

In accordance with the Board's Civic Art Policy, adopted on December 7, 2004, and last amended on August 4, 2020, the project budget for the MacLaren Park includes one percent of eligible design and construction costs in the amount of \$336,000 to be allocated to the Civic Art Fund.

I, THEREFORE, MOVE that the Board of Supervisors

- 1) Find that the actions herein related to the previously approved project are within the scope of the previously adopted County's MND and that the County's adopted Mitigation Monitoring Plan will continue to apply to the project; find that there have been no changes to the project or circumstances under which it will be undertaken that would require additional CEQA findings; acting as a responsible agency for the City's Esperanza Village Project and consider the MND adopted by the City as lead agency; certify that the Board has independently reviewed, considered, and reached its own conclusions regarding the environmental effects of the County approvals related to the proposed demolition work, included in the MND, to be performed by the County; adopt the City's Mitigation Monitoring and Reporting Program to the extent

applicable to the County's actions, finding that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures that will be implemented during demolition activities to be undertaken by the County; and find that the current actions are within the scope of the previously adopted MNDs by the County and City, and there are no changes to the projects or to the circumstances under which they will be undertaken that require additional findings under CEQA.

The location of the documents and other materials constituting the record of the proceedings upon which the Board's decision is based in this matter is Public Works, 900 South Fremont Avenue, 5th Floor, Alhambra, CA 91803. The custodian of such documents and materials is the Assistant Deputy Director of Project Management Division II. The environmental documents for the projects can also be located at [Approved Projects | El Monte, CA \(elmonte.ca.us\)](https://www.elmonte.ca.us).

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

- 2) Approve the project, CP No. 69953, with a total project budget of \$45,500,000, which will include the demolition of eight structures previously approved by the City in the Scope of Work for the project.

- 3) Approve an appropriation adjustment to reflect an increase of \$28,240,000 in appropriation to the project, CP No. 69953, funded with the following sources: Regional Park and Open Space District Safe, Clean Neighborhood Parks, Open Space, Beaches, Rivers Protection, and Water Conservation Measure (Measure A) Grant of \$1,400,000; \$19,200,000 from obligated fund balance Committed for American Rescue Plan-Enabled Capital Programs; and \$7,640,000 of First District Community Program Funding to fully fund the project.
- 4) Find that Bernards Bros., Inc., is the responsive and responsible proposer that submitted the best value and most advantageous proposal to the County for design and construction of the project using the D-B project delivery method, based on best value criteria stated in the RFP, including qualifications, technical design, construction expertise, proposed delivery plan, price, workforce commitment, design excellence, acceptable safety record, and lifecycle cost.
- 5) Award a D-B agreement to Bernards Bros., Inc., in substantially the same form as was included in the RFP, which was approved by County Counsel.
- 6) Authorize the Director of Public Works or his designee to execute the D-B agreement with Bernards Bros., Inc., for a contract sum of \$31,865,818, and a maximum contract sum of \$33,365,818 (inclusive of a design completion allowance of \$1,500,000), subject to receipt by the County of acceptable Faithful Performance and Payment for Labor and Materials Bonds and evidence of required contract insurance filed by the D-B entity; to establish the

effective date of the contract upon receipt of acceptable performance, payment bonds, and evidence of required insurance; and to take all actions necessary and appropriate to fully deliver the project.

- 7) Pursuant to the County's D-B policy, approve and authorize the Director of Public Works or his designee to execute consultant services agreements for a stipend amount of \$50,000 each, with Morillo Construction Inc. and Ohno Construction Company, the second- and third-ranked qualifying proposers that met the stipend eligibility criteria in the RFP for preparation of proposals, to ensure that the County can utilize the design concepts in their respective proposals.
- 8) Authorize the Director of Public Works or his designee to exercise control of the design completion allowance with concurrence from the CEO, or designee, including the authority to reallocate the allowances into the contract sum, as appropriate, to resolve cost issues with Bernards Bros., Inc., that are identified during the design phase of the project, such as changes resulting from unforeseen condition, including construction-related impacts.
- 9) Pursuant to Government Code Section 25550, by unanimous vote, delegate authority to the CEO to negotiate and execute a gratis long-term ground lease, with renewal options, with the City for the portion of the project site where the new park will be located, as well as the adjoining landscaped and parking areas along Durfee Avenue and Kerrwood Street (Lease Property), in which the City will develop, operate, and maintain a public park on the property, located at 4024 Durfee Avenue (Property).

10) Delegate authority to the CEO, or designee, to negotiate and execute any ancillary documents and exhibits, subject to approval as to form by County Counsel, for transfer of the Lease Property to the City for public park purposes.

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HLS:wr:ac

August 10, 2024

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICER

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HER RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFORE

FY 2024-25

4 - VOTES

SOURCES

USES

PARKS AND RECREATION

MACLAREN COMMUNITY PARK

A01-CP-91-R410-65043-69953

REGIONAL PARK AND OPEN SPACE DISTRICT-MEASURE A

INCREASE REVENUE

1,400,000

PARKS AND RECREATION

MACLAREN COMMUNITY PARK

A01-CP-6014-65043-69953

CAPITAL ASSETS - B & I

INCREASE APPROPRIATION

28,240,000

GENERAL FUND

A01-304Q

COMMITTED FOR AMERICAN RESCUE PLAN-ENABLED CAPITAL PROGRAMS

DECREASE OBLIGATED FUND BALANCE

19,200,000

BOARD OF SUPERVISORS

A01-BS-2000-10010

SERVICES & SUPPLIES

DECREASE APPROPRIATION

7,640,000

SOURCES TOTAL

\$ 28,240,000

USES TOTAL

\$ 28,240,000

JUSTIFICATION

Reflects an increase in appropriation of \$28.24M to the MacLaren Community Park Project, Capital Project No. 69953, funded with: Regional Park and Open Space District Safe, Clean Neighborhood Parks, Open Space, Beaches, Rivers Protection, and Water Conservation Measure (Measure A) Grant of \$1.4M; \$19.2M from obligated fund balance Committed for American Rescue Plan (ARP)-Enabled Capital Programs; and \$7.64M from the First District's Community Program Funds to fully fund the project.

James Yun

Digitally signed by James Yun
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AUTHORIZED SIGNATURE

JAMES YUN, MANAGER, CEO

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

REFERRED TO THE CHIEF EXECUTIVE OFFICER FOR---

ACTION

RECOMMENDATION

APPROVED AS REQUESTED

APPROVED AS REVISED

AUDITOR-CONTROLLER

BY **Andrea Turner**
Digitally signed by Andrea Turner
Date: 2024.08.30 08:34:33 -07'00'

CHIEF EXECUTIVE OFFICER

BY **Matthew J. Diaz**
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Date: 2024.08.30 08:44:47 -07'00'

B.A. NO. **021**

DATE **8/30/24**

DATE **8/30/2024**