



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

May 06, 2025

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:

**CONSTRUCTION CONTRACT  
WATER RESOURCES CORE SERVICE AREA  
DELEGATED AUTHORITY TO ADOPT, ADVERTISE, AND AWARD  
PROJECT ID NO. WWD2900018  
LOWER BUSCH TANK IMPROVEMENT  
IN THE CITY OF MALIBU  
(SUPERVISORIAL DISTRICT 3)  
(4-VOTES)**

### **SUBJECT**

Public Works is seeking Board approval to carry out the accelerated delivery of the Lower Busch Tank Improvement project, including delegated authority to adopt the plans and specifications, advertise for bids, and award and execute a construction contract in the City of Malibu.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE  
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU:**

1. Certify that the Addendum to the previously adopted Negative Declaration for the Lower Busch Tank Improvement project has been completed in compliance with the California Environmental Quality Act and reflects the independent judgement and analysis of the Los Angeles County Waterworks District No. 29, Malibu, as the lead agency; find that the Board has reviewed and considered the information contained in the Addendum with the Negative Declaration prior to approving the Addendum for the project.
2. Approve the revised project and delegate authority to the Director of Public Works or his designee to adopt the plans and specifications and advertise for bids at an estimated construction cost between \$2,900,000 and \$4,300,000 for the Lower Busch Tank Improvement project.

3. Delegate authority to the Director of Public Works or his designee to instruct the 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. Find pursuant to State Public Contract Code, Section 3400 (c) (2), that it is necessary to specify designated items by specific brand name in order to match other products in use on a particular public improvement either completed or in the course of completion.
5. Delegate authority to the Director of Public Works 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.
6. Delegate authority to the Director of Public Works or his designee to award and execute a construction contract for the Lower Busch Tank Improvement project with the responsible contractor with the lowest responsive bid within or less than the estimated cost range of \$2,900,000 and \$4,300,000 or that exceeds the estimated cost range by no more than 15 percent, if additional funds have been identified.
7. Delegate to the Director of Public Works 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 State Public Contract Code Section 20614; (d) accept the project upon its final completion; and (e) make required findings and release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to approve the Addendum to the previously adopted Negative Declaration (ND) and allow Public Works to improve the Lower Busch Tank by replacing the current 300,000-gallon concrete tank with a 385,000-gallon steel tank (see Enclosure A). The project will also include improvements to overflow drainage, tank access, air ventilation, perimeter fencing, exterior lighting, and landscaping.

It is anticipated the work will start in the third quarter of 2026, if approved.

#### **Implementation of Strategic Plan Goals**

These recommendations support the County Strategic Plan: North Star 3, Realize Tomorrow's Government Today, Focus Area Goal F, Flexible and Efficient Infrastructure, Strategy ii, Modernize Infrastructure, by replacing and improving public infrastructure assets that support the quality of life of Los Angeles County residents.

## **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 \$2,900,000 and \$4,300,000 with a maximum construction contract cost to be 15 percent above this range. The total project cost is estimated to be \$7,900,000. 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 project is included in the Los Angeles County Waterworks District No. 29, Malibu, Accumulative Capital Outlay Fund (N33-Capital Assets-Infrastructure) Fiscal Year 2024-25 Budget. Funding for future years will be requested through the annual budget process.

The State of California Department of Water Resources will reimburse up to \$500,000 to the District from the Proposition 1 Integrated Regional Water Management Grant Program. Additionally, the United States Federal Emergency Management Agency (FEMA) will reimburse up to \$204,282.75 to the District from the Hazard Mitigation Grant Program.

## **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

State Public Contract Code Section 20124 allows the Los Angeles County Board of Supervisors to delegate approval of plans and specifications to the Director of Public Works or his designee on a project-by-project basis. Once plans are approved, Public Works will instruct the Executive Officer of the Board of Supervisors to advertise the project for bids in accordance with Section 20125 of the State Public Contract Code. It is anticipated that the project will advertise for bids within the next six months.

This project will be advertised in accordance with Section 20602 of the State Public Contract Code.

State Public Contract Code Section 3400 (c) (2) allows a product to be designated by a specific brand name for several purposes, one of which is to match other products in use on a particular public improvement, either completed or in the course of completion, if the awarding authority makes a finding to the same effect, and language is included in the Notice Inviting Bids.

A list of specific brand names and qualified purposes in accordance with the State Public Contract Code is provided in Enclosure B.

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 this 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.

On July 11, 2000, the Board approved guidelines for the acceptance of grants of \$100,000 or more. These guidelines include a requirement that County departments prepare a grant management statement for review before they carry out the activities covered under the grant.

In November 2020 the United States, acting by and through FEMA, awarded \$204,282.75 to the District to install a portable generator and appurtenances. FEMA agreed to cost share 75 percent of all approved budget period costs incurred, up to but not exceeding total federal funding of \$204,282.75.

### **ENVIRONMENTAL DOCUMENTATION**

The 2005 ND (State Clearinghouse No. 2003081124) was prepared by the District and adopted by the Board on October 11, 2005. The previously adopted 2005 ND analyzed the environmental impacts of replacing the existing 300,000-gallon concrete tank with a 385,000-gallon steel tank. An Addendum to a ND shall be prepared to evaluate the environmental effects if only minor technical changes or additions are necessary or if none of the conditions described in Sections 15162 or 15163 of the State California Environmental Quality Act (CEQA) Guidelines calling for preparation of a subsequent ND or Supplemental ND, respectively, have occurred.

In accordance with State CEQA Guidelines Sections 15162 and 15164, the District developed the Addendum to the previously adopted ND to document proposed changes to the previously approved project, including increased capacity of the tank, location of the temporary tanks, new fencing, new tank mounted blower, and tree removal. After reviewing the proposed changes to the project, the District determined that there are no substantial changes proposed to the approved project or to the circumstances under which it will be undertaken, and there is no new information of substantial importance showing the project will have one or more significant effects that require the preparation of subsequent documentation under Section 15162 of the State CEQA Guidelines. The District concludes all impacts analyzed in the ND would still remain less than significant. Therefore, there are no changes that require further review 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, including the Addendum and the previously adopted ND can be viewed online at <https://pw.lacounty.gov/core-service-areas/water-resources/waterworks-districts/district-29/> or in person at Los Angeles County Public Works, Waterworks Division, 1000 South Fremont Avenue, Alhambra, CA 91803.

The required fee, if any, to the California Department of Fish and Wildlife, was paid for the previously adopted ND.

Upon your Board's approval of the project as revised, Public Works will file a Notice of Determination 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 California Public Resources Code and will post the notice to the County's website in accordance with Section 21092.2.

## **CONTRACTING PROCESS**

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy, the contract documents will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

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://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.

In addition, in order to increase opportunities for small businesses, Public Works will be offering preferences to Local Small Business Enterprises in compliance with Los Angeles County Code, Chapter 2.204.

## **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

When the project is completed, it will have a positive impact by strengthening water supply reliability, thereby, protecting the health and safety of existing customers.

**CONCLUSION**

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

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, PE

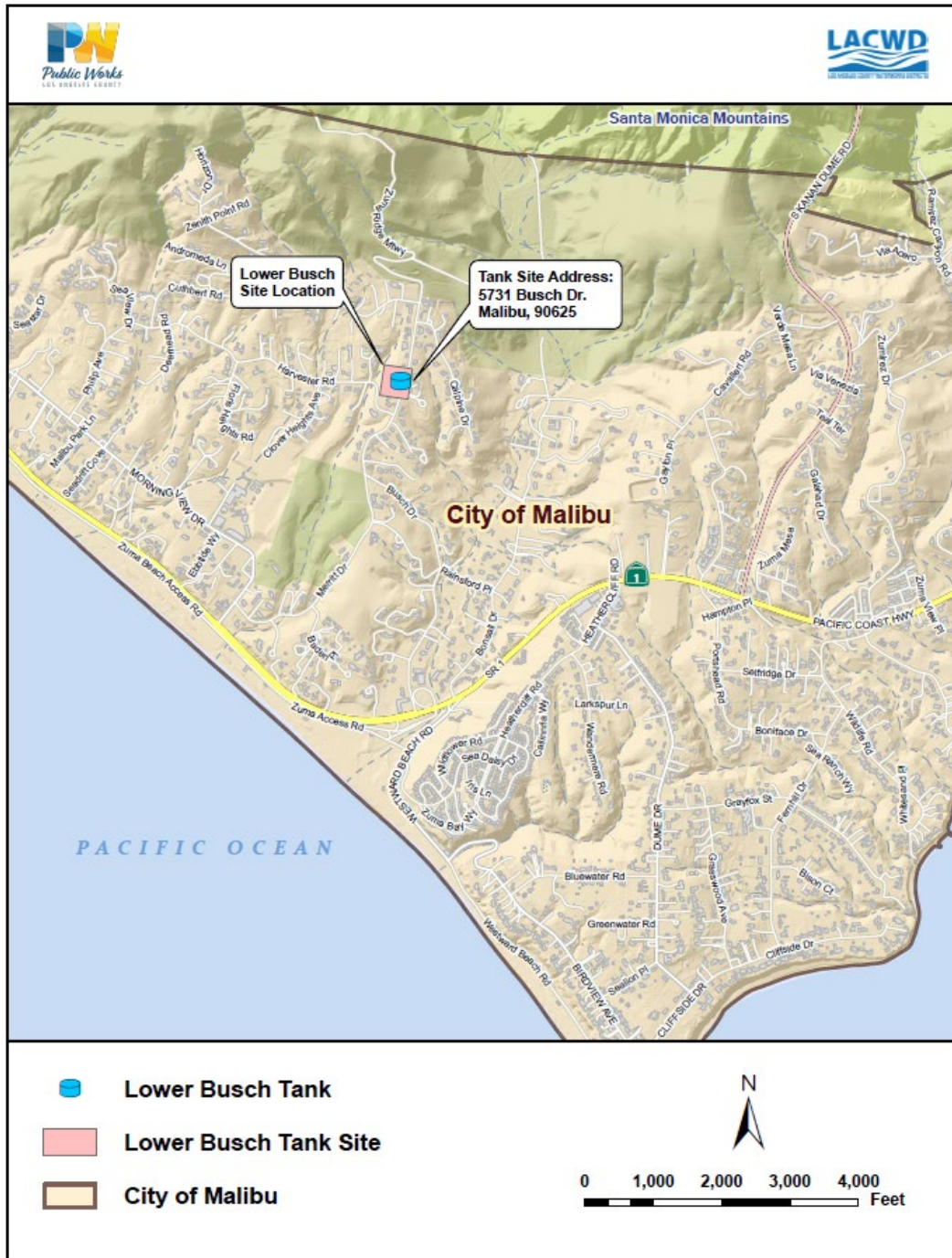
Director

MP:KF:hd

Enclosures

c: Chief Executive Office (Chia-Ann Yen)  
County Counsel  
Executive Office, Board of Supervisors  
Internal Services (Countywide Contract  
Compliance)

LOWER BUSCH TANK IMPROVEMENT  
PROJECT ID NO. WWD2900018



**PROJECT NAME: LOWER BUSCH TANK IMPROVEMENT****PROJECT ID NO.: WWD2900018****List of specific brand names in accordance with State Public Contract Code Section 3400:**

	Item/Category	Manufacturer	Model	Public Contract Code 3400 Justification*	Detailed Justification
1.	Altitude Valve	Cla-Val	210	2	Sole source required for consistency with existing equipment, replacement parts, and institutional knowledge regarding repairs and maintenance. Alternate products would negatively impact overall efficiency, system reliability, and operation and maintenance costs.
2.	Check Valve	Cla-Val	584	2	Sole source required for consistency with existing equipment, replacement parts, and institutional knowledge regarding repairs and maintenance. Alternate products would negatively impact overall efficiency, system reliability, and operation and maintenance costs.
3.	Roof Blower	Big Wave Water Technologies	Hurricane	2	Sole source required for consistency with existing equipment, replacement parts, and institutional knowledge regarding repairs and maintenance. Alternate products would negatively impact overall efficiency, system reliability, and operation and maintenance costs.
4.	Portable Generator	Hipower	HRJW-190 T4F	2	Sole source required for consistency with existing equipment, replacement parts, and institutional knowledge regarding repairs and maintenance. Alternate products would negatively impact overall efficiency, system reliability, and operation and maintenance costs.

\*(1) In order that a field test or experiment may be made to determine the product's suitability for future use. (2) In order to match other products in use on a particular public improvement either completed or in the course of completion. (3) In order to obtain a necessary item that is only available from one source. (4) (a) In order to respond to an emergency declared by a local agency, but only if the declaration is approved by a four-fifths vote of the governing board of the local agency issuing the Invitation for Bid or Request for Proposals; and (b) In order to respond to an emergency declared by the State, a State agency, or political subdivision of the State, but only if the facts setting forth the reasons for the finding of the emergency are contained in the public records of the authority issuing the Invitation for Bid or Request for Proposals.