

**ADOPTED AS AMENDED 2/13/18 BOARD MEETING
SEE ATTACHED AMENDED MOTION**

RESOLUTION NO. 018144

WHEREAS, in order to address the aging Water System Infrastructure, meet water quality goals and regulatory requirements, increase system resiliency, increase service reliability, achieve improved customer service satisfaction, and provide for greater efficiency of critical Los Angeles Department of Water and Power (LADWP) Water Systems functions the following capital improvement projects are necessary: the Mainline Replacement Program, Trunk Line Replacement Program, Mid-Valley and Western District Operations and Maintenance Facilities, Water Quality Laboratory, and the Fairmont Reservoir Water Quality Treatment Facility (collectively, the Proposed Projects); and

WHEREAS, time is of the essence and it is in the best interest of the City of Los Angeles to expedite implementation of the Proposed Projects; and

WHEREAS, it is advisable for LADWP to use the competitive sealed proposal selection process and alternative project delivery methods pursuant to the terms of this ordinance because this type of work is highly specialized and regulated, making it critically important that the successful proposers have the experience and expertise to deliver the Proposed Projects in an accurate and timely manner; and

WHEREAS, Section 371(b) of the Los Angeles City Charter of the permits the letting of contracts pursuant to a competitive sealed proposal method, in accordance with criteria established by ordinance adopted by at least two-thirds of the Los Angeles City Council, and also allows for the use of design-build or other appropriate alternative project delivery systems when justified by the type of project and approved by the contracting authority; and,

WHEREAS, the purpose of this Ordinance is to establish criteria for the letting of contracts pursuant to a competitive sealed proposal method and to authorize the use of alternative project delivery methods for contracts between the LADWP and the successful proposers for design and construction services for the Proposed Projects; and

WHEREAS, for the proposed Mainline and Trunk Line Replacement projects, LADWP intends to establish a list of approved contractors through a Request for Qualifications (RFQ), which is the first step of the two-step Request for Proposals (RFP) process. Following the evaluation and selection of contractors from responses to the RFQ, a list of approved contractors, and the negotiated Agreements, will be submitted to City Council for approval of an initial five year term, LADWP will subsequently issue RFPs to the approved contractors for each Mainline or Trunk Line project on a task order basis, with the option at LADWP's discretion to extend the contract period up to, but not exceeding, ten years without further approval by the Los Angeles City Council; and

WHEREAS, for each of the Operations and Maintenance and Water Quality Facilities Proposed Projects, the selected AD method and contractor will be submitted to City Council separately for approval of initial five year terms. Selection of all qualified contractors for all categories of projects will be based on the contractor's ability to provide the best value to LADWP; and

WHEREAS, due to the complex nature of this type of work, which includes underground pipeline installation in highly urbanized environments, extensive coordination in the planning, designing, and construction phases with multiple external entities is necessary and thereby requires the LADWP to establish a fixed five year contract term, subject to approval by City Council, pursuant to Los Angeles Charter Section 373. At the discretion of the Board of Water and Power Commissioners (Board), the term of the agreements can be extended up to a period not to exceed a cumulative term of ten years, without further approval by the Los Angeles City Council, to maximize the amount of mainline and trunk line installations throughout the City of Los Angeles as well as to construct critical Water System Facilities.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that adherence to the rule that the award be made to the lowest responsive and responsible bidder is not practicable or advantageous for the following reasons: (a) a traditional Design-Bid-Build project delivery method would not allow timely completion of the project; (b) significant anticipated design revisions are best made in collaboration with an expert vendor of these services as designs are developed; (c) alternative delivery contracts awarded via a competitive sealed proposal method are needed to concurrently perform the design, value engineering, constructability reviews, construction management, and construction activities, which will reduce the overall project completion time; and (d) the LADWP does not have sufficient resources or expertise to furnish these services.

BE IT FURTHER RESOLVED that the Board finds that since time is of the essence, the competitive sealed bid proposal method is in the best interest of the City.

BE IT FURTHER RESOLVED that the Board finds that the total amount of contracts to be awarded through these contracts will not exceed \$2.575 Billion.

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

BE IT FURTHER RESOLVED that the Board of Water and Power Commissioners approves and recommends to the Los Angeles City Council adoption by Ordinance of the proposed criteria to be used in the selection of the proposers for the Proposed Projects pursuant to Sections 371 (a) and 371 (b) of the Charter and that the Board be permitted to award the contract(s) for said projects for a fixed term of

five years, subject to approval by City Council, with the option at LADWP's discretion to extend the contract period up to, but not exceeding, 10 years without further approval by the Los Angeles City Council.

BE IT FURTHER RESOLVED that every two and a half years following the award of the Mainline and Trunk Line Replacement contracts, LADWP will re-open the Request for Qualifications process to allow for the inclusion of additional qualified design-build teams.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held **FEB 13 2018**

Barbara E. Morales
Secretary

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

FEB 15 2018
BY *Eric Rosenblatt*
ERIC ROSENBLATT
DEPUTY CITY ATTORNEY

VERBAL MOTION

I MOVE that Item No. 22 on the February 13, 2018, Commission Agenda relative to a resolution authorizing Transmittal of City Ordinance Request to Allow Use of Alternative Delivery Processes to Award Contracts for Projects Related to the Mainline Replacement Program, Trunk Line Replacement Program, Mid-Valley and Western District Operations and Maintenance Facilities, Water Quality Laboratory, and the Fairmont Reservoir Water Quality Treatment Facility, **BE AMENDED**, to add the following:

“That Requests for Proposal will be revisited every 2 ½ years.”

Moved by: Jill Banks Barad

Seconded by: William Funderburk

Approved by the Board of Water and Power Commissioners at its Regular Meeting on February 13, 2018: Ayes: 5; Absent: None.

By: Barbara E. Moschos

Barbara E. Moschos, Board Secretary