


0150-10011-0000

TRANSMITTAL

TO The City Council	DATE SEP 13 2013	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT All	

**Proposed First Amendments to Seven Contracts
For On-Call Emergency Repair Services and Construction of Urgent Necessity Projects at
the Wastewater Treatment Plants and Other Wastewater Facilities**

Approved and forwarded for your consideration.
See the City Administrative Officer report attached.


(Ana Guerrero)
MAYOR

Report From
OFFICE OF THE CITY ADMINISTRATIVE OFFICER
Analysis of Proposed Contract
(\$25,000 or Greater and Longer than Three Months)

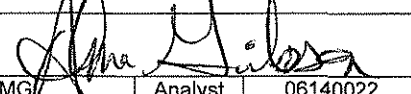
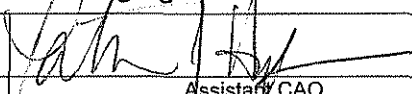
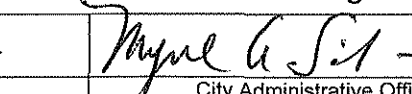
To: The Mayor	Date: 09-10-13	C.D. No. All	CAO File No.: 0150-10011-0000				
Contracting Department/Bureau: Public Works/Bureau of Engineering		Contact: Sean Kenney, (310) 648-6106					
Reference: Transmittal from the Board of Public Works dated April 26, 2013; referred for report on June 13, 2013.							
Purpose of Contract: To provide on-call emergency repair services and construction of urgent necessity projects at the Wastewater Treatment Plants and other Wastewater Facilities.							
Type of Contract: () New contract (X) Amendment		Contract Term Dates: Three Years, October 7, 2013 to October 7, 2016					
Contract/Amendment Amount: N/A							
Proposed amount \$ N/A + Prior award(s) \$5.2 million = Total \$ N/A							
Source of funds: Sewer Capital Fund (Fund No. 761) and Wastewater System Commercial Paper Funds (Fund Nos. 70W & 70X)							
Name of Contractor: See Report.							
Address: See Report.							
	Yes	No	N/A*	8. Contractor has complied with:	Yes	No	N/A*
1. Council has approved the purpose			X	a. Equal Employmt. Oppty./Affirm. Action	X		
2. Appropriated funds are available			X	b. Good Faith Effort Outreach**			X
3. Charter Section 1022 findings completed			X	c. Equal Benefits Ordinance	X		
4. Proposals have been requested	X			d. Contractor Responsibility Ordinance	X		
5. Risk Management review completed	X			e. Slavery Disclosure Ordinance	X		
6. Standard Provisions for City Contracts included	X			f. Bidder Certification CEC Form 50		X	
7. Workforce that resides in the City: N/A				*N/A = not applicable ** Contracts over \$100,000			

COMMENTS

In accordance with Executive Directive No. 3, the Board of Public Works (Board), on behalf of the Bureau of Engineering (Bureau), is requesting authority to execute the First Amendment to the following seven on-call contracts for emergency repair services and construction of urgent necessity projects at the City's wastewater treatment plants and other wastewater facilities.

Contract No.	Name of Contractor	Address
C-114646	Colich & Sons, L.P.	547 W. 140 th St., Gardena, CA 90248
C-114647	PPC Construction Co.	7470 Figueroa St. Suite 105, Los Angeles, CA 90041
C-114648	Murray Plumbing and Heating Co.	2919 E. Victoria St., Rancho Dominguez, CA 90221
C-114649	United Riggers And Erectors, Inc.	4188 Valley Blvd., Walnut, CA 91789
C-114650	Griffith Company	12631 Imperial Hwy., Suite F-230, Santa Fe Springs, CA 90670
C-114651	Clarke Contracting Corp.	4646 Manhattan Beach, Lawndale, CA 90260
C-114652	Miron Electric Construction Co.	9238 Deering Ave., Chatsworth, CA 91309

The percentage of the contractor's workforce which resides in the City is not available as contractors are not required to submit this information as part of their statement of qualifications for construction related contracts due to the constant changing of construction work crews and/or staffing.

		
AMG/ Analyst 06140022	Assistant CAO	City Administrative Officer

The Bureau has proposed the First Amendments to be extended by a term of five-years to October 7, 2018. The contracts make no guarantee of work and compensation for services will be provided on a project by project basis, subject to the availability of special wastewater funds. In accordance with Los Angeles Administrative Code Section 10.5(a), pertaining to construction related contracts, Council approval is required to execute the proposed First Amendments as the term of the contracts will now exceed five years.

The Bureau currently administers the on-call list of contractors which has been an effective and fiscally responsible tool in protecting the public by ensuring that reliable and effective wastewater collection and treatment facilities are provided. On September 5, 2007, the Board authorized the Bureau to issue a Request for Qualifications (RFQ) to establish an emergency repair on-call list and selected seven contractors out of 13 proposals received. Effective October 7, 2008, the Board executed seven five-year contracts for on-call emergency repair services pursuant to Los Angeles Administrative Code Section 10.5(a) which authorizes the Board to execute construction related contracts that do not exceed five years.

These on-call contracts will expire on October 7, 2013 and the Bureau is requesting authority to execute First Amendments to extend the term of these contracts for an additional five years to provide sufficient time to establish a new on-call list. However, our Office recommends extending the contract term to three years. This should provide the Bureau sufficient time to close-out the current contract work and to issue an RFQ that will establish a new on-call list of contractors. This will allow other firms, which are not in the original contracting pool, to be selected.

The Bureau reports that three Construction Orders with a total value of \$5,199,745 have been awarded to date. All of the Construction Orders were valued over \$100,000 which required Board approval to award.

Scope and Assignment of Work

Per the Bureau, all of the selected firms have a proven track record of successfully completing projects with multi-discipline work such as civil, mechanical and electrical. Each of the firms has the necessary resources and expertise to perform emergency repair work at the wastewater treatment facilities. Under the terms of the original contracts, the selected contractors will provide labor, material, equipment and services, including professional engineering services, which may be needed to perform the required repair or correction.

There are currently two active projects being performed at the Hyperion Treatment Plant consisting of emergency chemical lines replacement and screw pump replacement work. This work is anticipated to be completed by the end of September 2014.

The Bureau will continue to prepare Construction Order requests and utilize the pre-qualified contractor list to request bids when emergency repair work is required. The contracts make no guarantee of work and compensation for services will be provided on a Negotiated and Agreed Upon Lump Sum when and if work is required.

The First Amendments will not change the scope or assignment of work or method of compensation. Only the term of the contract agreements is being changed to extend the contacts for a recommended period of three years, to October 7, 2016.

Contracting Compliance Requirements

The contractors on the list are required to mobilize, at any given hour, the necessary personnel and equipment to the site of the emergency as determined by the scope of work and must begin work as required by the City Engineer. Given the emergency mobilization requirements, the contractors would not have adequate time to solicit bids from the subcontractor lists generated by a Business Inclusion Program (BIP) Outreach and still respond to the emergency in the time required by the Engineer. Therefore, due to the emergency nature of the work and the fact that specific work is unknown at the time the contracts are executed, the Board waived the BIP Outreach requirements for these contract extensions pursuant to Executive Directive No. 14, which gives the awarding authority discretion to waive this requirement.

The contractors will be encouraged to solicit MBE, WBE, Small Business Enterprise, Emerging Business Enterprise, Disable Veterans Business Enterprise and OBE sub-bids whenever subcontracting opportunities and time permit. By executing the First Amendments, the contractors will certify their compliance with the remaining City contracting requirements as specified in the City's Contractor Responsibility Ordinance.

To comply with Charter Section 1022 as it pertains to the execution of emergency construction contracts, the Department of Public Works is citing exemption from these guidelines as per Special Order No 07-0708 (supersedes Special Order 05-0508), Notification to Unions for Construction Contracts. The Department of Public Works met with Service Employees International Union Local 721 (SEIU Local 721) to develop a process which would ensure that construction projects are built by City employees when feasible and contracting was used only when necessary. On July 13, 2005, the Board adopted a policy, screening criteria, and procedures for notifying SEIU Local 721 (supersedes SEIU Local 347) of the Bureau's intent to solicit bids for construction projects which could be built entirely by City employees. The Bureau issued Special Order 07-0708 (supersedes Special Order 05-0508) to memorialize this policy and under this Special Order, Bureau staff is not required to notify SEIU Local 721 if emergency repairs and work of urgent necessity, such as work on the City's wastewater treatment plants and wastewater facilities, are required.

RECOMMENDATION

That the Council:

1. Approve and authorize the Board of Public Works to execute the proposed First Amendments, substantially in form to the attached boilerplate agreement, to extend the term by three years from October 7, 2013 through October 7, 2016 for the following seven contracts:
 - a. C-114646 with Colich & Sons, L.P.
 - b. C-114647 with PPC Construction Co.
 - c. C-114648 with Murray Plumbing and Heating Co.
 - d. C-114649 with United Riggers And Erectors, Inc.
 - e. C-114650 with Griffith Company

- f. C-114651 with Clarke Contracting Corp.
 - g. C-114652 with Miron Electric Construction Co.
2. Instruct the Bureau of Engineering to complete a Request for Qualification process, and select a pool of qualified contractors, should there be a continued need for on-call emergency repair services and construction of urgent necessity projects at the wastewater treatment plants and other wastewater facilities.

FISCAL IMPACT STATEMENT

There is no fiscal impact to the General Fund as the proposed First Amendments will extend the term of the existing contracts to provide sufficient time for the Bureau to establish a new on-call list. The contracts make no guarantee of work and all work will be issued on a project by project basis and subject to the availability of special wastewater funds. The recommendation in this report complies with the City's Financial Policies as special wastewater funds will support project expenditures.

MAS:AMG:06140022

CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

April 26, 2013

BOARD OF PUBLIC WORKS MEMBERS

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OFFICE OF THE BOARD OF PUBLIC WORKS

200 NORTH SPRING STREET
ROOM 361, CITY HALL
LOS ANGELES, CA 90012
(213) 978-0261
(213) 978-0278 Fax

ARLEEN P. TAYLOR
EXECUTIVE OFFICER

<http://www.bpw.lacounty.org>

#1 BOE

2013 APR 26 PM 2:57
OFFICE OF THE MAYOR
RECEIVED
CITY OF LOS ANGELES

Mayor Antonio R. Villaraigosa
Room No. 305
City Hall
Attn: Mandy Morales

Subject: REQUEST AUTHORITY TO EXECUTE THE TERM OF THE CURRENT ON-CALL CONTRACTS FOR EMERGENCY REPAIR SERVICES AND CONSTRUCTION OF URGENT NECESSITY PROJECTS AT THE CITY'S WASTEWATER TREATMENT PLANTS AND OTHER WASTEWATER FACILITIES

As recommended in the accompanying report of the City Engineer, which this Board has adopted, the Board of Public Works requests approval and forwarding to the City Council for approval and authorization to execute the current On-Call Contracts between the City of Los Angeles and the seven listed contractors for Emergency Repair Services and Construction of Urgent Necessity Projects and the City's Wastewater Treatment Plants and other wastewater facilities, and extend the total contract term by five years, with an expiration date of October 7, 2018, the contractors are, as follows:

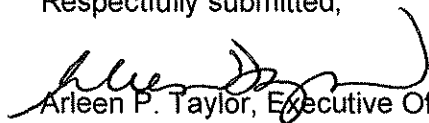
Clarke Contracting Corp. (C-114651);
Colich & Sons, L.P. (C-114646);
Griffith Company (C-114650);
Miron Electric Construction Corporation (CC-114652);
Murray Plumbing and Heating Co. (C-114648);
PPC Construction Co. (C-114647); and
United Riggers and Erectors, Inc. (C-114649)

It is also requested, to waive the Business Inclusion Program Outreach requirements for these contract extensions.

FISCAL IMPACT

There is no impact to the General Fund. Wastewater funds for each project issued under these amended contracts will be identified and encumbered by the Bureau of Sanitation, Financial Management Division, prior to issuing a Notice of Proceed to the contractors.

Respectfully submitted,


Arleen P. Taylor, Executive Officer
Board of Public Works

APT:mp

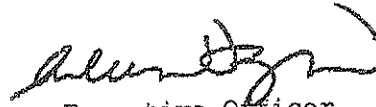


Department of Public Works

Bureau of Engineering
Report No. 1

April 26, 2013
CD Nos. Various

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California
AND REFERRED TO THE MAYOR
APR 26 2013



Executive Officer

REQUEST AUTHORITY TO EXTEND THE TERM OF THE CURRENT ON-CALL CONTRACTS FOR EMERGENCY REPAIR SERVICES AND CONSTRUCTION OF URGENT NECESSITY PROJECTS AT THE CITY'S WASTEWATER TREATMENT PLANTS AND OTHER WASTEWATER FACILITIES

RECOMMENDATIONS

1. Approve and forward this report with transmittals to the Mayor and City Council requesting the following:
 - a. Approve Amendment No. 1 to each of the seven Contracts between the City of Los Angeles (City) and Clarke Contracting Corp. (C-114651), Colich & Sons, L.P. (C-114646), Griffith Company (C-114650), Miron Electric Construction, Corporation (C-114652), Murray Plumbing and Heating Co. (C-114648), PPC Construction Co. (C114647), and United Riggers and Erectors, Inc. (C-114649) to extend the total contract term by five years, with an expiration date of October 7, 2018.
 - b. Authorize the President or two members of the Board of Public Works (Board) to execute Amendment No. 1 for each of the seven Contracts identified above.
2. Waive the Business Inclusion Program Outreach requirements for these contract extensions.
3. Notify the Bureau of Engineering (BOE), Environmental Engineering Division (EED), Sean Kenney, (310) 648-6105, when the Amendments are ready to be executed by the Board, whereupon five original copies of each of the seven Amendments will be delivered to the Executive Officer of the Board for signature.
4. Upon execution, request the City Clerk to attest and certify the five original copies of Amendment No. 1 for each of the seven Contracts identified above. The City Clerk and the Board will each retain one original copy and the three original copies will be returned to the BOE.

FISCAL IMPACT STATEMENT

There is no impact to the General Fund. Wastewater Funds for each project issued under these amended Contracts will be identified and encumbered by the Bureau of Sanitation, Financial Management Division, prior to issuing a Notice to Proceed to the Contractor.

TRANSMITTALS

1. Copy of adopted Joint Report No. 3 dated August 13, 2008, establishing an on-call list of contractors to perform Emergency Repair Services and Urgent Necessity Projects at the City's Wastewater Treatment Plants and Other Wastewater Facilities.
2. Copy of Sample Contract Amendment No 1.

DISCUSSION

Background

The Board has contracted with and established a rotational on-call list of qualified contractors to make emergency repairs and work of urgent necessity on the City's wastewater treatment plants and wastewater facilities (Transmittal No. 1). The BOE administers the on-call list of contracts. The term of the existing on-call contracts is five years and these Agreements will expire on October 7, 2013. BOE is requesting the authority to extend the existing, active on-call contracts for a period of five years, to October 7, 2018.

Current Contract Status

The on-call list of contracts has been an effective and fiscally responsible tool for the Department of Public Works in protecting the public while providing reliable and effective wastewater collection and treatment facilities. The on-call list of contract allows for competitive bidding and offers opportunities for the inclusion of small business enterprises. Justification for extending the seven on-call contracts is based on the fact that there has been only limited use of the contract since it's inception. Over the past 4 ½ years, two emergency construction projects have been completed under the current contracts, with an authorized value of \$324,745 and a third project, with an authorized budget of \$4,860,667, is scheduled to complete in June 2013.

Need for Contract Term Extension

As stated above, the current emergency on-call contracts expire on October 7, 2013. It is BOE's recommendation that the existing on-call contracts be extended for an additional five years for the following reasons. First, contractors on the current on-call list expended significant resources to obtain their position on the list and to date, only three contractors have received any work as a result of their efforts. Second, the process of advertising and evaluating potential contractors for a new on-call list is lengthy and time consuming. Finally, experience has shown that there has been little change in the pool of contractors which elect to participate and are qualified for the emergency on-call program.

All participating general contractors on the existing emergency on-call list are experienced, qualified and capable of providing the emergency response required by the City for the extended duration of the contract.

The BOE has received confirmation from all seven Emergency On-Call contractors that they will agree to the Contract term extension and the terms of the Amendment.

Business Inclusion Program (BIP) Outreach

At the time this emergency on-call list was established, the Minority Business Enterprise/Woman Business Enterprise/Disadvantage Business Enterprise (MBE/WBE/DBE) Subcontractor Outreach Program requirement was waived by the Mayor's Office of Economic Development due to the emergency nature of repair work, with the understanding that the contractors would be encouraged to utilize the MBE and WBE firms whenever an opportunity to subcontract arose. On January 12, 2011, Executive Directive 14 replaced the previous MBE/WBE/OBE Program with the new BIP. The Mayor's Office has also changed the practice with regard to outreach waivers in that they leave it to the awarding authority to determine when subcontractor outreach is not possible. The contractors on the emergency

April 26, 2013
Page 3

on-call list for wastewater facilities repairs are required to mobilize the necessary personnel and equipment to the site of the emergency as determined by the scope of work and must begin work as required by the Engineer. This can happen within hours when emergencies are identified by the Bureau of Sanitation (BOS) and BOE. Given emergency mobilization requirements, the Contractors would not have adequate time to solicit bids from the subcontractor lists generated by a BIP Outreach and still respond to the emergency in the time required by the Engineer. Therefore, due to the emergency nature of the work and the fact that the specific work is unknown at the time the contracts are executed, it is recommended that the Board waive the BIP Outreach requirements for these contract extensions. The contractors will be encouraged to solicit MBE, WBE, Small Business Enterprise, Emerging Business Enterprise, Disable Veterans Business Enterprise, and OBE sub-bids whenever subcontracting opportunities and time permit.

Local Business Preference (LBP) Program

As these are existing contracts, the recently adopted LBP Program (Ordinance No. 181910) is not applicable.

Special Order No. 07-0708 Notification to Unions for Construction Projects

Per Special Order No. 07-0708, emergency contracts are exempt from these guidelines.

Contractor Responsibility Ordinance

All contractors selected for the Emergency Repair Services and Construction of Urgent Necessity Projects On-Call List are subject to compliance with the requirements specified in the City of Los Angeles' Contractor Responsibility Ordinance No. 173677 (Division 10, Chapter 1, Article 14 of the Los Angeles Administrative Code (L.A.A.C.)). Failure to comply with all the requirements specified in the Ordinance may render the contractor's contract subject to termination pursuant to the conditions expressed therein.

Contractor Performance Evaluation

In accordance with Division 10, Chapter 1, Article 13 of the L.A.A.C., the Project Manager from the BOE and the City Inspector from the Bureau of Contract Administration (BCA) shall submit Contractor Performance Evaluation Reports to the BCA after each task order is completed.

City Attorney Approval

The proposed Amendment has been reviewed and approved as to form by the City Attorney's office.

STATUS OF FINANCING

Funding for each project will be available prior to award. No additional funding is required to execute Amendment No. 1 for any of the seven Contracts.

Report No. 1

Page 4

(MJS RMK TSA KRR)

Report prepared by:

Environmental Engineering Division

Michael J. Sarullo, P.E.
Division Engineer
Phone (310) 648-6120

MJS/SJK/03-2013-0056.EED.ldm

Questions regarding this report
may be referred to:
Sean J. Kenney, Civil Engineer
Phone No. (310) 648-6105
Email: Sean.Kenney@lacity.org

Respectfully submitted,



Gary Lee Moore, P.E.
City Engineer

Department of Public Works

*INITIAL SEQUENCE OF CALL-UP 173680

Bureau of Engineering
Bureau of Contract Administration
Joint Report No. 3

ADOPTED BY THE BOARD OF
PUBLIC WORKS OF THE CITY (See Page #2)
of Los Angeles, California

AUG 13 2008

James H. Secretary

August 13, 2008
CD Nos. All

REQUEST FOR AUTHORITY TO EXECUTE AGREEMENTS FOR ON-CALL EMERGENCY REPAIRS AND CONSTRUCTION SERVICES AT THE CITY'S WASTEWATER TREATMENT PLANTS AND OTHER WASTEWATER FACILITIES

RECOMMENDATIONS

1. Approve the list of seven qualified contractors to provide emergency repairs and construction services at the City's wastewater treatment plants and other wastewater facilities.
2. Authorize the City Engineer to transmit the Contract Agreements to the seven qualified contractors for signature.
3. Authorize the President or two members of the Board of Public Works (Board) to (1) execute signed Contract Agreements received from qualified contractors, (2) forward the executed agreements to the City Clerk for attesting, and (3) determine the initial order of the emergency on-call contractors list via random draw.

TRANSMITTALS

1. Copy of the Bureau of Engineering Report No. 1, Adopted on September 5, 2007, titled, "Request for Qualifications for on-call emergency repairs and construction services at the City's wastewater treatment plants and other wastewater facilities."
2. Bidder's Work History and Qualifications Summary Review Report dated March 12, 2008 from Contract Administration.
3. Proposed Contract Agreement to be transmitted to each of the qualified contractors.

DISCUSSION

Background

The Board has authorized pre-qualified contractors to make emergency repairs and construction at the City's wastewater treatment facilities using a Treatment Plant On-call Contract for the past twenty years. Throughout this time, the contracts have been managed by the Bureau of Engineering (BOE) Environmental Engineering Division (EED).

On September 5, 2007, the Board authorized the City Engineer to advertise a Request for Qualifications (RFQ) to establish a new Treatment Plant On-call Contract (Transmittal No. 1). The Board also authorized staff from BOE and Bureau of Contract Administration (BCA) to review and evaluate the responses according to the selection criteria included in the RFQ and to prepare and return a proposed list of qualified contractors to the Board for adoption and execution of the contracts.

On September 11, 2007, the RFQ was distributed to prospective contractors and a notice of the RFQ was published in local newspapers, trade publications and in the City's Business Assistance Virtual Network (BAVN) requesting that prospective contractors submit a Statement of Qualifications (SOQ) to the City by October 16, 2007. This deadline was later extended to October 25, 2007. Thirteen contractors responded to the RFQ and submitted their SOQ package.

Selected Contractors

A contractor evaluation committee consisting of members from BOE, BCA and the Bureau of Sanitation (BOS) evaluated the SOQ submittals using the "On-call Contractor Selection Criteria" outlined in the RFQ. The SOQ submittals were evaluated for proper state licenses, bonding and insurance capacity, experience performing wastewater treatment construction projects, availability to respond to an emergency, and compliance with all RFQ requirements. The committee evaluated 13 SOQ submittals and found seven of the contractors qualified to perform the type of work required. A Record of Selection which summarizes staff's evaluation of the SOQ's has been prepared and placed on file. The seven contractors selected each received a passing score of 35 points (70 percent) or greater and are listed below in alphabetical order.

1. Clarke Contracting Corp.
2. Colich and Sons, L.P.
3. Griffith Company
4. Miron Electric Construction Corp.
5. Murray Plumbing and Heating Corp.
6. PPC Construction, Inc.
7. United Riggers and Erectors, Inc.

The selected firms include general contractors with significant wastewater treatment facilities experience as well as sewer contractors with some wastewater treatment facilities experience. All of the selected firms have a proven track record of successfully completing projects with multi-discipline work such as civil, mechanical, electrical and instrumentation. Each of the firms demonstrated having the necessary resources and expertise to perform emergency repair work at wastewater treatment facilities.

The non-selected firms include highly specialized firms with no wastewater treatment facilities experience as well as sewer contractors with limited wastewater treatment facilities experience and/or indicated interest in a very limited range of services. The non-selected firms failed to demonstrate the necessary experience, resources, or the willingness to take on complex multi-discipline emergency repair work at wastewater treatment facilities.

August 13, 2008
Page 3

Preliminary letters of selection and non-selection were faxed and mailed to the contractors on June 25, 2008. These letters of selection and non-selection would become final upon Board approval. No comments have been received to date.

Minority Business Enterprise/Women Business Enterprise/Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program

It is the policy of the City of Los Angeles to provide all MBEs, WBEs, and OBEs an equal opportunity to participate in the performance of all City contracts. However, since the scope of work cannot be defined at this time, the pre-qualified contractors were not required to submit "Good Faith Effort" (GFE) documentation as part of the RFQ process. Instead, each pre-qualified contractor will have to submit their expedited GFE documentation with each project bid, and with any offer submitted in order to reach a "Negotiated and Agreed Upon Lump Sum" as defined in the agreement.

The Mandatory Subcontracting Minimum (MSM), as well as the anticipated participation levels of MBE/WBE/OBE subcontractors, will be developed on a project by project basis. Failure to include supporting documentation of GFE with the bid or lump sum offer, and failure to satisfy the City that an adequate GFE was made, will render the bid or offer non-responsive, and we will proceed to offer the work to the next contractor on the on-call List. Additionally, repeated failure by any contractor to comply with the Board's Subcontractor Outreach Program requirements may result in their permanent removal from the list. The Subcontractor Outreach Program will not apply to work performed on a time and material basis, nor to bid or lump sum work with an estimated value of less than \$100,000.

Previous Work History

The Bidder's Work History and Qualifications Questionnaire provided by the contractors was reviewed and compared against the Board's Bidder Responsibility database (Transmittal No. 2). Note that the information for one of the contractors, Kovaleff Mechanical Services, was not reviewed due to their incomplete SOQ. None of the selected contractors were found to have significant or unresolved problems in inspection or contract compliance.

Compliance with City Non-Discrimination Policy

All of the seven selected contractors have complied with the Affirmative Action and Slavery Disclosure Ordinance requirements of the RFQ. While PPC Construction, Inc. is in full compliance with the Equal Benefits Ordinance (EBO) the rest of the contractors have only received a Provisional compliance which will expire on or after June 30, 2009. If the Contractors do not come into full compliance by the expiration date of their Provisional compliance, payments due the Contractors may be withheld, and agreements with the contractors may be subject to termination. Agreements executed, renewed, or amended after the expiration date must be accompanied by a new EBO Determination Form.

Contractor Responsibility Ordinance

All contractors participating in this program will be subject to compliance with the City of Los Angeles' Contractor Responsibility Ordinance No. 173677, (Article 14, Chapter 10, Los Angeles Administrative Code (L.A.A.C.)). Failure to comply with the requirements specified in the ordinance will subject the contractor's subsequent contract to termination pursuant to the conditions expressed therein.

Contractor Performance Evaluation

The quality of the work performed by the contractors will be monitored in accordance with the Contractors Evaluation Ordinance No. 173018, (Article 13, Chapter 1, Division 10, L.A.A.C.). Contractor Performance Evaluation Reports will be filed with the BCA for reference by other City departments or agencies.

Enhanced Electrical Safety Policy

If the estimated value of electrical work on any project under this contract is equal to \$100,000 or more, the electrical work will be performed and inspected under the conditions of the most current, amended Board of Public Works' Enhanced Electrical Safety Policy.

Term of Agreement

The new 5-year On-call Contract Agreements will take effect on the date that the contracts are attested by the City Clerk, and will expire five years from that date.

City Attorney Approval

The proposed Contract Agreement (Transmittal No. 3) has been reviewed and approved as to form by Mr. Keith Pritsker of the City Attorney's Office.

STATUS OF FUNDING

Due to the emergency nature of the work to be performed under this contract, project-specific accounts have not been established. Funding will be arranged on a project-specific basis, and will be authorized by the Program Review Committee, which has oversight of the Wastewater Capital Improvement Program. If the project value is greater than \$100,000, a Board report will be prepared, which will contain the funding information.

The contract contains a "Financial Liability Clause" which states that "the City's liability under this contract shall only be to the extent of the present City appropriation to fund the contract. However, if the City shall appropriate funds for any succeeding years, the City's liability shall be extended to the extent of such appropriation, subject to the terms and conditions of the contract."

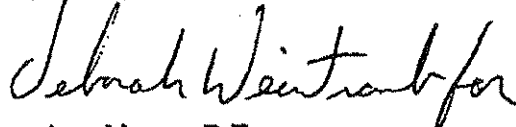
Department of Public Works
Bureau of Engineering
Bureau of Contract Administration
Joint Report No. 3


August 13, 2008
Page 5


(KRR RTH MPB WHH WFB)

Report reviewed by:
City Attorney, BOS (FMD), BCA
Report prepared by:
Environmental Engineering Division
Kenneth R. Redd, P.E.
Division Engineer
Phone No. (310) 648-6174
Compliance Review Performed
and Approved by:

Respectfully submitted,


Gary Lee Moore, P.E.
City Engineer


John L. Reamer, Jr.
Inspector of Public Works


Hannah Choi, Program Manager
Office of Contract Compliance
Bureau of Contract Administration

KRR/JF/04-2008-0102.EED.gva

Questions regarding this report
may be referred to:
Writer: Jose Fuentes
Phone No. (310) 648-6113
Fax No. (310) 648-6155

RECEIVED BUREAU OF ENGINEERING
ADMINISTRATIVE SERVICES
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AUG 15 2008

ASSIGNED Redd, Haug, Brown, Starino, Fuentes

#100E 4/26/2013

**CONTRACT C-114647
AMENDMENT NO.1**

AGREEMENT BETWEEN THE CITY OF LOS ANGELES

**AND A LICENCED CONTRACTOR,
PPC CONSTRUCTION**

**FOR EMERGENCY REPAIR SERVICES AT HYPERION TREATMENT PLANT AND
OTHER WASTEWATER TREATMENT FACILITIES**

Transmittal No. 2

ARTICLE 1 – SECTION HEADINGS

No change to Agreement

ARTICLE 2 – DEFINITIONS, ABBREVIATIONS AND REFERENCE STANDARDS

No change to Agreement

ARTICLE 3 – SCOPE OF AGREEMENT

No change to Agreement

ARTICLE 4 – TERM OF AGREEMENT

Delete Article 4 and substitute with the following:

The term of this Agreement, in effect since October 8, 2008, shall be extended for a period of Five (5) years, to October 7, 2018. This term may be extended by the CITY in the event a project should extend beyond the five (5) years mentioned above, for a period as determined by the CITY, sufficient to complete the remaining work.

ARTICLE 5 – RIGHT OF TERMINATION OR TEMPORARY SUSPENSION

No change to Agreement

ARTICLE 6 – AUTHORIZATION TO BEGIN OWRK

No change to Agreement

ARTICLE 7 – CONTRACTOR SCOPE OF SERVICES

No change to Agreement

ARTICLE 8 – PAYMENT FOR WORK

No change to Agreement

ARTICLE 9 – CONTRACTOR’S SURETY BONDS AND INSURANCE

No change to Agreement

ARTICLE 10 – NONDISCRIMINATION AND AFFIRMATIVE ACTION

No change to Agreement

ARTICLE 11 – SUBCONTRACTOR OUTREACH PROGRAM-NOT APPLICABLE FOR
T&M WORK

No change to Agreement

ARTICLE 12 – PREVAILING WAGES

No change to Agreement

ARTICLE 13 – DRUG AND ALCOHOL TESTING

No change to Agreement

ARTICLE 14– LOS ANGELES CITY BUSINESS TAX REGISTRATION

No change to Agreement

ARTICLE 15– CHILD SUPPORT ASSIGMENT ORDERS

No change to Agreement

ARTICLE 16 – AMERICANS WITH DISABILITIES ACT

No change to Agreement

ARTICLE 17– EQUAL BENEFITS ORDINANCE

No change to Agreement

ARTICLE 18– GOVERNING LAW

**CONTRACT C-114647
AMANDMENT NO. 1
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No change to Agreement

ARTICLE 19– SEVERABILITY

No change to Agreement

ARTICLE 20 – DISPUTES

No change to Agreement

ARTICLE 21– CONTACTS/PROPER ADDRESSES/NOTIFICATION

No change to Agreement

ARTICLE 22– LIST OF EXIBITS

No change to Agreement

ARTICLE 21 ENTIRE AGREEMENT

No change to Agreement

**CONTRACT C-114647
AMENDMENT NO.1
AGREEMENT BETWEEN THE CITY OF LOS ANGELES
AND A LICENCED CONTRACTOR,
PPC CONSTRUCTION CO.**

This AMENDMENT modifies the AGREEMENT dated August 13, 2012, between the City of Los Angeles, a municipal corporation, acting under the order of and through its Board of Public Works, hereinafter referred to as the CITY, and PPC CONSTRUCTION CO, hereinafter referred to as the CONTRACTOR, as follows:

WITNESSETH

WHEREAS, CONTRACTOR has previously entered into a Contract Agreement with the CITY to provide emergency repair services at the Hyperion Treatment Plant and other wastewater treatment facilities; and

WHEREAS, CONTRACTOR has affirmed the desire to continue to provide emergency repair services to the CITY under the current contract terms and conditions for an extended term not to exceed five (5) years; and

WHEREAS, CITY has awarded only three (3) contracts during current term, scheduled to end on October 7, 2013; and

WHEREAS, CITY intend to more fully utilize the AGREEMENT and has identified several emergency projects which could effectively be constructed under the AGREEMENT; and

WHEREAS, CITY and CONTRACTOR have invested a great deal of effort and cost to establish the current AGREEMENT and that an extension of the current contract term would provide benefits to both parties without incurring unnecessary costs; and

WHEREAS, this Amendment will extend the term of Agreement from the date of full execution of this Amendment for a period of five (5) years; and

NOW, THEREFORE, in consideration of the foregoing and of the benefits which will accrue to the parties hereto in carrying out the terms and conditions of this Emergency Repairs Agreement No. C-114647, the Agreement is hereby amended as follows:

**CONTRACT C-114647
AMENDMENT NO. 1**

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 on the day and year first written below

PPC CONSTRUCTION CO

By: _____

Title: _____

Date: _____

CITY OF LOS ANGELES (CITY)

By: _____

Title: _____

Date: _____

APPROVED AS TO FORM:
Carmen Trutanich, City Attorney

By: _____

Title: _____

Date: _____

ATTEST

June Lagmay, City Clerk

By: _____

Date: _____