CITY OF COVINA
AGENDA REPORT
ITEM NO. CB 1

MEETING DATE: February 21, 2017

TITLE: Covina Senior and Community Center – Utilization of the Design-Build Project Delivery Method for Covina Senior and Community Center Project and Authorization to Issue Request for Proposals for Project and Construction Management Services for Covina Senior and Community Center Design-Build Project within Kelby Park

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION:

1) Direct the City Manager to utilize the design-build project delivery method, as permissible to local agencies under SB 785 (Design Build Law for Local Agencies), for the Covina Senior and Community Center Project; and

2) Authorize the City Manager to issue a Request for Proposals (RFP) for Project and Construction Management Services for the Covina Senior and Community Center Design-Build Project within Kelby Park in accordance with Covina Municipal Code (CMC) Section 2.20.175 (Purchase – Professional and Specialized Services).

EXECUTIVE SUMMARY:
As the next step of the Covina Senior and Community Center Project and its delivery as a design-build project, this item would authorize the retention of a firm experienced in the successful delivery of local agency design-build projects, comparable in size and scope to the Covina project, to provide project and construction management services. The issuance of an RFP for Project and Construction Management Services for the Covina Senior and Community Center Design-Build Project within Kelby Park would provide necessary expertise to City personnel, ensuring the delivery of this critical project in a high quality manner, as expeditiously as possible.

BACKGROUND:
Since September 2015, the City Council, City Manager, multi-departmental staff team, community members, and Gonzalez Goodale Architects (GGA) have been working on the development of the new Covina Senior and Community Center. Numerous actions facilitating the development of the new facility have been taken to date, as outlined in the Project Chronology contained in Attachment A to this report.

On December 20, 2016, the City Council received and filed the Covina Woman’s Club Physical Assessment for Adaptation to Covina Senior and Community Center Report, prepared by GGA.
The City Council also directed staff to proceed with Kelby Park as the final site for the placement of the Covina Senior and Community Center and present funding options and next steps to the City Council at the January 17, 2017 City Council meeting.

On January 17, 2017, the City Council authorized the City Manager to prepare a Section 108 Loan Program application to the Community Development Commission of Los Angeles in the amount of approximately $2.5 million for approval by the City Council and directed the City Manager to explore the feasibility of an interfund loan from one or more City funds to the General Fund to fund the balance of the project cost, subject to approval of a borrowing agreement by the City Council. The City Council also directed City staff to return to City Council with additional information regarding a design-build project delivery model for the project and timing for a master plan of the Kelby Park site.

In preparation for the delivery of the Covina Senior and Community Center Project through a design-build process, the multi-department staff team explored the requirements of SB 785 (Design Build Law for Local Agencies) codified in Chapter 4. Local Agency Design-Build Projects (Sections 22160-22169) of the California Public Contract Code and best practices in the industry. To support the design-build process, including the site evaluation to determine the optimum placement of the facility within Kelby Park and related site planning efforts, as well as, facilitate the design and construction phases of the project, the preparation of a boundary and topographic survey and completion of geotechnical engineering and soils testing is necessary. Both studies must be completed as soon as possible to allow the inclusion of the information in the RFP that will be issued to potential design-build teams.

On February 7, 2017, following the completion of an RFP process among members of the pre-qualified on-call engineering services bench approved by the City Council on January 20, 2015, the City Council authorized the City Manager to execute a Professional Services Agreement with Civiltec Engineering, Inc. for the preparation of the Covina Senior and Community Center Boundary and Topographic Survey in an amount not-to-exceed $45,247. The survey is expected to be completed by March 21, 2017 or within 30 calendar days of the issuance of the Notice to Proceed by the City Engineer.

Following a similar timeline and RFP process among qualified on-call engineering services bench, the City is in the process of administratively entering into a Professional Services Agreement with David T. Hamilton & Associates for Geotechnical Engineering and Soils Testing for the Covina Senior and Community Center Project in an amount not-to-exceed $9,200. Given the value of the contract, City Council approval of the agreement is not required. The City Manager, pursuant to CMC Section 2.20.060 (Purchase orders), shall authorize purchases and contracts for supplies, services, and equipment with an estimated value of $25,000 or less.

DISCUSSION:
Design-build contracts combine professional design services and construction services into a single contract with the owner. This contracting approach provides a number of efficiencies over the traditional approach of awarding separate contracts for design services and construction, commonly known as the design-bid-build approach. These benefits typically include greater flexibility in awarding a contract, single point of accountability (eliminates finger pointing between designer and contractor), higher quality construction work, greater cost certainty, fewer claims, and more opportunity for innovation.

While design-build has been a common delivery method in private sector construction for several decades, it is still relatively new in the public sector. The California legislature first
approved design-build authority for public agencies in 2001 with the passage of AB 598, which authorized “transit operators” to award contracts for transit projects of at least $10 million on a design-build basis. A variety of other statutes followed authorizing other types of public agencies to utilize design-build, including AB 1329 which authorized cities to utilize design-build in 2006.

In 2014, the California legislature revamped design-build authority for public agencies pursuant to SB 785 (Design Build Law for Local Agencies). SB 785, which went into effect January 1, 2015, repealed most of the existing design-build statutes applicable to different types of agencies and replaced them with a single statute applicable to “local agencies,” including cities.

**SB 875 Overview**
The procedures and provisions of the new design-build law adopted pursuant to SB 875 are generally similar to the previous design-build statute applicable to cities under now repealed Public Contract Code Section 20175.2. For example, SB 785 requires that local agencies prequalify proposers before inviting those prequalified proposers to submit proposals in response to an RFP. SB 785 also allows local agencies to award a contract on the basis of the “best value” to the agency, which requires the establishment objective criteria including three statutorily mandated criteria.

SB 875 expressly authorizes the construction of park and recreation facilities, while this was previously only tacitly authorized. Public Contract Code Section 22161 defines a “project” for a local agency to mean, “the construction of a building or buildings and improvements directly related to the construction of a building or buildings, county sanitation wastewater treatment facilities, and park and recreational facilities, but does not include the construction of other infrastructure, including but not limited to, streets and highways, public rail transit, or water resources facilities and infrastructure.”

The dollar threshold under SB 785 remains at $1 million (Public Contract Code Section 22162(a).), as it was under Section 20175.2. There is, however, no cost threshold for contracts for the acquisition and installation of technology applications or surveillance equipment designed to enhance safety, disaster preparedness, and homeland security efforts. (Public Contract Code Section 22162(b).)

**Differences Between SB 785 and Repealed Public Contract Code Section 20175.2**
There are several notable differences between SB 785 and its predecessor statute under Public Contract Code section 20175.2. First, SB 785 applies more broadly to “local agencies,” which are defined in Public Contract Code Section 22161(f) as follows:

1. A city, county, or city and county.
2. A special district that operates wastewater facilities, solid waste management facilities, water recycling facilities, or fire protection facilities.
3. Any transit district, including transit district, municipal operator, included municipal operator, any consolidated agency, as described in Section 132353.1 of the Public Utility Code, any joint powers authority formed to provide transit service, any county transportation commission created pursuant to Section 130050 of the Public Utilities Code, or any other local or regional agency, responsible for the construction of transit projects.

The fact that SB 785 applies to this broader range of public agencies, in conjunction with the repeal of most previously adopted design-build statutes, consolidates statutory authority and eliminates inconsistencies between design-build statutes. This is expected to be beneficial to
cities in that statutory interpretation issues and contracting approaches can be shared among a
larger group of agencies, leading to innovation and development of best management practices.

SB 785 requires public agencies to develop guidelines for a standard organizational conflict-of-
interest policy, consistent with applicable law, regarding the ability of a person or entity that
performs services for the local agency relating to the solicitation of a design-build project, to
submit a proposal as a design-build entity, or join a design-build team. (Public Contract Code
Section 22162(c).)

During the prequalification process, SB 785 authorizes local agencies to either pre-qualify
proposers or shortlist proposers. This provides useful flexibility in that short-listing allows an
agency to determine how many proposers will be allowed to participate in the proposal process
after the statements of qualification have been submitted and reviewed. The agency has the
discretion to create a large or small short-list depending on the quality of the qualification
statements submitted. This differs from a true prequalification process where an objective
qualification standard is established in the Request for Qualifications (RFQ) document, which
must then be applied to advance all proposers that have met that standard even if the number of
proposers is larger or smaller than ideal.

SB 785 does not include a Labor Compliance Program requirement, in contrast to the
predecessor statute. This was changed recently pursuant to SB 854. Pursuant to SB 854, all
public works contractors performing work on projects over $1,000 must now submit electronic
certified payroll records to the California Department of Industrial Relations (DIR)
amatically for all public works projects within the state. The DIR reviews certified payroll
records and monitors for prevailing wage violations, eliminating the need for local agencies to
conduct an in-house Labor Compliance Program. Contractors are also obligated to register with
the DIR on an annual basis and submit a registration fee of $300.

SB 785 includes a new requirement for design-build contractors to provide an “enforceable
commitment” to use a “skilled and trained workforce” at the RFQ stage of the process. (Public
Contract Code Section 22164(c).)

SB 785 only requires that three specific evaluation criteria be considered by an agency in
evaluating proposals. (Public Contracts Code Section 22164(f).) The following three criteria
“shall be weighted as deemed appropriate by the local agency: (A) Price, unless a stipulated sum
is specified. (B) Technical design and construction expertise. (C) Life-cycle costs over 15 or
more years.” This provision provides significantly more flexibility than the five specific criteria
in the predecessor statute that each had to comprise 10% of the evaluation criteria.

SB 785 requires that the payment bond be in an amount not “less than the performance bond.”
(Public Contract Code Section 22165(a).) This language would appear to allow the agency the
discretion to require bonds in less than 100% of the total contract amount.

Finally, the agency must issue a written statement in conjunction with the contract award
indicating the basis of award. (Public Contract Code section 22164(f)(5).)

Proposed Design-Build Process for Covina Senior and Community Center Project

After consultation with design-build experts in the public works industry, including
representatives of the Design Build Institute of America (DBIA) and participants in the recently
completed Calabasas Senior Center Design-Build Project, the City Manager and multi-
departmental staff team recommend the retention of a firm experienced in the successful
delivery of local agency design-build projects comparable in size and scope to the Covina
project for project and construction management services. To that end, the staff team is seeking City Council authorization to issue the RFP for Project and Construction Management Services for the Covina Senior and Community Center Design-Build Project within Kelby Park in accordance with CMC Section 2.20.175.

The Department of Public Works has drafted the RFP and associated Scope of Services. The documents are currently undergoing legal review by the City Attorney. The proposed timeline for the RFP is as follows:

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
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<tbody>
<tr>
<td>Request for Proposals Issued</td>
<td>February 27, 2017</td>
</tr>
<tr>
<td>Questions re: Request for Proposals</td>
<td>March 3, 2017 (by 2:00 p.m.)</td>
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<tr>
<td>Mandatory Job Walk</td>
<td>March 7, 2017 (at 2:00 p.m.)</td>
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<td>Proposals Due</td>
<td>March 9, 2017 (by 2:00 p.m.)</td>
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<td>Interview (if required)</td>
<td>Week of March 13, 2017</td>
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<tr>
<td>City Council Award of Contract (tentative)</td>
<td>April 4, 2017</td>
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<tr>
<td>Notice to Proceed (tentative)</td>
<td>April 5, 2017</td>
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The proposed Scope of Services for the Project and Construction Manager role consists of five parts, including:

1. Design-Build Team Selection. This includes, but is not limited to, all steps necessary to select a design-build team in compliance with the California Public Contract Code. Included would be the development of an RFQ to prequalify or short-list the design-build entities whose proposals would be evaluated for final selection and an RFP that invites prequalified or short-listed entities to submit competitive sealed proposals in the manner prescribed by the City. The Scope of Services indicates the City’s preference is to initiate a combined RFQ/RFP process that fulfills the requirements of the California Public Contract Code, thereby accelerating the process.

Among other responsibilities, the RFP would enumerate that the design-build team would be expected to:

a. Perform a site evaluation. Assuming the new facility can be placed anywhere on the Kelby Park site, the design-build team must assess and make a recommendation as to where the new Covina Senior and Community Center should be located and provide supporting information for the recommended location. To help assist with this effort, the City would provide the design-build team with the boundary and topographic survey and geotechnical soils investigation of the Kelby Park site; and

b. Conceptual master plan of site. As part of the site assessment, the design-build team must provide a conceptual master plan of the site that would include ideas on how the site should be reconfigured to integrate the facility and maximize active recreational and open space benefits to the community. While the suggested park improvements may not be part of the project, the conceptual master plan would serve as the blueprint for future renovation of the park and the basis for pursuing grant funding opportunities. The design-build team would be asked to develop the conceptual master plan as efficiently as possible, while involving the community in the process.
2. Pre-Construction Phase. Management of the pre-construction phase of the project, including scheduling of pre-construction meetings, review of design related documents required to be submitted by the design-build team, coordination of responsibilities for safety programs, insurance, licenses, temporary facilities, equipment, materials, and services for common use of the design-build team;

3. Construction Phase. Provision of administrative, management, and related services necessary to coordinate and facilitate the completion of the project in accordance with City objectives. This would include monitoring of the construction budget and project construction schedule, review of design-build team submittals for completeness and quantity, review and recommendation of necessary or desirable changes in the project to the design-build team and City, incorporation of approved changes to the project construction plans as they occur, review and approval of invoices submitted by design-build team, and maintenance of accounting records;

4. Warranty Phase. Once the Certificate of Occupancy is issued and corrective items of work (punch list) are completed and accepted by the design-build team/City, and the City Council has accepted the project, the one-year warranty period would begin. The City would notify the Project and Construction Manager of any warranty requests. The Project and Construction Manager would assist the City with warranty issues for the duration of the one-year period; and

5. Community Development Block Grant (CDBG) and Section 108 Loan Program Funding Compliance. Ensure all aspects of the project are completed in compliance with CDBG laws and regulations and laws and regulations governing the use of Section 108 Loan Program Funding.

FISCAL IMPACT:
There is no fiscal impact associated with the issuance of the RFP for Project and Construction Management Services for the Covina Senior and Community Center Design/Build Project within Kelby Park. Any contract award resulting from the RFP would be brought forward for City Council consideration and be funded by the available Covina Senior and Community Center Project budget (account nos. 4600-3400-55100-P-1601 and 2100-4950-SC-15-51005-P-1601), which includes $478,494 in General Fund monies and $618,497 in CDBG funds. Additionally, $100,000 in pre-construction services are an eligible expense of the $1.9 million in Los Angeles County Grant Funds awarded to the City on October 18, 2016. The remaining $1.8 million of County grant funds are designated to construction-related activities.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):
The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the General Rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. The issuance of an RFP for Construction Management Services for the Covina Senior and Community Center Project will not result in any significant effect on the environment. Once a project concept is developed, an Initial Study will be conducted to determine the level of environment assessment required for the project.

Respectfully submitted,

Siobhan Foster
Director of Public Works
ATTACHMENTS:
Attachment A: Covina Senior and Community Center Project Chronology
Attachment B: California Public Contract Code, Division 2 (General Provisions), Part 3
(Contracting by Local Agencies), Chapter 4 (Local Agency Design-Build Projects)
<table>
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<tr>
<th>Date</th>
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<tr>
<td>September 15, 2015</td>
<td>City Council received and filed the Joslyn Center update, authorized the City Manager to issue a Request for Proposal (RFP) to provide community and internal outreach to ascertain facility-user needs and Department of Parks and Recreation programming needs, in addition to obtaining City Council input in the design process for the Covina Senior and Community Center Project, and directed the Departments of Parks and Recreation and Human Resources to identify temporary locations to accommodate Joslyn Center programming requirements and initiate negotiations with property owners.</td>
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<tr>
<td>November 10, 2015</td>
<td>The Department of Public Works issued the RFP to Provide Planning, Programming, Architectural, and Engineering Services for the Initial Phase of the Covina Senior and Community Center Project to 18 firms with significant expertise in the design of municipal senior centers and recreational facilities and proven track records with both design-build and design-bid-build project delivery models. Consulting services for the initial phase of the project include completion of user and programmatic needs assessments, community and internal engagement, site evaluation and recommendation, visioning and conceptual designs, cost estimates, and project timelines. The RFP was also posted on the City's website. By 4:00 p.m. on December 3, 2015, the City of Covina City Clerk's Office had received responses from seven firms.</td>
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<tr>
<td>December 15, 2015</td>
<td>The Department of Parks &amp; Recreation reviewed and discussed options for the relocation of senior programming from the Joslyn Center to another facility, including the Valleydale Park Community Center and a possible co-sponsorship agreement with Los Angeles County for Valleydale Community Center.</td>
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<tr>
<td>January 19, 2016</td>
<td>The City Council, in a separate action, adopted Resolution No. 16-7452, authorizing the allocation of the Forty Second Year Community Development Block Grant (CDBG) funds for FY 2016-2017. This action includes $416,188 in funding for the Covina Senior and Community Center Project - Phase II. Funds will be released by Los Angeles County Community Development Commission once the design phase is complete.</td>
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<td>January 19, 2016</td>
<td>The City Council authorized the City Manager to execute a Professional Services Agreement with Gonzalez Goodale Architects (GGA) to Provide Planning, Programming, Architectural, and Engineering Services for the Initial Phase of the Covina Senior and Community Center Project in an amount not-to-exceed $100,000; adopted Resolution No. 16-7454 appropriating $500,000 in available Special General Fund - Rule 20A Swap balance for the Initial Phase of the Covina Senior and Community Center Project, topographic survey and soils geologic analysis, and seed money for subsequent phases of the project; and directed City staff to pursue placement of the Covina Senior and Community Center in Covina Park.</td>
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<td>February 8, 2016</td>
<td>The Department of Public Works issued RFPs to members of the City of Covina’s On-Call Engineering Services Bench for 1) the Covina Community and Senior Center Geotechnical Soils Investigation at Covina Park and 2) Covina Community and Senior Center Boundary and Topographic Survey at Covina Park. Following the review of the proposals received in the City of Covina City Clerk’s Office by 4:00 p.m. on February 18, 2016, David T. Hamilton &amp; Associates, Inc. was identified as the top rated proposer for the Soils Investigation and Civiltec Engineering, Inc. for the Boundary and Topographic Survey. Neither Agreement was executed due to the subsequent change in site location.</td>
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<td>February 16, 2016</td>
<td>Representatives from GGA updated the City Council on the initial Client Team Meeting held with City staff on January 26, 2016 and reviewed a working draft of the Community Participation Workshop #1 presentation, scheduled for February 22, 2016, from 9:00 a.m. to 11:00 a.m. at the Joslyn Center. During the Study Session, Gonzalez Goodale Architects also reviewed and received feedback from the City Council on the following: 1. Draft Project Guiding Principles; 2. The facility program; and 3. Initial site utilization/location studies.</td>
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<td>February 16, 2016</td>
<td>The City Council adopted Resolution No. 16-7463, authorizing the termination of the Forty-First Year CDBG Project 600525-15, Economic Development and approved the new Covina Senior and Community Center construction project (Phase I). This action approved $202,309 in funding for the design phase of the project, effective through June 30, 2017.</td>
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<td>February 22, 2016</td>
<td>The City and GGA hosted Community Workshop #1. Approximately 100 persons attended the workshop. Following the presentation of the items listed above, attendees offered numerous comments, largely focused on the concern of the possible placement of the new facility in Covina Park.</td>
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<td>February 23, 2016</td>
<td>Amy Hall-McGrade, Parks &amp; Recreation Director, and department staff engaged users of the Joslyn Center to gain a thorough understanding of their needs and expectations for the Covina Senior and Community Center. Joslyn Center users expressed the desire for windows, fresh air, and access to outside spaces, wide hallways, large restrooms, a design that fosters intergenerational exposure, and possible space for weight equipment and billiards, among other items.</td>
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<td>March 1, 2016</td>
<td>City staff and GGA representatives presented an update on the following: 1. Community engagement efforts; 2. Concept of increasing open space in Covina Park, should the facility be placed there, by eliminating/consolidating obsolete uses and moving softball activities to a refurbished Kelby Park; 3. How the City plans to address current parking deficiency and provide sufficient parking to support the new facility, if placed in Covina Park; and 4. Comparative architectural vernaculars consistent with Adams Park neighborhood that could be reflected in the new facility, should it be placed in Covina Park. Extensive public comment was received at the March 1, 2016 City Council Study Session. The majority of the input expressed dissatisfaction with the possible placement of the Covina Senior and Community Center in Covina Park and suggested possible alternative sites, including the Covina Woman's Club and other parcels. Public comments of a similar nature were made at the March 1, 2016 City Council Meeting.</td>
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<td>March 1, 2016</td>
<td>The City Manager pulled Item CC 8 from the City Council Agenda – Proposed Professional Services Agreement with Civiltec Engineering, Inc. for Preparation of the Covina Senior and Community Center Boundary and Topographic Survey – pending re-evaluation of the site selection for the new facility.</td>
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Multiple City department directors presented information on project chronology, site location alternatives, project funding, the draft space program for the new facility, and answered questions from the community. The majority of the City's presentation focused on the systematic assessment of eight possible sites for placement of the Covina Senior and Community Center, including (in alphabetical order):

1. Badillo Street/Downtown (135 E. Badillo Street);
2. Brunswick Bowling Alley (1060 W. San Bernardino Avenue);
3. Civic Center/State Building (233 N. Second Avenue);
4. Covina Park (303 S. Fourth Avenue);
5. Covina Woman's Club (128 S. San Jose Avenue);
6. Hollenbeck Park (1250 N. Hollenbeck Avenue);
7. Kelby Park (815 N. Barranca Avenue); and

Uniform criteria used to assess each of the possible site locations, included (in alphabetical order):

1. Adjacent land uses;
2. Economic impacts;
3. Environmental review (CEQA);
4. Location;
5. Lot size;
6. Other site consideration;
7. Parking;
8. Project funding;
9. Property ownership; and
10. Traffic safety.

Approximately 100 residents attended the workshop with many participating in the public comment period. Residents expressed concern with the possible placement of the facility in Covina Park, provided input on the alternative sites presented, and conveyed the need to move the project ahead swiftly regardless of site location.
April 5, 2016
City Council Meeting

The City Council received an update on the eight site location alternatives for the Covina Senior and Community Center listed above, each evaluated based on the criteria listed above. Following public input and discussion, the City Council unanimously moved to exclude four site locations from ongoing Covina Senior and Community Center project consideration:

1. Badillo Street/Downtown;
2. Brunswick Bowling Alley;
3. Covina Park; and

The City Council also directed staff to explore and exhaust all options, with both public and private property owners in Successor Agency Project Area One. This specific project area includes approximately $4.8 million funding opportunity in the Successor Agency. The City Manager temporarily placed the agreement with GGA on hold, pending site selection by the City Council. At that time, GGA had completed approximately 20% of the Scope of Services. Key remaining services include site evaluation and recommendation, conceptual designs, cost estimates, and timelines.

April 11, 2016
Community Workshop #3

City staff presented an update and received public comment on the four current site location alternatives, facility requirements, and the draft space plan.

August 18, 2016
Administrative Action

The City issued an RFP for preparation of the Joslyn Center Lead Paint, Mold, and Asbestos Investigation. The City issued the RFP to four firms with expertise in the completion of comprehensive building investigations to determine the presence, location, and quantity of lead paint, mold, and asbestos. The RFP was also posted on the City’s website. By 4:00 p.m. on September 15, 2016, the City of Covina City Clerk’s Office had received responses from two firms.
Date       Action

September 7, 2016       Interim City Manager submitted $1.9 million in funding requests to Los Angeles County for the Covina Senior and Community Center project, at the request of Michael D. Antonovich, Los Angeles County Board of Supervisors, Fifth District. The letter requests $1.0 million in new funding plus the reallocation of two previously approved grants in the amount of $900,000, bringing the City of Covina's total funding request to $1.9 million.

September 14, 2016       Given the limited time available to formally submit the funding request to the Board of Supervisors for final approval prior to the departure of Supervisor Antonovich in November, the Interim City Manager identified Kelby Park as the site location for the Covina Senior and Community Center. The County indicated that a specific site had to be included in the City's funding request. Since the City owns and controls the Kelby Park site, City staff determined the best alternative was to identify Kelby Park as the location for the new center in the City's application.

Administrative Action

September 20, 2016       City staff presented a comprehensive assessment of four recommended site alternatives, including (in alphabetical order):

1. Covina iTec;
2. Covina Woman's Club;
3. Inter-Community Hospital partnership; and

City staff also outlined potential deal points associated with a partnership with the Covina Woman's Club and provided updates on the agreement with GGA, available project funding, and financing options. Following the presentation, the City Council and members of the public provided input on the site location alternatives presented by City staff. All parties emphasized the imperativeness of moving this critical project ahead as expeditiously as possible.
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<tr>
<td>October 4, 2016</td>
<td>The City Council directed City staff to pursue the placement of the Covina Senior and Community Center in Kelby Park and at the site of the Covina Woman's Club and adopted Resolution No. 16-7533 authorizing the application for $1.9 million in grant funds from the Los Angeles County Regional Park and Open Space District for Fifth Supervisorsial District Competitive Excess Funding for the Covina Senior and Community Center Project. The City Council also approved and authorized the Interim City Manager to execute on the City Council's behalf, in substantial form, the First Amendment to the Agreement between the City of Covina and GGA to (1) extend the term of the agreement through June 30, 2017, (2) amend the scope of work to (a) reflect the placement of the Covina Senior and Community Center at a location to be designated by the City Council and (b) prepare a General Building and Site Analysis of the Covina Woman's Club, (3) increase the total compensation by $20,000 to a not-to-exceed amount of $120,000, and (4) include provisions required for compliancy with federal law and CDBG requirements, subject to the City Attorney's review and approval as to form.</td>
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<td>October 18, 2016</td>
<td>Los Angeles County Board of Supervisors approved a $1.9 million grant for the Covina Senior and Community Center proposed to be constructed in Kelby Park, including $1 million in new funding through the Los Angeles County Regional Park and Open Space District for Fifth Supervisorsial District Competitive Excess Funding, plus $900,000 in dollars that were available to Kelby Park through the Fifth Supervisorsial District pursuant to the Los Angeles County Safe Neighborhood Parks Proposition of 1996.</td>
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<td>October 19, 2016</td>
<td>Interim City Manager authorized Agreement with Stearns, Conrad and Schmidt, Consulting Engineers Inc. (SCS Engineers) for Preparation of Joslyn Center Lead Paint, Mold, and Asbestos Investigation. Once the results of the lead paint, mold, and asbestos investigation are available, the City will prepare and advertise the Joslyn Center Demolition Project for bid.</td>
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<tr>
<td>December 2, 2016</td>
<td>SCS Engineers completed building survey at Joslyn Center, consisting of lead paint, mold, and asbestos investigations. Draft report expected the week of December 19, 2016.</td>
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<td>December 20, 2016</td>
<td>The City Council received and filed the Covina Woman's Club Physical Assessment for Adaptation to Covina Senior and Community Center Report, prepared by GGA and directed staff to proceed with Kelby Park as the final site for the placement of the Covina Senior and Community Center.</td>
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<td>City Council Meeting</td>
<td>The City Council also directed staff to present funding options and next steps to the City Council at the January 17, 2017 City Council meeting.</td>
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<tr>
<td>December 24, 2016</td>
<td>SCS Engineers submitted Lead Paint, Mold, and Asbestos Investigation Report to City, providing the necessary information for the City to develop specifications for the demolition of the Joslyn Center and advertise the project for bid.</td>
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<tr>
<td>Administrative Action</td>
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<tr>
<td>January 17, 2017</td>
<td>The City Council authorized the City Manager to prepare a Section 108 Loan Program application to the Community Development Commission of Los Angeles in the amount of approximately $2.5 million for approval by the City Council and directed the City Manager to explore the feasibility of an interfund loan from one or more City funds to the General Fund to fund the balance of the project cost, subject to approval of borrowing agreement by the City Council.</td>
</tr>
<tr>
<td>City Council Meeting</td>
<td>The City Council also directed City staff to return to the City Council with additional information regarding a design-build project delivery model for the project instead of utilization of the design-bid-build method and timing for a master plan of the Kelby Park site.</td>
</tr>
<tr>
<td>February 7, 2017</td>
<td>The City Council authorized the City Manager to execute Professional Services Agreement with Civiltec Engineering, Inc. for preparation of Covina Senior and Community Center Boundary and Topographic Survey at Kelby Park in an amount not-to-exceed $45,247. The project will be completed within 30 calendar days of the issuance of the Notice to Proceed.</td>
</tr>
</tbody>
</table>
February 7, 2017
Administrative Action

The Department of Public Works has worked with the City Attorney to prepare a Professional Services Agreement with David T. Hamilton & Associates in an amount not-to-exceed $9,200 for the provision of Geotechnical Engineering and Soils Testing for the Covina Senior and Community Project in Kelby Park. Since the cost for these services is an amount not-to-exceed $9,200, City Council approval of the agreement is not required. Once the agreement has been executed and insurance provided by David T. Hamilton & Associates, the agreement will be presented to the City Attorney for approval as to form and the City Manager for execution. The work will follow a similar schedule as the boundary and topographic survey.
PUBLIC CONTRACT CODE - PCC
DIVISION 2. GENERAL PROVISIONS [1100 - 22358] (Division 2 enacted by Stats. 1981, Ch. 306.)
PART 3. CONTRACTING BY LOCAL AGENCIES [20100 - 22178] (Part 3 added by Stats. 1982, Ch. 465, Sec. 11.)

CHAPTER 4. Local Agency Design-Build Projects [22160 - 22169] (Chapter 4 added by Stats. 2014, Ch. 931, Sec. 14.)

22160. (a) The Legislature finds and declares that the design-build method of project delivery, using a best value procurement methodology, has been authorized for various agencies that have reported benefits from such projects including reduced project costs, expedited project completion, and design features that are not achievable through the traditional design-bid-build method.

(b) It is the intent of the Legislature that the following occur:

(1) This chapter provides general authorization for local agencies to use design-build for projects, excluding projects on the state highway system.

(2) This chapter shall not be deemed to provide a preference for the design-build method over other procurement methodologies.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22161. For purposes of this chapter, the following definitions apply:

(a) "Best value" means a value determined by evaluation of objective criteria that relate to price, features, functions, life-cycle costs, experience, and past performance. A best value determination may involve the selection of the lowest cost proposal meeting the interests of the local agency and meeting the objectives of the project, selection of the best proposal for a stipulated sum established by the procuring agency, or a tradeoff between price and other specified factors.

(b) "Construction subcontract" means each subcontract awarded by the design-build entity to a subcontractor that will perform work or labor or render service to the design-build entity in or about the construction of the work or improvement, or a subcontractor licensed by the State of California that, under subcontract to the design-build entity, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications produced by the design-build team.

(c) "Design-build" means a project delivery process in which both the design and construction of a project are procured from a single entity.

(d) "Design-build entity" means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a design-build contract.

(e) "Design-build team" means the design-build entity itself and the individuals and other entities identified by the design-build entity as members of its team. Members shall include the general contractor and, if utilized in the design of the project, all electrical, mechanical, and plumbing contractors.

(f) "Local agency" means the following:

(1) A city, county, or city and county.

(2) A special district that operates wastewater facilities, solid waste management facilities, water recycling facilities, or fire protection facilities.

(3) Any transit district, including transit district, municipal operator, included municipal operator, any consolidated agency, as described in Section 132353.1 of the Public Utilities Code, any joint powers authority formed to provide transit service, any county transportation commission created pursuant to Section 130050 of the Public Utilities Code, or any other local or regional agency, responsible for the construction of transit projects.

(4) The San Diego Association of Governments, as referenced in the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the Public Utilities Code).
(g) (1) For a local agency defined in paragraph (1) of subdivision (f), "project" means the construction of a building or buildings and improvements directly related to the construction of a building or buildings, county sanitation wastewater treatment facilities, and park and recreational facilities, but does not include the construction of other infrastructure, including, but not limited to, streets and highways, public rail transit, or water resources facilities and infrastructure. For a local agency defined in paragraph (1) of subdivision (f) that operates wastewater facilities, solid waste management facilities, or water recycling facilities, "project" also means the construction of regional and local wastewater treatment facilities, regional and local solid waste facilities, or regional and local water recycling facilities.

(2) For a local agency defined in paragraph (2) of subdivision (f), "project" means the construction of regional and local wastewater treatment facilities, regional and local solid waste facilities, regional and local water recycling facilities, or fire protection facilities.

(3) For a local agency defined in paragraph (3) of subdivision (f), "project" means a transit capital project that begins a project solicitation on or after January 1, 2015. A "project," as defined by this paragraph, that begins the solicitation process before January 1, 2015, is subject to Article 6.8 (commencing with Section 20209.5) of Chapter 1. "Project," as defined by this paragraph, does not include state highway construction or local street and road projects.

(4) For a local agency defined in paragraph (4) of subdivision (f), "project" has the same meaning as in paragraph (3), and in addition shall include development projects adjacent, or physically or functionally related, to transit facilities developed or jointly developed by the local agency.

(Amended (as amended by Stats. 2015, Ch. 715, Sec. 2) by Stats. 2016, Ch. 366, Sec. 21. Effective January 1, 2017. Repealed as of January 1, 2025, pursuant to Section 22169.)

22162. (a) Except as provided in subdivision (b), and notwithstanding any other law, a local agency, with approval of its governing body, may procure design-build contracts for public works projects in excess of one million dollars ($1,000,000), awarding the contract either the low bid or the best value, provided that this article shall not apply to any projects on the state highway system.

(b) When a local agency described in paragraph (3) of subdivision (f) of Section 22161 awards a contract for the acquisition and installation of technology applications or surveillance equipment designed to enhance safety, disaster preparedness, and homeland security efforts, there shall be no cost threshold and the contract may be awarded to the lowest responsible bidder or by using the best value method.

(c) The local agency shall develop guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity, that performs services for the local agency relating to the solicitation of a design-build project, to submit a proposal as a design-build entity, or to join a design-build team. This conflict-of-interest policy shall apply to each local agency entering into design-build contracts authorized under this chapter.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22164. The procurement process for the design-build projects shall progress as follows:

(a) (1) The local agency shall prepare a set of documents setting forth the scope and estimated price of the project. The documents may include, but need not be limited to, the size, type, and desired design character of the project, performance specifications covering the quality of materials, equipment, workmanship, preliminary plans or building layouts, or any other information deemed necessary to describe adequately the local agency's needs. The performance specifications and any plans shall be prepared by a design professional who is duly licensed and registered in California.

(2) The documents shall not include a design-build-operate contract for any project. The documents, however, may include operations during a training or transition period but shall not include long-term operations for any project.

(b) The local agency shall prepare and issue a request for qualifications in order to prequalify or short-list the design-build entities whose proposals shall be evaluated for final selection. The request for qualifications shall include, but need not be limited to, the following elements:

(1) Identification of the basic scope and needs of the project or contract, the expected cost range, the methodology that will be used by the local agency to evaluate proposals, the procedure for final selection of the design-build entity, and any other information deemed necessary by the local agency to inform interested parties of the contracting opportunity.

(2) Significant factors that the local agency reasonably expects to consider in evaluating qualifications, including technical design and construction expertise, acceptable safety record, and all other nonprice-related factors.
(3) A standard template request for statements of qualifications prepared by the local agency. In preparing the standard template, the local agency may consult with the construction industry, the building trades and surety industry, and other local agencies interested in using the authorization provided by this article. The template shall require the following information:

(A) If the design-build entity is a privately held corporation, limited liability company, partnership, or joint venture, a listing of all of the shareholders, partners, or members known at the time of statement of qualification submission who will perform work on the project.

(B) Evidence that the members of the design-build team have completed, or demonstrated the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity, and that proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project, and a financial statement that ensures that the design-build entity has the capacity to complete the project.

(C) The licenses, registration, and credentials required to design and construct the project, including, but not limited to, information on the revocation or suspension of any license, credential, or registration.

(D) Evidence that establishes that the design-build entity has the capacity to obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.

(E) Information concerning workers' compensation experience history and a worker safety program.

(F) If the proposed design-build entity is a corporation, limited liability company, partnership, joint venture, or other legal entity, a copy of the organizational documents or agreement committing to form the organization.

(G) An acceptable safety record. A proposer's safety record shall be deemed acceptable if its experience modification rate for the most recent three-year period is an average of 1.00 or less, and its average total recordable injury or illness rate and average lost work rate for the most recent three-year period does not exceed the applicable statistical standards for its business category or if the proposer is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.

(4) (A) The information required under this subdivision shall be certified under penalty of perjury by the design-build entity and its general partners or joint venture members.

(B) Information required under this subdivision that is not otherwise a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) shall not be open to public inspection.

(c) (1) A design-build entity shall not be prequalified or shortlisted unless the entity provides an enforceable commitment to the local agency that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades, in accordance with Chapter 2.9 (commencing with Section 2600) of Part 1.

(2) This subdivision shall not apply if any of the following requirements are met:

(A) The local agency has entered into a project labor agreement that will bind all contractors and subcontractors performing work on the project or contract to use a skilled and trained workforce, and the entity agrees to be bound by that project labor agreement.

(B) The project or contract is being performed under the extension or renewal of a project labor agreement that was entered into by the local agency prior to January 1, 2017.

(C) The entity has entered into a project labor agreement that will bind the entity and all its subcontractors at every tier performing the project or contract to use a skilled and trained workforce.

(3) For purposes of this subdivision, "project labor agreement" has the same meaning as in paragraph (1) of subdivision (b) of Section 2500.

(d) Based on the documents prepared as described in subdivision (a), the local agency shall prepare a request for proposals that invites prequalified or short-listed entities to submit competitive sealed proposals in the manner prescribed by the local agency. The request for proposals shall include, but need not be limited to, the following elements:

(1) Identification of the basic scope and needs of the project or contract, the estimated cost of the project, the methodology that will be used by the local agency to evaluate proposals, whether the contract will be awarded on the basis of low bid or best value, and any other information deemed necessary by the local agency to inform interested parties of the contracting opportunity.

(2) Significant factors that the local agency reasonably expects to consider in evaluating proposals, including, but not limited to, cost or price and all nonprice-related factors.

(3) The relative importance or the weight assigned to each of the factors identified in the request for proposals.
(4) Where a best value selection method is used, the local agency may reserve the right to request proposal revisions and hold discussions and negotiations with responsive proposers, in which case the local agency shall so specify in the request for proposals and shall publish separately or incorporate into the request for proposals applicable procedures to be observed by the local agency to ensure that any discussions or negotiations are conducted in good faith.

(e) For those projects utilizing low bid as the final selection method, the competitive bidding process shall result in lump-sum bids by the prequalified or short-listed design-build entities, and awards shall be made to the design-build entity that is the lowest responsible bidder.

(f) For those projects utilizing best value as a selection method, the design-build competition shall progress as follows:

(1) Competitive proposals shall be evaluated by using only the criteria and selection procedures specifically identified in the request for proposals. The following minimum factors, however, shall be weighted as deemed appropriate by the local agency:

(A) Price, unless a stipulated sum is specified.

(B) Technical design and construction expertise.

(C) Life-cycle costs over 15 or more years.

(2) Pursuant to subdivision (d), the local agency may hold discussions or negotiations with responsive proposers using the process articulated in the local agency’s request for proposals.

(3) When the evaluation is complete, the responsive proposers shall be ranked based on a determination of value provided, provided that no more than three proposers are required to be ranked.

(4) The award of the contract shall be made to the responsible design-build entity whose proposal is determined by the local agency to have offered the best value to the public.

(5) Notwithstanding any other provision of this code, upon issuance of a contract award, the local agency shall publicly announce its award, identifying the design-build entity to which the award is made, along with a statement regarding the basis of the award.

(6) The statement regarding the local agency’s contract award, described in paragraph (5), and the contract file shall provide sufficient information to satisfy an external audit.

(Amended by Stats. 2016, Ch. 774, Sec. 10. Effective January 1, 2017. Repealed as of January 1, 2025, pursuant to Section 22169.)

22156. (a) The design-build entity shall provide payment and performance bonds for the project in the form and in the amount required by the local agency, and issued by a California admitted surety. The amount of the payment bond shall not be less than the amount of the performance bond.

(b) The design-build contract shall require errors and omissions insurance coverage for the design elements of the project.

(c) The local agency shall develop a standard form of payment and performance bond for its design-build projects.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22160. (a) The local agency, in each design-build request for proposals, may identify specific types of subcontractors that must be included in the design-build entity statement of qualifications and proposal. All construction subcontractors that are identified in the proposal shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1.

(b) Following award of the design-build contract, the design-build entity shall proceed as follows in awarding construction subcontracts with a value exceeding one-half of 1 percent of the contract price allocable to construction work:

(1) Provide public notice of availability of work to be subcontracted in accordance with the publication requirements applicable to the competitive bidding process of the local agency, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

(2) Establish reasonable qualification criteria and standards.

(3) Award the subcontract either on a best value basis or to the lowest responsible bidder. The process may include prequalification or short-listing. The foregoing process does not apply to construction subcontractors listed in the original proposal. Subcontractors awarded construction subcontracts under this subdivision shall be afforded all the protections of Chapter 4 (commencing with Section 4100) of Part 1.

https://leginfo.legislature.ca.gov/faces/codes_displaytext.xhtml?lawCode=PCC&division... 1/19/2017
(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22187. (a) If the local agency elects to award a project pursuant to this article, retention proceeds withheld by the local agency from the design-build entity shall not exceed 5 percent if a performance and payment bond, issued by an admitted surety insurer, is required in the solicitation of bids.

(b) In a contract between the design-build entity and a subcontractor, and in a contract between a subcontractor and any subcontractor thereunder, the percentage of the retention proceeds withheld may not exceed the percentage specified in the contract between the local agency and the design-build entity. If the design-build entity provides written notice to any subcontractor that is not a member of the design-build entity, prior to or at the time the bid is requested, that a bond may be required and the subcontractor subsequently is unable or refuses to furnish a bond to the design-build entity, then the design-build entity may withhold retention proceeds in excess of the percentage specified in the contract between the local agency and the design-build entity from any payment made by the design-build entity to the subcontractor.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22188. Nothing in this article affects, expands, alters, or limits any rights or remedies otherwise available at law.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, pursuant to Section 22169.)

22189. This chapter shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Added by Stats. 2014, Ch. 931, Sec. 14. Effective January 1, 2015. Repealed as of January 1, 2025, by its own provisions. Note: Repeal affects Chapter 4, commencing with Section 22160.)