

WHEREAS, improper handling and disposal of industrial compounds – primarily used as solvents in manufacturing processes – has created contamination plumes in the San Fernando Groundwater Basin (SFB) groundwater aquifer, in which the Los Angeles Department of Water and Power (LADWP) holds water extraction rights. In some areas, these plumes are widespread, and, because they migrate downgradient in the aquifer, a number of LADWP's potable water well fields have become contaminated; and

WHEREAS, on or about October 14, 2014, the Mayor issued Executive Directive Number 5, which directed LADWP to reduce purchased potable water by 50 percent by 2024, renewed the City of Los Angeles' (City) focus on groundwater remediation, and identified the SFB cleanup as the key project in that effort. Responding to releases of hazardous substances in the SFB is also necessary to restore the full use of the SFB as a water resource; and

WHEREAS, a primary goal of the San Fernando Groundwater Remediation Projects (Projects) is to support one or more response actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to address the release of hazardous substances in groundwater of the SFB, to be completed in substantial compliance with the National Contingency Plan (NCP) as set forth in 40 Code of Federal Regulations (CFR) Part 300 and under CERCLA; and

WHEREAS, LADWP desires to issue a Request for Proposal (RFP) to select a design-build or other appropriate project delivery method to provide design, procurement, preconstruction services, construction, and related services for the performance of response actions in a manner consistent with CERCLA and the NCP to address the release of hazardous substances that are adversely affecting the beneficial use of groundwater in the San Fernando Groundwater Basin, including the North Hollywood, Tujunga, Rinaldi-Toluca, Erwin, Whitnall, Verdugo, Headworks and Pollock Well Fields; and

WHEREAS, due to the specialized nature of remediation projects, comprehensive plans and/or specifications would best be developed in concert with expert consultants and construction personnel working simultaneously, making the design-build or other appropriate project delivery method the most practical and best alternative available to LADWP; and

WHEREAS, contracts utilizing alternate project delivery methods will facilitate contemporaneous coordination between the LADWP staff, consultant(s), and construction contractor(s) to expedite efficient project development and will allow staged completion of engineering and construction of major components; and,

WHEREAS, Section 371(b) of the Charter of the City of Los Angeles permits the use of competitive sealed proposals, in accordance with criteria established by Ordinance and adopted by a two-thirds vote of the Council, and also allows for the use of design-build or other appropriate project delivery methods when consistent with competitive bidding requirements, justified by the type of project, and approved by the contracting authority; and,

WHEREAS, the attached Ordinance authorizes the Board of Water and Power Commissioners (Board) to award contracts pursuant to Sections 371(a), 371(b), 373, and 674 of the Charter of the City of Los Angeles for the construction of the Projects for a term not to exceed five years without further approval by the Los Angeles City Council.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that the competitive sealed bid proposal method is in the best interests of the City due to the specialized nature of remediation projects.

BE IT FURTHER RESOLVED that pursuant to Charter Section 1022, the Board finds that the services covered by the contract proposed in the attached Ordinance can be performed more feasibly by an independent contractor than by City employees.

BE IT FURTHER RESOLVED that the Board finds adherence to the rule that the awards be made to the lowest responsive bidder is not practical or advantageous for the following reasons: (a) A traditional design-bid-build project delivery method would not allow a timely completion of the project (b) Significant anticipated design revisions are best made in collaboration with an expert consultant and construction personnel as designs are developed; (c) A design-build or other appropriate project delivery method contract awarded via a competitive sealed proposal method is needed for the concurrent design, procurement, preconstruction services, construction, and related services for the performance of response actions to address the release of hazardous substances that are adversely affecting the beneficial use of groundwater in the San Fernando Groundwater Basin, which will reduce the overall project completion time; and (d) Remediation of the SFB by removing contamination will restore and maintain the beneficial uses of the basin, therefore time is of the essence.

BE IT FURTHER RESOLVED that the Board approves and recommends to the Los Angeles City Council adoption by Ordinance of the proposed criteria to be used in the selection of the contractor(s) for the proposed San Fernando Groundwater Remediation Projects pursuant to Sections 371(a) and 371(b) of the Charter and that the Board be authorized to award contract(s) for said equipment and construction for a term not to exceed five (5) years without further approval by the Los Angeles City Council pursuant to Sections 373 and 674 of the Charter.

I **HEREBY CERTIFY** that the foregoing is full, true, and correct copy of a Resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held

JAN 09 2018

Barbara E. Nichols
Secretary

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

MAY 25 2017
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