

ORDINANCE NO. _____

An ordinance authorizing the Department of Public Works, Bureau of Sanitation to use the design-build project delivery method and the competitive sealed proposal selection process consistent with City Charter Section 371(b) for capital improvement projects related to the Clean Water and Stormwater Control System Upgrade and Integration Project.

WHEREAS, Section 371(b) of the Los Angeles City Charter 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 City Council, and allows for the use of design-build or other appropriate project delivery systems when justified by the type of project and approved by the contracting authority;

WHEREAS, the purpose of this ordinance is to establish criteria for the award of contracts pursuant to a competitive sealed proposal method, and authorize the use of the design-build delivery method for contracts between the Department of Public Works, Bureau of Sanitation (LASAN) and the successful contractors for procurement, pre-construction services, construction and related services for capital improvements related to the Clean Water and Stormwater Control System Upgrade and Integration Project (Project);

WHEREAS, the City through LASAN operates and maintains one of the world's largest wastewater conveyance and treatment systems. LASAN has primary responsibility to proactively maintain more than 6,700 miles of sewer lines, 44 wastewater pumping plants, 29 stormwater facilities, 13 air treatment facilities/carbon scrubbers, and 4 water reclamation plants across the City with a combined capacity to treat 580 million gallons per day of wastewater. LASAN's stormwater system includes 20 low flow diversion facilities and 10 stormwater pumping plants. (Collectively, these are referred to as the City's Clean Water and Stormwater Systems);

WHEREAS, the City's Clean Water and Stormwater Systems operate 24 hours per day, 365 days per year, to serve the needs of more than four million customers in Los Angeles, in addition to 29 contract agencies;

WHEREAS, in 2011, the City awarded the Los Angeles Wastewater Control System Replacement Program (LAWINS) project to Honeywell International Inc., and designated Honeywell as the sole source provider and installer of the control systems technology and products for LASAN's treatment plants, conveyance systems, and any other wastewater-related systems for all future City of Los Angeles wastewater projects. The LAWINS project scope included four Water Reclamation Plants and a small subset of the City's clean water system facilities;

WHEREAS, to complete the Project, the existing remote controllers and communication network at each of the remaining Clean Water and Stormwater facilities must be integrated into LAWINS;

WHEREAS, the Project intends to upgrade and standardize the remaining infrastructure of the Clean Water and Stormwater System site control system, as well as the wide-area network (WAN) communication. (The LAWINS project had not addressed this infrastructure.) The objective of the Project is to design, procure, install, test, commission, replace remote controllers and control panels, upgrade the communication medium, and connect remotely to the existing Distributed Control System (DCS), among other system upgrades and warranties;

WHEREAS, to implement the Project, LASAN is pursuing a turnkey project development model known as a design-build, where much of the performance and risk is shifted to the project contractor who has the expertise and record of accomplishment with such projects. This project development approach ensures that the contractor addresses any potential short-term corrections to the Project before turning the project over to LASAN;

WHEREAS, it is advisable for LASAN to use the competitive sealed proposal selection process and a design-build alternative project delivery method, pursuant to the terms of this ordinance, because this method should minimize time and cost and improve the project delivery outcome by using the City's direct involvement in the design process. In addition, the qualified contractor, with similar large-scale municipal control system integration experience, should provide the best value to the City and lowest ultimate cost;

WHEREAS, the Los Angeles City Council desires to authorize LASAN to use the competitive sealed proposal selection process and the design-build project delivery method for the Project; and

WHEREAS, the Los Angeles City Council desires to establish the criteria for the letting of contracts by LASAN pursuant to such competitive sealed proposal selection process.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The Department of Public Works, Bureau of Sanitation (LASAN) may use the competitive sealed proposal selection process as provided herein and the design-build project delivery method for the following project: Clean Water and Stormwater Control System Upgrade and Integration Project (the Project). Such contract(s) shall be awarded by the Board of Public Works, on behalf of LASAN, subject to the City Council's right of review under Charter Section 245. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City (as defined in Charter Section 371) than any other responsive proposal submitted. In order to utilize these methods, the Board of Public Works shall make a written finding supported by a written statement of facts that adherence to the rule that the award be

made to the lowest responsive and responsible bidder is not practicable or advantageous, and shall also state in writing the reason for the particular award.

Sec. 2. Contract negotiations may be engaged in by LASAN after proposals have been opened to allow clarification and changes in the proposal. LASAN shall take adequate precaution to treat each proposer fairly.

Sec. 3. Proposals shall be solicited by issuing a Request for Proposals (RFP), which shall be subject to prior Board of Public Works approval and subject to review by the City Council under Charter Section 245. Public notice of the RFP shall be given in writing or electronically to prospective contractors. The RFP shall state the time and place at which the proposals will be received by LASAN. Proposals received after the time and date specified shall be returned unopened and shall not be considered.

Sec. 4. At a minimum, the RFP shall include: (a) description of the services and items desired or the scope of work to be performed; (b) a statement of the evaluation criteria that will be used in evaluating proposals; and (c) a statement as to when and in what form costs or prices are to be submitted. In addition, the RFP shall require that proposers submit, at a minimum: (i) relevant experience; (ii) evidence of bonding capability; (iii) a listing of subcontractors or a selection plan for subcontractors that meets specified requirements and which is sufficient to ensure that fair practices are used in such selection; (iv) updated financial and other relevant information sufficient to provide evidence of financial ability to complete the work; and (v) such other information as LASAN deems relevant and appropriate.

Sec. 5. The evaluation criteria shall be described in the RFP, which will identify evaluation factors and their relative importance to the proposed work or project. The criteria shall include, but not be limited to, a means to measure how well a proposal meets desired performance requirements and how the lowest ultimate cost will be determined.

Sec. 6. Proposals shall be opened and their contents secured to prevent disclosure during the process of negotiating with competing proposers. Adequate precautions shall be taken to treat each proposer fairly and to ensure that information gleaned from competing proposals is not disclosed to other proposers. Except for the names of the proposers, information contained in the proposals, including price, shall not be disclosed until a recommendation for award is made to the Board of Public Works.

Sec. 7. An award shall only be made to the responsible and responsive proposer whose final proposal is most advantageous to the City, except that the Board of Public Works may reject any or all offers if rejection is in the best interest of the City. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City (as defined in Charter Section 371), than any other responsive proposal submitted. The Board of Public Works shall document its findings regarding this determination.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
ADENA M. HOPENSTAND
Deputy City Attorney

Date 7/22/21

File No. 21-0484

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____