



City of Carson

Report to Mayor and City Council

August 6, 2013
New Business Consent

SUBJECT: CONSIDER AN AWARD OF A CONSTRUCTION CONTRACT FOR PROJECT NO. 919 [FEDERAL NO. HPLUL-5403(017)]: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY

Submitted by Farrokh Abolfathi
Director of Public Works

Approved by Jacquelyn Acosta
Acting City Manager

THIS IS A JOINT AGENDA ITEM

I. SUMMARY

On May 15, 2012, the City Council / Successor Agency Board approved plans, specifications and estimates (PS&E) for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway (Exhibit No. 1); and staff was authorized to advertise the work and call for construction bids, pending the California Department of Transportation (Caltrans') issuance of the "Authorization to Proceed with Construction." (Exhibit No. 2).

On December 13, 2012, Caltrans issued an authorization to advertise the project. On May 8, 2013, the project was advertised, and on June 19, 2013, six bids were received and opened by the City Clerk. The lowest responsible bidder is OHL USA, Inc., with a bid in the amount of \$16,422,930.50.

II. RECOMMENDATION

TAKE the following actions:

1. AWARD a Construction Contract for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway, in the amount of \$16,422,930.50, to the lowest responsible bidder, OHL USA, Inc.
2. AUTHORIZE the expenditure of a construction contingency, if necessary, in an amount not-to-exceed \$2,463,439.57 (15%) for change orders such as the removal and remediation of contaminated soil, substructure conflicts, and other unforeseen construction work that may be required to complete this project.
3. AUTHORIZE the Mayor to execute the Construction Contract following approval as to form by the City Attorney.

III. ALTERNATIVES

1. REJECT all bids.
2. TAKE another action the City Council / Successor Agency Board deems appropriate.

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IV. BACKGROUND

The Wilmington Avenue / 223rd Street / I-405 freeway interchange modification project was listed in the City's Capital Improvement Program (CIP) for FY 2005/06. Wilmington Avenue essentially runs north/south and the I-405 freeway runs on a due east/west alignment at this location. Wilmington Avenue is an undercrossing and generally provides two lanes in each direction in the project vicinity. The southerly quadrant of the interchange is a standard diamond configuration. The northerly quadrant has a loop on-ramp and an off-ramp, both located in the northeast quadrant. A railroad track crosses 223rd Street and Wilmington Avenue south of the interchange, runs parallel to the I-405 freeway, and limits the opportunities for modifications in the south quadrants.

On September 5, 2006, the Carson Redevelopment Agency (CRA) Board approved a Professional Services Agreement with Parsons in the amount of \$1,804,200.00 to prepare the Project Report, Environmental Document, to obtain the project approval from Caltrans and for the preparation of the PS&E for this project (Exhibit No. 3).

On November 8, 2006, the City Council adopted Resolution No. 06-145, approving Cooperative Agreement No. 07-4771 for the design phase of this project (Exhibit No. 4).

On December 4, 2007, the CRA Board approved the First Amendment to the Professional Services Agreement with Parsons to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$96,972.21 (Exhibit No. 5).

On October 7, 2008, the CRA approved the Second Amendment to the Professional Services Agreement with Parsons to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$329,732.98 (Exhibit No. 6).

On February 17, 2009, the CRA approved a Professional Services Agreement with TCM Group, Inc., to provide Construction Management Services for this project for a negotiated fee not-to-exceed \$2,994,788.00, pending Caltrans' pre-award audit (Exhibit No. 7).

On December 15, 2009, the CRA Board approved the Third Amendment to the Professional Services Agreement with Parsons to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$179,652.93 (Exhibit No. 8).

On May 18, 2010, the City Council adopted Resolution No. 10-045, approving Cooperative Agreement No. 07-4861 for the construction phase of this project (Exhibit No. 9).

On November 16, 2010, the CRA Board approved the Fourth Amendment to the Professional Services Agreement with Parsons to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$98,866.40 (Exhibit No. 10).

On September 6, 2011, the City Council adopted Resolution of No. 11-109, declaring that public interest and necessity require acquisition of easements in portions of the property known as Assessor Parcel Number (APN) 7315-040-011, and Resolution of No. 11-110, declaring that public interest and necessity require acquisition of easements in portions of the property known as APN 7315-040-001 (Exhibit No. 11).

On May 15, 2012, the City Council / Successor Agency Board approved the PS&E, and authorized staff to advertise the work, immediately after issuance of authorization to proceed with construction by Caltrans, and called for bids for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway.

On July 16, 2012, a request for authorization to proceed with construction was submitted to Caltrans.

On December 13, 2012, Caltrans issued the authorization to advertise the project for construction bids.

On February 19, 2013 the City Council / Successor Agency Board approved a Professional Services Agreement Time Extension with TCM Group, Inc., to provide Construction Management Services for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway; until December 31, 2015, and accepted the name modification from TCM Group, Inc., to TCM Group, Inc., a Hill International Company (Exhibit No. 12).

On March 19, 2013, the City Council adopted Resolution No. 13-018, approving Program Supplement Agreement No. N014 to Administering Agency-State Master Agreement No. 07-5403R for this project (Exhibit No. 13).

On May 8, 2013, the project was advertised and the bid opening was set for June 19, 2013.

Caltrans' construction authorization, in the form of an E-76, and the execution of Program Supplement Agreement No. N014 to Administering Agency-State Master Agreement No. 07-5403R between the state and the City, obligated up to \$3,599,599.76 in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) federal funds. Considering \$712,500.00 in the Federal Interstate Maintenance Discretionary funds that will be available during Federal Fiscal Year 2013/14, and \$11,362,000.00 in the Metropolitan Transit Authority – 2007 Call for Projects state fund for the construction phase of this project, this project has \$15,674,099.76 of available federal and state funds.

In order to increase the access of minority-owned businesses for opportunities to participate in public works projects, in addition to the City Clerk posting the Notice Inviting Bids at locations throughout the Carson area, the Request for Bids was advertised in the *Daily Breeze*; BidAmerica; Construction BidBoard, Inc.;

McGraw-Hill Construction Dodge; and “*Our Weekly*,” a minority-owned Los Angeles Premier Community Newspaper. As a result of this outreach, 27 companies purchased plans and specifications for this project.

Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway includes widening of the Wilmington Avenue / 223rd Street Bridge over the Dominguez Channel. However, this bridge must be retrofitted prior to, or concurrent with, the widening of the bridge over the Dominguez Channel under Project No. 1337: Wilmington Avenue / 223rd Street Bridge Retrofit over the Dominguez Channel. In an effort to obtain an economy of scale, staff advertised these two projects for construction bids as one package, which will generate cost savings and avoid duplication of some items, such as traffic control and construction office expenses. Although, for federal and state reimbursement purposes, the construction and construction management portions of these two projects will be monitored separately.

On June 19, 2013, six bids were received and opened by the City Clerk as listed below:

| No. | Bidder | Place of Business | Bid Amount | | Total Bid |
|-----|---------------------------|-------------------|-----------------|------------------|-----------------|
| | | | Project No. 919 | Project No. 1337 | |
| 1 | OHL USA, Inc. | Irvine, CA | \$16,422,930.50 | \$1,215,290.50 | \$17,638,221.00 |
| 2 | Powell Constructors, Inc. | Fontana, CA | \$17,889,928.60 | \$1,607,854.70 | \$19,497,783.30 |
| 3 | Griffith Company | Valencia, CA | \$19,108,185.00 | \$1,702,981.00 | \$20,811,166.00 |
| 4 | Flatiron West, Inc. | San Marcos, CA | \$22,920,672.85 | \$1,456,482.30 | \$24,377,155.15 |
| 5 | Steve P. Rados, Inc. | Santa Ana, CA | \$22,429,033.40 | \$2,312,386.00 | \$24,741,419.40 |
| 6 | SEMA Construction, Inc. | Irvine, CA | \$23,132,987.86 | \$1,680,448.16 | \$24,813,436.02 |

On November 4, 2009, Caltrans issued a memorandum that per the Federal Highway administration (FHWA), local hiring preferences are not to be included in local agency contracts using federal-aid funds administered by the FHWA (Exhibit No. 14). However, the City of Carson has adopted a comprehensive Disadvantaged Business Enterprise (DBE) program, as part of its continued, proactive effort to integrate DBE into the City’s procurement activities. Given the content of the bids received on this project, it is clear that this DBE objective and related policy program has been successful in significantly increasing the percentage of DBE firms participating in City public works projects.

Under the City's adopted DBE policy, as well as federal and state guidelines, the contractor is required to submit documentation to support its DBE participation goal, no later than three working days after the bid opening date.

The DBE participation goal for this project was 12%. The proposed DBE goal, submitted by the lowest responsible bidder, OHL USA, Inc. is 12.5%.

It is clear that the recommended contractor has met all threshold tests with respect to federal/state funded public works projects; specifically the submittal of the lowest, responsive and responsible bid, and with the optimum DBE goal of 12%. The recommended contractor has submitted the "good faith" effort documents per Caltrans' requirements. The DBE participation submitted by all six bidders is from 0.6% to 12.5%. OHL USA, Inc. has the highest DBE participation of 12.5%.

Staff has reviewed the bids and finds that the lowest responsible bidder, OHL USA, Inc. is a bona fide contractor licensed by the state of California. The bid bond, in the amount of 10% of the total bid, as supplied by Travelers Casualty and Surety Company of America, under the laws of the state of Connecticut is in order and was submitted with the bid. The contractor's references have been checked, and it has been verified that the contractor has completed similar projects in an acceptable manner.

The accomplished and anticipated timeline for this project is as follows:

| | |
|---|-------------------|
| Approval of PS&E | May 15, 2012 |
| Caltrans' issuance of "Authorization to Proceed with Construction" in the form of an E-76 | December 13, 2012 |
| Advertise Notice Inviting Bids | May 8, 2013 |
| Award of Construction Contract | August 6, 2013 |
| Start of construction | October 2013 |
| Completion of construction | December 2015 |

V. FISCAL IMPACT

This is a multi-year project for which funds have been, and will be, budgeted each fiscal year in the Merged and Amended Redevelopment Project Area / Successor Agency budgets in account no. 82-70-710-985-8020/0091901.

As of the approval of the FY 2008/09 budget, the total estimated cost of this project was \$27,570,000.00. However, the total project cost including design, construction, construction management, and the right-of-way acquisition cost is now estimated to be \$25,000,000.00. The project is funded by the Carson Successor Agency, the state-funded Metropolitan Transportation Authority (MTA) - 2007 Call for Projects, the SAFETEA-LU, and the Federal Interstate Maintenance Discretionary funds.

The project funding sources and amounts are as follows:

| | |
|--|------------------------|
| Federal fund – SAFETEA-LU | \$3,599,599.76 |
| Federal Interstate Maintenance Discretionary funds | 712,500.00 |
| State fund, MTA – 2007 Call for Projects | 11,362,000.00 |
| Carson Successor Agency | 9,428,000.00 |
| TOTAL | \$25,102,099.76 |

VI.**EXHIBITS**

1. Location Map. (pg. 8)
2. Minutes, May 15, 2012, Item No. 6. (pg. 9)
3. Minutes, September 5, 2006, Item No. 12. (pg. 10)
4. Minutes, November 8, 2006, Item No. 13. (pg. 11)
5. Minutes, December 4, 2007, Item No. 9. (pg. 12)
6. Minutes, October 7, 2008, Item No. 9. (pg. 13)
7. Minutes, February 17, 2009, Item No. 7. (pg. 14)
8. Minutes, December 15, 2009, Item No. 3. (pg. 15)
9. Minutes, May 18, 2010, Item No. 9. (pg. 16)
10. Minutes, November 16, 2010, Item No. 2. (pg. 17)
11. Minutes, September 6, 2011, Item No. 27. (pgs. 18-19)
12. Minutes, February 19, 2013, Item No. 1. (pg. 20)
13. Minutes, March 19, 2013, Item No. 9. (pg. 21)
14. Caltrans letter dated November 4, 2009. (pg. 22)

G:\ENGINEERING DIVISION\PROJECTS\919 WILMINGTON-1405\AGENDAS\08-06-13 CC Project 919 Award Construction Contract.doc.docx

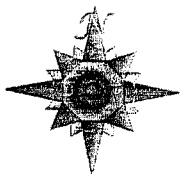
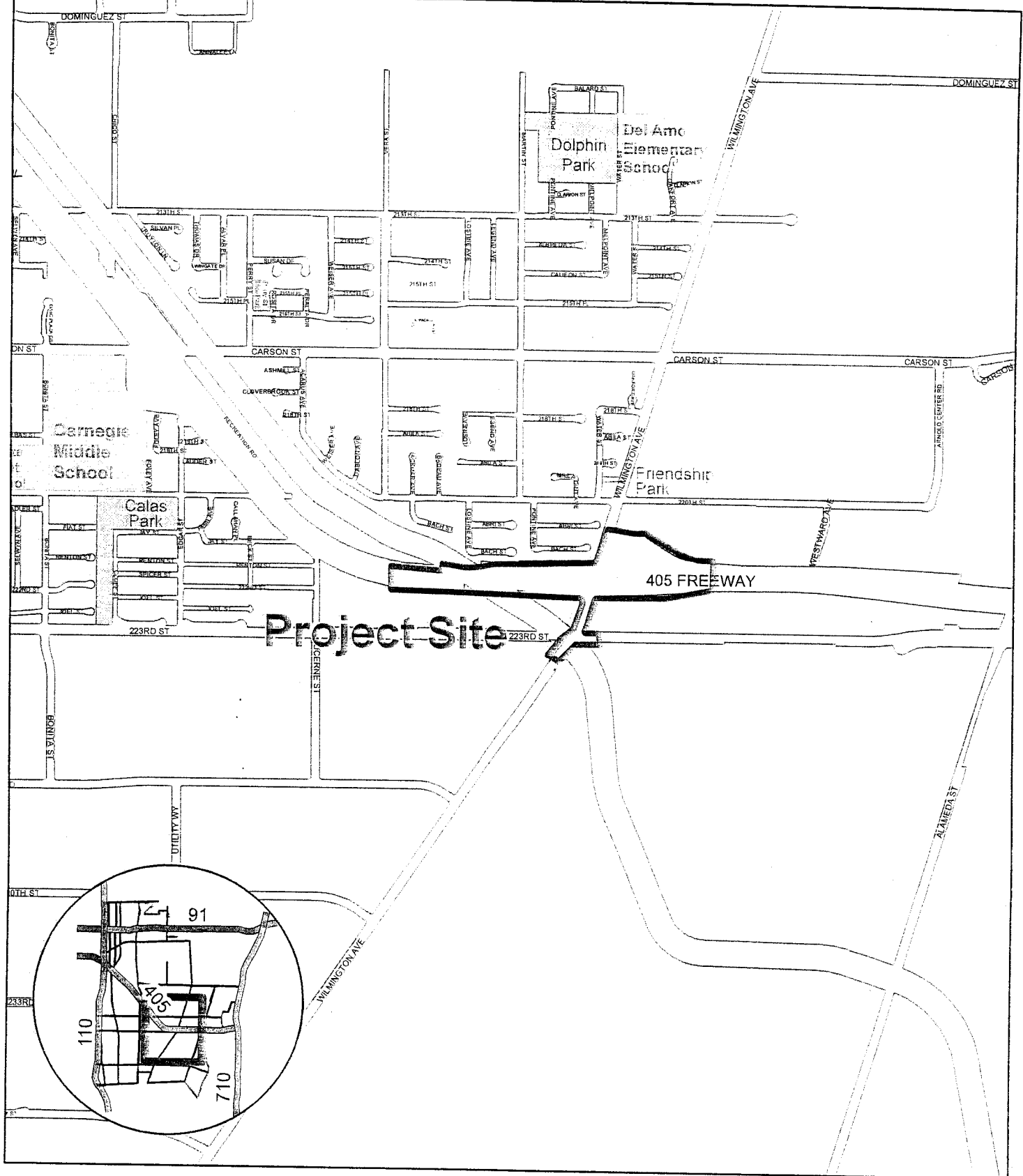
Prepared by: Massoud Ghiam, P.E., Acting Principal Civil Engineer

Reviewed by:

| | |
|-------------------------|--------------------|
| City Clerk | City Treasurer |
| Administrative Services | Public Works |
| Community Development | Community Services |

Action taken by City Council

Date_____ Action_____



Location Map
Project No. 919
I-405 - Wilmington Ave
Modifications

EXHIBIT NO. 1



**ITEM NO. (6) CONSIDER APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATES,
AND AUTHORIZATION TO ADVERTISE FOR CONSTRUCTION BIDS
FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE
MODIFICATION AT THE I-405 FREEWAY (DEVELOPMENT SERVICES)**

THIS IS A JOINT AGENDA ITEM WITH SUCCESSOR AGENCY ITEM NO. 2

RECOMMENDATION for the City Council:

TAKE the following actions:

1. APPROVE the plans, specifications, and estimates, and order the work for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway.
2. AUTHORIZE payment in the amount of \$1,408,743.25 to the property owners as listed in the body of this report, to purchase the required right-of-way for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway.
3. AUTHORIZE staff to advertise the work and call for construction bids for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway, pending Caltrans' issuance of the "Authorization to Proceed with Construction."

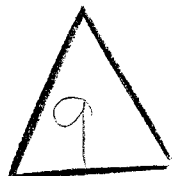
ACTION: Item No. 6 was approved on the New Business Consent Calendar on motion of Dear, seconded by Ruiz-Raber and unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Dear, Mayor Pro Tem/Vice Agency
Chairman/Vice Authority Chairman Ruiz-Raber, Council/Agency Member/Authority
Commissioner Davis Holmes, Council/Agency Member/Authority Commissioner
Gipson, and Council/Agency Member/Authority Commissioner Santarina

Noes: None

Abstain: None

Absent: None



ITEM NO. (12) APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH PARSONS TO PREPARE PROJECT REPORT, ENVIRONMENTAL DOCUMENTS, PLANS, SPECIFICATIONS AND ESTIMATES - PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY (DEVELOPMENT SERVICES)

Agency Member Williams felt that it was important to be proactive and emphasize that the consultant find work for someone in the Carson community because even a training program would provide an opportunity for someone. He clarified that he was referring to having African-American people involved in projects.

Chairman Dear suggested that Executive Director Groomes and Development Services General Manager Rollinger discuss the processes and procedures with Agency Member Williams to ensure that the City does not indirectly contribute to unfair agreements or practices of contractors paid by the City of Carson.

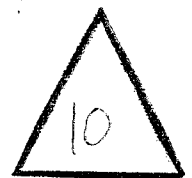
RECOMMENDATION for the Redevelopment Agency:

TAKE the following actions:

1. APPROVE the Agreement for Professional Services with PARSONS to prepare the Project Report, Environmental Document (ED), Geometric Approval Drawings (GAD), to obtain the Project Approval (PA); and for the preparation of Construction Plans, Specifications & Estimates (PS&E) for Project No. 919: Wilmington Avenue Interchange Modification at the I-405 Freeway; for a negotiated fee not to exceed \$1,804,200.00, pending Caltrans' pre-award audit (Exhibit No. 1).
2. AUTHORIZE the Chairman to execute the professional services agreement, after Caltrans' pre-award audit, and following approval as to form by the Agency Counsel.

ACTION: It was moved to Approve the staff recommendation on motion of Williams, seconded by Dear and unanimously carried by the following vote:

| | |
|----------|---|
| Ayes: | Chairman Dear, Chairman Pro Tem Ruiz-Raber, Agency Member Santarina, Agency Member Williams, and Agency Member Gipson |
| Noes: | None |
| Abstain: | None |
| Absent: | None |



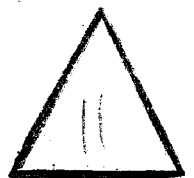
**ITEM NO. (13) RESOLUTION NO. 06-145: APPROVING THE COOPERATIVE
AGREEMENT NO. 07-4771 FOR THE WILMINGTON AVENUE
INTERCHANGE MODIFICATION AT THE I-405 FREEWAY
(DEVELOPMENT SERVICES)**

RECOMMENDATION for the City Council:

1. WAIVE further reading and ADOPT Resolution No. 06-145, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING THE COOPERATIVE AGREEMENT NO. 07-4771 FOR THE WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY."

ACTION: This item was Approved on the New Business Consent Calendar on motion of Williams, seconded by Ruiz-Raber and unanimously carried by the following vote:

Ayes: Mayor Dear, Mayor Pro Tem Ruiz-Raber, Council Member Santarina, Council Member Williams, and Council Member Gipson
Noes: None
Abstain: None
Absent: None



ITEM NO. (9) APPROVAL OF THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS TRANSPORTATION GROUP INC. FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I 405 FREEWAY (DEVELOPMENT SERVICES)

This item was heard after Item No. 12.

RECOMMENDATION for the Redevelopment Agency:

Development Services General Manager Rollinger summarized the staff report and recommendation. He subsequently reported that this may or may not be the last amendment and that the Agency may have to look at change orders down the line.

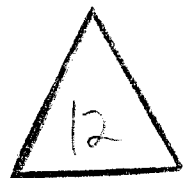
City Manager/Executive Director Groomes briefly described Project No. 919 as a significant project in terms of improvement and cost. He emphasized that no general funds would be used.

TAKE the following actions:

1. APPROVE the First Amendment to the Professional Services Agreement with Parsons Transportation Group Inc. to reflect an increase in the scope of work, for a negotiated fee not-to-exceed \$96,972.21.
2. AUTHORIZE the Agency Chairman to execute the First Amendment to the Professional Services Agreement following approval as to form by the Agency Counsel.

ACTION: It was moved to Approve staff recommendation Nos. 1 and 2 on motion of Williams, and seconded by Gipson and unanimously carried by the following vote:

| | |
|----------|--|
| Ayes: | Mayor/Chairman Dear, Mayor Pro Tem/Chairman Pro Tem Santarina, Council/Agency Member Williams, Council/Agency Member Gipson, and Council Member Davis-Holmes |
| Noes: | None |
| Abstain: | None |
| Absent: | None |



**ITEM NO. (9) CONSIDERATION OF THE SECOND AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT WITH PARSONS
TRANSPORTATION GROUP INC. FOR PROJECT NO. 919:
WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405
FREEWAY (DEVELOPMENT SERVICES)**

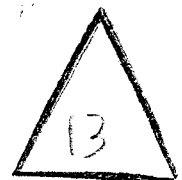
RECOMMENDATION for the Redevelopment Agency:

TAKE the following actions:

1. APPROVE the Second Amendment to the Professional Services Agreement with Parsons Transportation Group Inc. to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$329,732.98.
2. AUTHORIZE the Agency Chairman to execute the Second Amendment to the Professional Services Agreement following approval as to form by the Agency Counsel.

ACTION: It was moved to Approve staff recommendation Nos. 1 and 2 on motion of Dear, seconded by Williams and unanimously carried by the following roll call vote:

Ayes: Chairman Dear, Chairman Pro Tem Gipson, Agency Member Santarina, Agency
Member Williams, and Agency Member Davis-Holmes
Noes: None
Abstain: None
Absent: None



**ITEM NO. (7) CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH
TCM GROUP, INC. TO PROVIDE CONSTRUCTION MANAGEMENT
SERVICES FOR PROJECT NO. 919: WILMINGTON AVENUE
INTERCHANGE MODIFICATION AT THE I-405 FREEWAY
(DEVELOPMENT SERVICES)**

THIS IS A JOINT AGENDA ITEM WITH COUNCIL ITEM NO. 11

This item was heard jointly with Council Item No. 11.

City Manager/Executive Director Groomes summarized the staff report and recommendation.

RECOMMENDATION for the Redevelopment Agency:

TAKE the following actions:

1. APPROVE a Professional Services Agreement with TCM Group, Inc. to provide Construction Management Services for Project No. 919: Wilmington Avenue Interchange Modification at the I 405 freeway; for a negotiated fee not-to-exceed \$ 2,994,788.00, pending Caltrans' pre-award audit.
2. AUTHORIZE the Chairman to execute the Professional Services Agreement, after Caltrans' pre-award audit, and following approval as to form by the Agency Counsel.

ACTION: It was moved to Approve staff recommendation Nos. 1 and 2 for Council Item No. 11 and Agency Item No. 7 on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

| | |
|----------|---|
| Ayes: | Mayor/Chairman Dear, Mayor Pro Tem/Chairman Pro Tem Gipson, Council/Agency Member Santarina, Council/Agency Member Williams, and Council/Agency Member Davis-Holmes |
| Noes: | None |
| Abstain: | None |
| Absent: | None |



EXHIBIT NO. 07

**ITEM NO. (3) CONSIDERATION OF THE THIRD AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT WITH PARSONS
TRANSPORTATION GROUP INC. FOR PROJECT NO. 919:
WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405
FREEWAY (DEVELOPMENT SERVICES)**

RECOMMENDATION for the Redevelopment Agency:

TAKE the following actions:

1. APPROVE the Third Amendment to the Professional Services Agreement with Parsons Transportation Group Inc. to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$179,652.93.
2. AUTHORIZE the Agency Chairman to execute the Third Amendment to the Professional Services Agreement following approval as to form by the Agency Counsel.

ACTION: Item No. 3 was approved on the New Business Consent Calendar on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

Ayes: Chairman Dear, Chairman Pro Tem Davis-Holmes, Agency Member Gipson, and
 Agency Member Ruiz-Raber
Noes: None
Abstain: None
Absent: Agency Member Santarina



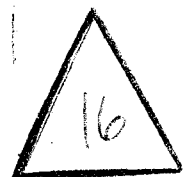
**ITEM NO. (9) CONSIDERATION OF RESOLUTION NO. 10-045: APPROVING
COOPERATIVE AGREEMENT NO. 07-4861 FOR THE WILMINGTON
AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY
(DEVELOPMENT SERVICES)**

RECOMMENDATION for the City Council:

1. WAIVE further reading and ADOPT Resolution No. 10 045, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING COOPERATIVE AGREEMENT NO. 07 4861 FOR THE WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I 405 FREEWAY."

ACTION: Council Item No. 9 was approved on the New Business Consent Calendar on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

Ayes: Mayor/Chairman Dear, Mayor Pro Tem/Chairman Pro Tem Santarina,
Council/Agency Member Gipson, Council/Agency Member Davis Holmes, and
Council/Agency Member Ruiz-Raber
Noes: None
Abstain: None
Absent: None



**ITEM NO. (2) CONSIDERATION OF THE FOURTH AMENDMENT TO THE
PROFESSIONAL SERVICES AGREEMENT WITH PARSONS
TRANSPORTATION GROUP, INC. FOR PROJECT NO. 919:
WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405
FREEWAY (DEVELOPMENT SERVICES)**

RECOMMENDATION for the Redevelopment Agency:

TAKE the following actions:

1. APPROVE the Fourth Amendment to the Professional Services Agreement with Parsons Transportation Group, Inc. to reflect an increase in the scope of work for a negotiated fee not-to-exceed \$98,866.40.
2. AUTHORIZE the Agency Chairman to execute the Fourth Amendment to the Professional Services Agreement following approval as to form by the Agency Counsel.

ACTION: Item No. 2 was approved on the New Business Consent Calendar on motion of Dear, seconded by Gipson and unanimously carried by the following vote:

Ayes: Chairman Dear, Vice Chairman Santarina, Agency Member Davis-Holmes, and
 Agency Member Gipson
Noes: None
Abstain: None
Absent: Agency Member Ruiz-Raber



ITEM NO. (27) CONSIDERATION OF RESOLUTION NO. 11-109 AND RESOLUTION NO. 11-110, ADOPTING RESOLUTIONS OF NECESSITY FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY (CITY MANAGER)

Item No. 27 was heard after the Approval of Agency Minutes at 7:40 P.M.

Interim City Manager/Economic Development General Manager Graves summarized the staff report and recommendation.

Deputy City Attorney Soltani reported on the findings.

Upon inquiry by City Clerk Kawagoe, City Attorney Wynder clarified that this item could be heard as a Public Hearing since it was noticed as a hearing.

Public Hearing

Mayor Dear declared the Public Hearing open for **CONSIDERATION OF RESOLUTION NO. 11-109 AND RESOLUTION NO. 11-110, ADOPTING RESOLUTIONS OF NECESSITY FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY.**

City Clerk's Report

City Clerk Kawagoe reported that notice of the Public Hearing had been given pursuant to applicable law, including but not limited to the timely notice to the property owners, Macland Investments, Inc., c/o Moti Lal Balyan, 5960 Canoga Avenue, Woodland Hills, California 91367, and Tesoro South Coast Company, LLC, c/o Collin Foutz, 5230 Las Virgenes Road, Ste. 200, Calabasas, California 91302, via U.S. Mail and confirmed by staff; postings as required by law; and other mailings as requested by individuals and organizations. The affidavits attesting to mailing and publishing such notice were on file in the City Clerk's Office. No written communications were received.

Mayor Dear directed that all affidavits of notice be made part of the record.

Staff Report

Interim City Manager/Economic Development General Manager Graves summarized the staff report and recommendation.

Administration of Oath

Mayor Dear requested that all persons wishing to testify to stand and take the Oath.

There being no persons wishing to testify, Mayor Dear declared the Public Hearing closed.

RECOMMENDATION for the City Council:

TAKE the following actions:



1. WAIVE further reading and ADOPT Resolution No. 11-109; "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND A TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-011."
2. WAIVE further reading and ADOPT Resolution No. 11-110; "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF FEE INTERESTS AND TEMPORARY CONSTRUCTION EASEMENT IN A PORTION OF THE PROPERTY KNOWN AS ASSESSOR'S PARCEL NO. 7315-040-001."

ACTION: WITH FURTHER READINGS WAIVED, Resolution Nos. 11-109 and 11-110 were PASSED, APPROVED, and ADOPTED, as read by titles only, on motion of Santarina and seconded by Davis-Holmes.

During discussion of the motion, Mayor Pro Tem Ruiz-Raber discussed impact on businesses.

The motion was unanimously carried by the following vote:

| | |
|----------|--|
| Ayes: | Mayor Dear, Mayor Pro Tem Ruiz-Raber, Council Member Davis-Holmes, Council Member Gipson, and Council Member Santarina |
| Noes: | None |
| Abstain: | None |
| Absent: | None |



ITEM NO. (1) CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT TIME EXTENSION WITH TCM GROUP, INC., TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR PROJECT NO. 919: WILMINGTON AVENUE INTERCHANGE MODIFICATION AT THE I-405 FREEWAY (PUBLIC WORKS DEPARTMENT)

THIS IS A JOINT AGENDA ITEM WITH SUCCESSOR AGENCY ITEM NO. 2

RECOMMENDATION for the City Council:

TAKE the following actions:

1. APPROVE a Professional Services Agreement Time Extension with TCM Group, Inc., to provide Construction Management Services for Project No. 919: Wilmington Avenue Interchange Modification at the I 405 freeway; until December 31, 2015.
2. ACCEPT the name modification from TCM Group, Inc., to TCM Group, Inc., a Hill International Company.
3. AUTHORIZE the Mayor to execute the revised Professional Services Agreement, following approval as to form by the City Attorney.

ACTION: Item No.1 was approved on the New Business Consent Calendar on motion of Dear, seconded by Santarina and unanimously carried by the following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Dear, Mayor Pro Tem/Agency Vice Chairman/Authority Vice Chairman Ruiz-Raber, Council Member/Agency Member/Authority Commissioner Santarina, Council Member/Agency Member/Authority Commissioner Gipson, and Council Member/Agency Member/Authority Commissioner Davis-Holmes

Noes: None
Abstain: None
Absent: None

**ITEM NO. (9) CONSIDERATION OF RESOLUTION NO. 13-018,
AUTHORIZING THE EXECUTION OF PROGRAM
SUPPLEMENT AGREEMENT NO. N014 TO ADMINISTERING
AGENCY-STATE MASTER AGREEMENT NO. 07-5403R FOR
FEDERAL AID PROJECTS COVERING THE CONSTRUCTION
PHASE OF PROJECT NO. 919 [FEDERAL NO. HPLUL-5403
(017)]: WILMINGTON AVENUE INTERCHANGE
MODIFICATION AT THE I-405 FREEWAY (PUBLIC WORKS
DEPARTMENT)**

RECOMMENDATION for the City Council:

1. WAIVE further reading and ADOPT Resolution No. 13-018, "A RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA,
AUTHORIZING THE EXECUTION OF PROGRAM SUPPLEMENT
AGREEMENT NO. N014 TO ADMINISTERING AGENCY-STATE MASTER
AGREEMENT NO. 07-5403R FOR FEDERAL AID PROJECTS COVERING
THE CONSTRUCTION PHASE OF PROJECT NO. 919 [FEDERAL NO.
HPLUL 5403(017)]: WILMINGTON AVENUE INTERCHANGE
MODIFICATION AT THE I-405 FREEWAY."

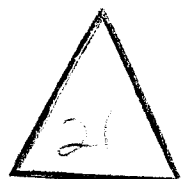
ACTION: Item No.9 was approved on the New Business Consent Calendar on
motion of Dear, seconded by Santarina and unanimously carried by the
following vote:

Ayes: Mayor/Agency Chairman/Authority Chairman Dear, Mayor Pro
Tem/Agency Vice Chairman/Authority Vice Chairman Ruiz-Raber,
Council Member/Agency Member/Authority Commissioner Santarina,
Council Member/Agency Member/Authority Commissioner Gipson, and
Council Member/Agency Member/Authority Commissioner Davis-
Holmes

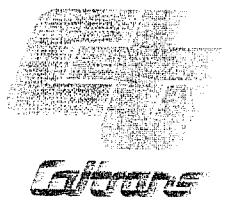
Noes: None

Abstain: None

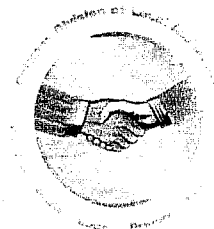
Absent: None



DIVISION OF LOCAL ASSISTANCE



CONSTRUCTION OVERSIGHT INFORMATION NOTICE



DLA COIN Issue #09-04

Release date: November 4, 2009

Welcome to the COIN!

This is the fourth issue of Caltrans Local Assistance Program Construction Oversight Information Notice (COIN) for short. These short, single-topic bulletins are intended to provide outreach information and guidance to local agencies on issues pertaining to the construction of Federal-aid projects. They will cover a wide variety of subjects, including discussions of findings resulting from process reviews by Caltrans and/or FHWA, changes in procedures or regulations, reminders of existing procedures or best practices, and other timely information. The goal is to ensure proper and timely delivery of Federal-aid projects.

Our Fourth Topic: DO NOT USE LOCAL HIRING PREFERENCES

FHWA has requested Caltrans to remind local agencies that local hiring preferences are not to be included in local agency contracts using federal-aid funds. Such preferences are contrary to FHWA laws and regulations. Chapter 12 "Plans, Specifications & Estimates" of the "Local Assistance Procedures Manual" states in Section 12.10 RESTRICTED CONTRACT PROVISIONS that "Generally, local agencies may not use local hiring practices on federal-aid construction projects." Currently there are no exceptions in California that would allow the use of local hiring practices or preferences on federal-aid contracts.

The primary basis behind the prohibition of local hiring preferences is that they are inconsistent with the principles of free and open competition, which is required in the federal-aid program at 23 United States Code (USC) 112, "Letting of Contracts". Had Congress intended to allow local hiring preferences in federal-aid transportation contracts, they would have made it permissible as they did under 23 USC 140(d), "Native American Employment and Contracting and Tribal Employment Rights Ordinance."

If a local agency uses local hiring preferences in its local agency funded contracts, be certain that the local hiring preferences provision is not included in the contracts using federal-aid funds as this will make the contract ineligible for federal-aid funds. Should you have any further questions regarding the use of local hiring preferences, please contact your District Local Assistance Engineer (DLAE).

The Construction Oversight Information Notice (COIN) is prepared by Caltrans, Division of Local Assistance, Office of Policy Development and Quality Assurance. Comments or suggestions should be directed to the COIN Editor: eugene.shvachko@caltrans.ca.gov

EXHIBIT NO. 14

