

APPROVED

REC 18 2021

BOARD OF RECREATION AND PARK COMMISSIONERS

BOARD REPORT

NO. 24-028

DATE January 18, 2024

C.D. 10

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MICHELLE AND BARACK OBAMA SPORTS COMPLEX (FKA RANCHO CIENEGA SPORTS COMPLEX) PROJECT – PHASE I (RE-BID) (PRJ20308) (PRJ21190) (W.O. #E1907694) – FINAL ACCEPTANCE, AUTHORITY TO NEGOTIATE AND EXECUTE THE FINAL CHANGE ORDER, INCREASE CONSTRUCTION CONTRACT CONTINGENCY, ADJUSTMENT OF FUNDING FOR CONSTRUCTION CONTRACT NO. 3645, RELEASE OF RETENTION - STATUTORY EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO ARTICLE 5, SECTION 15061(b)(3) [THE ACTIVITY IS COVERED BY THE COMMON SENSE EXEMPTION THAT CEQA APPLIES ONLY TO PROJECTS WHICH HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE ENVIRONMENT. WHERE IT CAN BE SEEN WITH CERTAINTY THAT THERE IS NO POSSIBILITY THAT THE ACTIVITY IN QUESTION MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THE ACTIVITY IS NOT SUBJECT TO CEQA] OF CALIFORNIA CEQA GUIDELINES AND ARTICLE II, SECTION 2(i) OF CITY CEQA GUIDELINES

B. Aguirre	_____	M. Rudnick	_____
B. Jones	_____	for C. Santo Domingo	<u>DF</u>
B. Jackson	_____	N. Williams	_____



 General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Authorize the reallocation of the remaining amounts in allowance bid items in Bid Item Lines No 7, 8, 10, and 11 of Construction Contract No. 3645 (Contract), in an amount of One Hundred Twenty-Three Thousand, Nine Hundred and Fifty-Six Dollars and Thirty-Five Cents (\$123,956.35), to the construction contract contingency for the Michelle and Barack Obama Sports Complex (Formerly known as Rancho Cienega Sports Complex) Project (Project) - Phase I (Re-Bid) (PRJ20308) (PRJ21190) (W.O. #E1907694), as detailed in this Report;

2. Approve an increase to the Project's construction contract contingency in the amount of Three Hundred Ninety-Four Thousand, Two Hundred Thirty-Nine Dollars and Fifty-Five Cents. (\$394,239.55), from the current amount of Two Million, Two Hundred Forty-Four Thousand, Seven Hundred Sixty-One Dollars (\$2,244,761.00), or 5.53% of the original

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Contract award amount, to Two Million, Six Hundred Thirty-Nine Thousand Dollars and Fifty-Five Cents (\$2,639,000.55), or 6.5% of the original Contract award amount;

3. Authorize the Department of Recreation and Park's (RAP) Chief Accounting Employee or designee to revise the Funding Table associated with the Michelle and Barack Obama Sports Complex (Formerly known as Rancho Cienega Sports Complex) Project (Project) - Phase I (Re-Bid) (PRJ20308) (PRJ21190) (W.O. #E1907694) to increase the construction contingency based on the following actions:
 - a. Increase the Proposition K Inflation (Project ID S-93) funding by Two Hundred Seventy Thousand, Two Hundred Eighty-Three Dollars, and Twenty Cents (\$270,283.20).
 - b. Reallocate construction Contract allowance funding in the amount of One Hundred Twenty-Three Thousand, Nine Hundred Fifty-Six Dollars and Thirty-Five Cents (\$123,956.35) to the contingency.
4. Authorize the City Engineer to negotiate and execute the Final Closeout Change Order (FCCO) to Contract No. 3645 with Pinner Construction Co., Inc. (Pinner) as set forth in Attachment No 1 to this Report, in the amount not to exceed Four Hundred Eight Thousand, Sixty-Two Dollars (\$408,062), which will result in a cumulative total change order dollar amount not to exceed Two Million, Six Hundred Thirty-Nine Thousand Dollars, and Fifty-Five Cents (\$2,639,000.55), or 6.5% of the original contract award amount;
5. Accept the work performed by Pinner under Contract No. 3645 for the Project, and approve the full release of retention funds held in the amount of Two Million, One Hundred and Twenty-Eight Thousand, Two Hundred Twenty-Eight Dollars and Eighty-Seven Cents (\$2,128,228.87), for 100% of the original contract work completed to date, as outlined in the Summary of this Report, subject to the satisfaction of conditions listed under Article 48 of the General Conditions of the Contract and the release of any stop payment notices in connection with the Contract;
6. Authorize RAP's Chief Accounting Employee to release Two Million, One Hundred and Twenty-Eight Thousand, Two Hundred Twenty-Eight Dollars and Eighty-Seven Cents (\$2,128,228.87), to Pinner, five business days from the Board of Recreation and Park Commissioners (Board) approval of this Report, subject to the satisfaction of conditions listed in the General Conditions of the Contract and the release of any stop payment notices in connection with the Contract;
7. Authorize the Board Secretary to furnish Pinner with a letter of completion, subject to the satisfaction of conditions listed in the General Conditions of the Contract and the release of any stop payment notices in connection with the Contract;
8. Determine that the proposed Project is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061(b)(3) [The activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

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Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA] of California CEQA Guidelines and Article II, Section 2(i) of City CEQA Guidelines and direct staff to file a Notice of Exemption (NOE) with the Los Angeles County Clerk;

9. Authorize RAP's Chief Accounting Employee to prepare a check to the Los Angeles County Clerk in the amount of \$75.00 for the purpose of filing a Notice of Exemption and,
10. Authorize RAP's General Manager or Designee to make technical corrections, as necessary to carry out the intent of this Report.

SUMMARY

On June 20, 2018, the Board of Recreation and Park Commissioners (Board) awarded Phase I of the Project to Pinner Construction Co., Inc., for the amount of \$40,599,000 (Report No. 18-127). The overall project includes the design and construction of a 49,000 square-foot sports facility which replaces the existing aging structures. The scope of work also includes the rehabilitation of the existing sports fields, walkways, play areas, parking, maintenance yards and park infrastructure within the 24-acre park. Due to the extensive renovation work and funding requirements, construction of the project shall be completed in two (2) phases. Phase 1 plans and specifications were prepared by the Department of Public Works, Bureau of Engineering (BOE) Architectural Division, in conjunction with the design consultant, Studio Pali Fekete Architects (SPFA). Phase II will be completed at a later date, as funds become available.

The Phase I scope of work is constructed on the south-central portion of the Project site, and the scope includes the following:

1. Demolition of:
 - a. The existing gymnasium
 - b. The existing outdoor restroom/staff office/storage building on the southern portion of the property
 - c. Landscape, hardscape and infrastructure to accommodate new design elements
2. Construction of:
 - a. New 25,000 square foot (Celes King III) indoor pool and bathhouse facility and Fitness Annex
 - b. New 24,000 square foot gymnasium
 - c. Two (2) new restrooms and tenant improvements within the existing Tennis Pro Shop
 - d. New site and infrastructure improvements and rough grading of parking lot

The Project reached substantial completion in June 2022, and was subsequently opened to the public. However, there were still many smaller contractual items remaining, so a release of retention and acceptance of the Project could not be justified at that time.

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INCREASE OF CONSTRUCTION CONTINGENCY

On October 17, 2018, the Board approved Report No. 18-215, which revised the Funding Table for the Project identifying the necessary fund encumbrances for the Project contract award in the amount of \$40,599,000.

On February 6, 2020, the Board approved Report No. 20-024, which further revised the Funding Table to include \$1,744,761 in additional funding for construction contingency, which equated to 4.3% of the original construction contract amount.

On August 5, 2021, the Board approved Report No. 21-141, which sought to increase the construction contingency to an amount not to exceed Two Million, Two Hundred Forty-Four Thousand, Seven Hundred Sixty-One Dollars (\$2,244,761.00) or 5.53% of the original construction contract amount.

The BOE has negotiated the Final Closeout Change Order (FCCO) with Pinner for an amount of Four Hundred Eight Thousand, and Sixty-Two Dollars (\$408,062) (Attachment No. 1). The cumulative dollar amount of the FCCO exceeds the available construction contingency. Therefore, it is necessary to increase the amount of the construction contingency previously approved by the Board, to execute the FCCO.

To date, one hundred thirty-eight (138) change orders have been executed in the amount of Two Million, Two Hundred Thirty Thousand, Nine Hundred Thirty-Eight Dollars and Fifty-Five Cents (\$2,230,938), or 5.50% of the original contract award amount. This includes one (1) change order, over \$100,000, issued under the authority of Report No. 20-126 in the amount of Four Hundred and Forty-Eight Thousand, Four Hundred Sixty-Three Dollars (\$448,463), and Seven (7) deduct change orders issued for a credit to the City of One Hundred Eighty-Six Thousand, Two Hundred and Fifty-Eight Dollars (-\$186,258).

Thus, the current remaining available construction contingency is Thirteen Thousand, Eight Hundred Twenty-Two Dollars and Forty-Five Cents (\$13,822.45). The following table summarizes the change orders executed as of December 10, 2023:

Summary of Change Orders as of December 10, 2023			
	Total No. of Change Orders	Dollar (\$) Amount	Percent (%) of Contract
Executed Change Orders			
Errors and Omissions	55	\$461,747.00	1.14%
Unforeseen Conditions	42	\$714,977.00	1.76%
Change in Scope	46	\$605,751.55	1.50%
Unilateral	(6)	(-\$94,899.00)	
Executed Change Order per Board Report No. 20-	1	\$448,463.00	1.10%
Total	138	\$2,230,938.55	5.50%

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Total Approved Construction Contingency	\$2,244,761.00	5.53%
Total Remaining Construction Contingency	\$13,822.45	

A copy of the most current change order log is included as Attachment No. 2 of this Report.

Change Order No.	Description	Change Order Type	Dollar (\$) Amount	Percent (%) of Contract Amount
155	Final Closeout Change Order	U	\$408,062	1.005%
	Total		\$408,062	
Total Construction Contingency Upon Approval			\$2,639,000.55	6.50%

BOE has negotiated a Final Closeout Change Order which addresses additional intrusion alarm system equipment and infrastructure, utilities costs from the time that RAP occupied the building, additional filter boxes, tectum panels in the pool structure, and the resolution of “crush zones” between the curtain walls and main building structure. In order to execute the Final Closeout Change Order, this report requests an increase to the construction contingency in the amount of Three Hundred Ninety-Four Thousand, Two Hundred Thirty-Nine Dollars, and Fifty-Five Cents (\$394,239.55) To fund this contingency increase, this report requests the reallocation of unspent funds which were dedicated to allowance bid items in Bid Item Lines No. 7, 8, 10 and 11 of the Contract (as detailed below) in an amount of One Hundred Twenty-Three Thousand, Nine Hundred Fifty-Six Dollars and Thirty-Five Cents (\$123,956.35), and an insertion of additional funds in the amount of Two Hundred Seventy Thousand, Two Hundred Eighty-Three Dollars, and Twenty Cents (\$270,283.20) of Proposition K funding as reflected in the revised Funding Table set forth below. Upon Board approval, the total construction contingency amount would be revised to a number not to exceed Two Million, Six Hundred Thirty-Nine Thousand Dollars, and Fifty-Five Cents (\$2,639,000.55).

ALLOWANCE ORDER REALLOCATION

The Construction Contract included six (6) allowance bid items, which are items for which BOE sets aside funds so that it is not included in the contractor’s bid. All six allowance bid items have been completed, and four of the items have a balance remaining. The BOE recommends re-appropriating the funds remaining in the allowances to the construction contingency for the Project to assist with paying the FCCO as noted above. The allowance amounts proposed to be reallocated are:

- Bid Line Item No 7: Allowance Differing Site Conditions: \$300,000
Reappropriate Sixteen Thousand, Four Hundred Thirty-Three Dollars (\$16,433) to the construction contingency.

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- Bid Line Item No 8: Allowance for Payment for Permits: \$250,000
Reappropriate Ninety-Five Thousand, Seventy Dollars and Sixty-Nine Cents to the construction contingency (\$95,070.69)
- Bid Line Item No 10: Allowance for Archaeological Monitoring: \$50,000
Reappropriate Four Hundred and Thirty-Four Dollars to the construction contingency (\$434.00)
- Bid Item No 11: Allowance for the Opportunity to Partner: \$20,000
Reappropriate Twelve Thousand, Eighteen Dollars and Sixty-Six Cents to the construction contingency (\$12,018.66)

The BOE recommends a total reallocation of the remaining allowance noted above, in an amount of One Hundred Twenty-Three Thousand, Nine Hundred Fifty-Six Dollars and Thirty-Five Cents (\$123,956.35), to the construction contingency.

FUNDING TABLE

The Funding Table below represents Project funding as approved by the Board in Report No. 21-141.

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FUNDING SOURCE	FUND/ DEPT. / ACCT. NO	REVISED AVAILABLE AMOUNT
Community Development Block Grant (CDBG), United States Department of Housing and Urban Development (HUD; PY 40, FY 2014-15)	424/43/43L505	\$3,640,432
Proposition K (Sports Complex/Fitness Annex/Lighting)		
Proposition K (S93 - PY 17; FY 2013-14)	43K/10/10K213	\$100,000
Proposition K (S93 - PY 18; FY 2014-15)	43K/10/10L213	\$106,405
Proposition K (S93 - PY 19; FY 2015-16)	43K/10/10MPDB	\$750,000
Proposition K Gap Fund (S93 - PY 19; FY 2015-16)	43K/10/10MGGG	\$1,750,000
Proposition K (S94 - PY 18; FY 2014-15) Inflation	43K/10/10LK04	\$125,509
Proposition K (8 th Cycle) (C227-8; PY 17; FY 2013-14)	43K/10/10KM20	\$50,000
Proposition K (8 th Cycle) (C227-8;- PY 18; FY 2014-15)	43K/10/10LM20	\$200,000
Proposition K Reconciliation Report (2015 appropriation)	100/54/00L094	\$189,240
Prop K Inflation FY 2018-2019 (CF 17-0999) Fitness Annex (Project ID #S93)	43K/10RPBA	\$1,506,292
Other		
Sites and Facilities (2015-16)	209/88/88M211	\$1,250,000
Sites and Facilities (2016-17)	209/88/88NABB	\$2,615,913
GCP per 2018-19 Mayors Budget	100/56/000903	\$3,635,000
Quimby (WO# QT073656)	302/89/89716H	\$4,000,000
Municipal Improvement Corporation of Los Angeles (MICLA)		
MICLA (FY 2014-15) – (CF-14-0600)	298/88/88LNB1	\$7,500,000
MICLA (FY 2015-16) – (CF-15-0600)	298/50/50LTRC	\$521,431
MICLA (FY 2015-16) – (CF 15-0600) Remaining Authorized Amount	TBD	\$1,400,000
MICLA (FY-2019-20) – (CF 19-600)	TBD	\$3,250,000
Subtotal of Approved Funds		\$32,590,222
Funding Requiring Approval by Council or RAP		
MICLA FY 2020-21	298/50/50TPRC	\$6,008,778

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CDBG	424/43/43S505	\$2,000,000
(1) Subtotal of Funds Requiring Approval		\$8,008,778
Total Funds for Construction Contract		\$40,599,000
Construction Contingency		
Proposition K (S93 - Rancho Cienega Sports Center - PY22, FY 2018-19)	43K/10RPAV	\$294,761
Proposition K (C227-8 - RAP: Rancho Cienega 8th Cycle -PY 21 , FY 2017-18)	43K/10PPAI	\$250,000
Sites and Facilities (2015-16)	209/88/88M211	\$1,200,000
CDBG (PY 46; CF#19-1204)	424/43/43T505	\$500,000
Total Construction Contingency		\$2,244,761
TOTAL CONSTRUCTION ALLOCATION		\$42,843,761

Staff requests authority to approve the revised Funding Table set forth below, which reflects an increase in the funding for the construction contingency as discussed above.

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FUNDING SOURCE	FUND/ DEPT. / ACCT. NO	REVISED AVAILABLE AMOUNT
Community Development Block Grant (CDBG), United States Department of Housing and Urban Development (HUD; PY 40, FY 2014-15)	424/43/43L505	\$3,640,432
Proposition K (Sports Complex/Fitness Annex/Lighting)		
Proposition K (S93 - PY 17; FY 2013-14)	43K/10/10K213	\$100,000
Proposition K (S93 - PY 18; FY 2014-15)	43K/10/10L213	\$106,405
Proposition K (S93 - PY 19; FY 2015-16)	43K/10/10MPDB	\$750,000
Proposition K Gap Fund (S93 - PY 19; FY 2015- 16)	43K/10/10MGGG	\$1,750,000
Proposition K (S94 - PY 18; FY 2014-15) Inflation	43K/10/10LK04	\$125,509
Proposition K (8 th Cycle) (C227-8; PY 17; FY 2013-14)	43K/10/10KM20	\$50,000
Proposition K (8 th Cycle) (C227-8;- PY 18; FY 2014-15)	43K/10/10LM20	\$200,000
Proposition K Reconciliation Report (2015 appropriation)	100/54/00L094	\$189,240
Prop K Inflation FY 2018-2019 (CF 17-0999) Fitness Annex (Project ID #S93)	43K/10RPBA	\$1,506,292
Other		
Sites and Facilities (2015-16)	209/88/88M211	\$1,250,000
Sites and Facilities (2016-17)	209/88/88NABB	\$2,615,913
GCP per 2018-19 Mayors Budget	100/56/000903	\$3,635,000
Quimby (WO# QT073656)	302/89/89716H	\$4,000,000
Municipal Improvement Corporation of Los Angeles (MICLA)		
MICLA (FY 2014-15) – (CF-14-0600)	298/88/88LNB1	\$7,500,000
MICLA (FY 2015-16) – (CF-15-0600)	298/50/50LTRC	\$521,431
MICLA (FY 2015-16) – (CF 15-0600) Remaining Authorized Amount	TBD	\$1,400,000
MICLA (FY-2019-20) – (CF 19-600)	TBD	\$3,250,000
MICLA FY 2020-21	298/50/50TPRC	\$6,008,778
CDBG	424/43/43S505	\$2,000,000
Allowance Reallocation	Various	(-\$123,956.35)
Total Funds for Construction Contract		\$40,475,043.65

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Construction Contingency		
Proposition K (S93 - Rancho Cienega Sports Center - PY22, FY 2018-19)	43K/10RPAV	\$294,761
Proposition K (C227-8 - RAP: Rancho Cienega 8th Cycle - PY 21, FY 2017-18)	43K/10PPAI	\$250,000
Sites and Facilities (2015-16)	209/88/88M211	\$1,200,000
CDBG (PY 46; CF#19-1204)	424/43/43T505	\$500,000
Funding Requiring Approval by RAP		
Proposition K (S-93 GAP FY 22-23)	43K/10/10WGGG	\$270,283.20
Allowance Reallocation		\$123,956.35
Total Construction Contingency		\$2,639,000.55
TOTAL CONSTRUCTION ALLOCATION		\$43,114,044.20

HVAC AND SECURITY SYSTEMS

The Bureau of Contract Administration (BCA) issued a Statement of Completion on January 10th, 2023 (Attachment No. 3) to document acceptable construction of contract items. Afterwards, several issues were revealed with the performance and commissioning of the HVAC and Security Camera System, and Board acceptance could not be recommended at that time.

There was a disagreement between Pinner and BOE as to the full scope of work delineated in the bid documents for the Security Camera System. To address this issue, BOE issued a unilateral change order to remove this scope, which resulted in a credit to the City in the change order log in the amount of \$61,551.00. BOE is seeking updated quotes from the Information Technology Agency (ITA) to complete this scope and will transfer non-RAP project funding to ITA to complete the remaining scope of the Security Camera System.

The BOE and Pinner have been actively working to resolve warranty related issues with the operation of the HVAC system. The Final Closeout Change Order includes a deduction of approximately \$26,000 to address these HVAC warranty issues that Pinner and BOE could not resolve within the Contract. BOE has obtained non-RAP funding to resolve these warranty related issues, which include the re-commissioning of the HVAC system, implementation of a revised sequence of operations, and testing and air balancing as needed to meet design intent. The work will be completed utilizing RAP Prequalified Vendor Contracts and RAP Maintenance Staff but will not utilize RAP funds. Rather, Proposition K Funds in the amount of \$70,000 has been made available in Fund 43K/ Department 10/ Appropriation Unit No 10WGGGA to complete this work.

RELEASE OF RETENTION

A Notice to Proceed (NTP), was provided to Pinner on September 11th, 2018. The Project

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obtained a Temporary Certificate of Occupancy in June 2022, and a Final Certificate of Occupancy on December 2, 2022. As previously noted, BCA issued a Statement of Completion on January 10th, 2023 to document acceptable construction of contract items.

BCA has reviewed the Contractor's compliance with the Project Labor Agreement (PLA) requirements for the Project. They found that Pinner did not meet the PLA goals for the 50% Local Apprentice Hire and 30% Local Hire categories. BCA has performed a thorough review and analysis of the Contractor's efforts to meet the PLA and percentage of the work completed during the COVID-19 Pandemic. BCA believes that the City must consider the fact that the majority of the Rancho Cienega Sports Complex Phase 1 project was constructed during the COVID-19 global pandemic. As further noted in the BCA memo dated December 29, 2023 (Attachment No 4), *"During the course of the project, COVID-19 and related government orders enacted to address COVID-19 reduced worker availability; there was a lack of manpower across all industries, including construction, which created a hardship to achieve the local hiring requirements that were established pre-pandemic."*

Specifically, Pinner expressed the continued inability to identify and employ local workers to help achieve full PLA targeted hiring compliance, citing those individuals verbally expressed a lack of comfort and safety working on a construction site when other safer employment opportunities existed. Workforce scarcity, restrictions and safety measures affected the project's good faith efforts, which were continuously made throughout the pandemic despite these challenges. Pinner strongly believed and implored that these challenges be taken into consideration by OCC upon final review of any non-compliance and related monetary penalties imposition.

The unprecedented pandemic resulted in an abundance of atypical and unconventional City operational and policy changes, both short and long-term, including at its construction sites. Thus, the gravity of its potential effect on workforce development and retention cannot be taken lightly and also needs to be heavily considered. Because of so many variables present, it is unfair to suggest that despite the pandemic, targeted hiring adjustments would still be easy to implement, and compliance should have been achieved."

BCA has subsequently waived any penalties related to the PLA. BOE staff has consulted with the Office of Contract Compliance concerning the status of the labor compliance requirements and Affirmative Action requirements on the Project and, to date, there are no outstanding wage violations, and Pinner is in compliance with the City's policy.

The BOE has analyzed the contract documents, schedule submittals, approved time extensions, and Pinner's progress, and as part of the Final Closeout Change Order (FCCO) Negotiations, waives any Liquidated Damages per the General Conditions specifications of the Contract Documents.

The BOE recommends the Board to release the retained funds held in the amount of Two Million, One Hundred Twenty-Eight Thousand, Two Hundred Twenty-Eight Dollars and Eighty-Seven Cents (\$2,128,228.87).

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ENVIRONMENTAL IMPACT

The proposed Project consists of the allocation of additional contingency funding for the execution of a final closeout change order.

The underlining Project was previously evaluated and approved in compliance with the California Environmental Quality Act (CEQA). The Board of Recreation and Parks Commissioners (Board) adopted an Initial Study/Mitigated Negative Declaration (IS/MND - State Clearinghouse No. 2016031012), and approved a Mitigation Monitoring and Reporting Plan on December 14, 2016 (Board Report No. 16-250). Bureau of Engineering (BOE) Staff filed a Notice of Determination with the Los Angeles County Clerk on December 15, 2016.

RAP staff found that:

1. The proposed increase in funding will not involve substantial changes in the project scope requiring major revisions in the previous IS/MND due new-significant environmental effects, or an increase in the severity of previously identified significant effects;
2. The circumstances under which the Project is undertaken will not require revisions of the previous IS/MND due new significant environmental effects or an increase in the severity of previously identified significant effects;
3. There is no new information of substantial importance showing new significant environmental effects not discussed in the previous IS/MND, or an increase in the severity of previously examined significant effects;
4. There are no mitigation measures or alternatives to the project considerably different from those analyzed in the previous IS/MND that would substantially reduce one or more significant effects on the environment, but not adopted with the previous IS/MND.

RAP Staff finds that the Project was adequately assessed in the previously adopted IS/MND (SCH No. 2016031012), and that no subsequent Negative Declaration, or further addendum or other CEQA analysis is required. Staff also finds that there is no possibility that the allocation of additional contingency funding may have a significant effect on the environment.

Based on these considerations, Staff recommends that the Board determine that the allocation of additional funding is exempt from the provisions of CEQA pursuant to Chapter 5, Section 15061(b)(3) of California CEQA Guidelines and Article II, Section 2(i) of City CEQA Guidelines. RAP Staff will file a Notice of Exemption with the Los Angeles County Clerk upon Board's approval.

FISCAL IMPACT

The Project will be funded by a combination of the aforementioned funding sources. There is no immediate fiscal impact to RAP's General Fund. It is anticipated that future operations and maintenance costs of the facility should be reduced relative to the existing pool and bathhouse, as it will be a modern and energy-efficient facility, designed in accordance with the needs and recommendations of RAP, including input from RAP's Aquatics and Maintenance staff.

STRATEGIC PLAN INITIATIVES AND GOALS

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Approval of this Board Report advances RAP's Strategic Plan by supporting:

- Goal No. 3:** Create and Maintain World Class Parks and Facilities
Outcome No. 1: Newly developed open space park projects and the redesign of signature City parks
Key Metric: Number of major park projects completed.
Target: Six (6) by 2022

This Report was prepared by Ohaji K. Abdallah, Proposition K Program Manager, BOE Architectural Division, and reviewed by Steven Fierce, Division Head, BOE Architectural Division, and Darryl Ford, Superintendent, Planning, Construction, and Maintenance Branch.

LIST OF ATTACHMENTS

- Attachment No. 1 – Final Closeout Change Order Initiation Document
- Attachment No. 2 – Change Order Log
- Attachment No. 3 – BCA Statement of Completion
- Attachment No. 4 – BCA PLA Memo dated December 29th, 2023

**Reason:
Reason**

This Final Closeout Change Order (FCCO) constitutes full and final settlement of all Contractor claims of inefficiencies, loss of productivity, equitable adjustment for work performed, and disputes for work performed by Pinner, all its subcontractors, and suppliers, including all costs, mark-ups, and time impacts associated on the Rancho Cienega (Obama) Sports Complex Project.

During Construction, numerous changes were implemented to achieve successful completion of the project. The time impact of these changes were settled in Change Order No. 020, 021, 028, 034, 044, 067, and 154. Altogether, these change orders added a total of seven hundred and fifty-two (752) calendar days to the Contract time with a final Contract completion date of January 10, 2023.

This FCCO also credits to the City for the unexpended Bid Item Allowance amounts in the Contract. Per Specification Section 01212, "If any portion of an Allowance Bid is not expended or partially expended, then a deductive change order shall be issued for any portion of the allowance that is not expended".

1. The unexpended Bid Item Allowances are:

- a. BID ITEM 07 - ALLOWANCE FOR DIFFERING SITE CONDITIONS
- b. BID ITEM 08 - ALLOWANCE FOR PAYMENT FOR PERMITS
- c. BID ITEM 10 - ALLOWANCE FOR ARCHAEOLOGICAL MONITORING AND IMPACTS
- d. BID ITEM 11 - ALLOWANCE FOR OPPORTUNITY TO PARTNER

*I AGREE
WITH THE LANGUAGE
AND FINANCIAL CONTAINED
IN THIS DOCUMENT.
12/6/23*

Lastly, the FCCO compensates the Contractor for several Change Order Requests (COR) that are pending to be settled.

B. The CORs to be settled in this FCCO are:

1. COR 144 - Additional Security Equipment and Infrastructure:

- a. After the review of Submittal No. 207R1 for the Security Systems product data, Recreation and Parks (RAP) and Information Technology Agency (ITA) provided additional changes to the security system. These changes are in addition to the already executed CO No. 32.

2. COR 238 - Utilities Cost for Electric Meter M2 and M4 from June 2022 to November 2022:

- a. The Client (RAP) began utilizing the facility on June 28th, 2022. As such, the utilities should be transferred to the Client. However, the utilities were not transferred to the Client so the Contractor incurred utility costs for electrical meters M2 and M4 from June 2022 to November 2022.

3. COR 244 - Utilities Cost for Electric Meter M5 from June 2022 to November 2022:

- a. The Client (RAP) began utilizing the facility on June 28th, 2022. As such, the utilities should be transferred to the Client. However, the utilities were not transferred to the Client so the Contractor incurred utility costs for electrical meters M5, domestic water meter, fire water meter, and SoCal Gas from June 2022 to November 2022.

4. COR 241 - Addition of Filter Boxes at Fan Coil Unit (FCU):

- a. The LADBS Inspector issued a correction notice stating that "MERV 8 or better filters" were required to be installed at the FCUs located within the Community and Fitness room. The MEOR stated that these units do not require a MERV filter the FCUs are receiving filtered air from the Air Handling Units (AHUs). However, the LADBS Inspector stated that we are introducing outside air into the environment whenever a door is opened, thus we are now required to provide a MERV-rated filter on these FCUs. In the interest of time, the Contractor was directed to proceed with the installation of the filter boxes for the FCUs within the Fitness and Community room to not delay the completion of the project.

5. Utility Costs from November 17, 2022 to January 10, 2023.

- a. The Client (RAP) began utilizing the facility on June 28th, 2022. As such, the utilities should be transferred to the Client. However, the utilities were not transferred to the Client so the Contractor incurred utility costs for electrical meters M5, domestic water meter, and fire water meter from November 17, 2022 to January 10, 2023

6. COR 242 - Additional Roof Duct Supports

- a. The Contractor requested a roof duct support in RFI No. 016. The City provided a standard detail for a roof duct support in response to RFI No. 016.

7. AOR 69 - Security System Equipment Rack

- a. Per the response to RFI No. 652, the Contractor is to provide all the equipment necessary to provide a full and functional system. This resulted in an additional cable rack, patch cable, and new dedicated circuit for the new equipment.

8. AOR 49 - ACS Security Cabinets Relocated

- a. A total of 6 Security cabinets were to be installed within Gym IT Room G112. Due to the limited space, it was determined that three (3) of the cabinets that are servicing the Pool building would be relocated to the Pool Gold Storage Room P105.

9. Credit for Unfinished Warranty Work

- a. The gas line servicing AHU-1 and 2 located at the Pool Rooftop needed to be upsized due to the Contractor's request for Substitution. The Contractor performed the upsizing of the gas lines but has not recommissioned all 3 units. As the Contractor is unable to recommission the units, RAP has elected to

proceed with performing the warranty repairs to resume operations. Per Specification 01 61 10 - Guaranty / Warranty, the Contractor shall reimburse the CITY for all direct and indirect costs associated with performing this Work.

10. COR 177 - Crush Zones at Curtain Walls of Pool and Gym Building.

- a. The "Crush Zone" is the building element where the PEMB Superstructure meets the Curtain Wall System. Due to the maximum deflection of the Curtain Wall System, a "Crush Zone" needs to be incorporated into the design to prevent the Curtain Wall system from deflecting past their design limits.

11. COR 121 - AHU Panel Locations

- a. The BMS Panels that control AHU-1, AHU-2, AHU-3, AHU-4, AHU-5, and AHU-6 require a direct 120V line voltage. The Contract Drawings did not indicate where the 120V line voltage would be provided.

12. COR 103 - Pool High Roof Tectum Ceiling Panels.

- a. During the design of the PEMB structure, it was discovered through the engineered design that additional purlin bays will need to be installed in order to support the roof structure. This increased the number of bays from 26 bays to 36 bays. The additional bays resulted in additional materials and labor required for the installation of the acoustical ceiling panels.

**Description:
Description**

The final settlement agreement that was reached between the City and the Contractor is as follows:

- A. The remaining balance of the following Bid Items shall be credited to the City.
 - 1. BID ITEM 07 - ALLOWANCE FOR DIFFERING SITE CONDITIONS (\$16,433.00)
 - 2. BID ITEM 08 - ALLOWANCE FOR PAYMENT FOR PERMITS..... (\$95,070.69)
 - 3. BID ITEM 10 - ALLOWANCE FOR ARCHAEOLOGICAL MONITORING AND IMPACTS... (\$434.00)
 - 4. BID ITEM 11 - ALLOWANCE FOR OPPORTUNITY TO PARTNER..... (\$12,018.66)

I AGREE WITH THE LANGUAGE AND FINANCIALS CONTAINED IN THIS DOCUMENT.
VJ 12/10/23

The total amount to be credited back to the City will be (\$123,956.35)

B. The City shall compensate the Contractor for the following CORs/AORs:

- 1. COR 144 - Additional Security Equipment and Infrastructure..... \$83,700
- 2. COR 238 - Utilities Cost for Electric Meter M2..... \$79,844
- 3. COR 244 - Utilities Cost for Electric Meter M5..... \$31,258
- 4. COR 241 - Addition of Filter Boxes at FCU..... \$8,569
- 5. COR 244 - Utilities Cost from Nov 2022 to Jan 2023\$45,554
- 6. COR 242 - Additional Roof Duct Supports..... \$23,425
- 7. AOR 69 - Security System Equipment Rack..... \$15,216
- 8. AOR 49 - ACS Security Cabinet Relocation..... \$5,961
- 9. Credit for completion of remaining warranty items.....(\$25,000)
- 10. COR 177 - Crush Zones at Curtain Walls of Pool and Gym Building..... \$30,000
- 11. COR 121 - AHU Panel Locations..... \$20,936
- 12. COR 103 - Pool High Roof Tectum Ceiling Panels..... \$88,599

The City shall compensate the Contractor the total lump sum amount of \$408,062 to settle full and final for the above pending CORs/AORs with no time extension.

This agreement constitutes full and final compensation and resolves all outstanding items between the City and the Contractor, all subcontractors and suppliers, including all costs, mark-ups and time impacts for all work related to the Rancho Cienega (Obama) Sports Complex project, including but not limited to the above CORs and credits owed to the City for allowances not expended.

Schedule Impact: Not Critical
Activity ID:
Comments:

Total Float:

Schedule Update:

Engineer's Preliminary Cost Estimate: ADD -

COST CONTROL SUMMARY

Remaining Contingency: \$13,822.45
Forecasted Change Orders: 0
Pending Change Order Requests: 98892.5100000001
Available Contingency: -\$85,070.06

045	016-R0	Building Foundations	LS	U	10/22/20	\$50,000.00	/20		\$50,990.09	11/27/19	\$50,990.09	\$50,990.00	11/13/20	EXEC	11/24/20	0	
046	057-R0	Chase wall for Pool Mezzanine Drinking Fountain	LS	E	10/26/20	\$5,000.00	10/29/20		\$8,369.13	10/14/20	\$2,131.44	\$2,736.00	11/17/20	EXEC	11/24/20	0	
047	055-R0	Exhaust Fan Curbs and Waterproofing	LS	E	10/26/20	\$50,000.00	10/29/20		\$56,809.15	10/12/20	\$48,190.00	\$39,103.00	02/10/21	EXEC	02/17/21	0	
048	058-R0	LADBS Substrate Sheet	LS	S	11/10/20	\$5,000.00	11/10/20		\$4,311.27	10/20/20	\$4,308.66	\$4,309.00	11/23/20	EXEC	11/23/20	0	
049	059-R0	Additional Welding of ST12 TJI Straps	LS	S	11/10/20	\$1,000.00	11/10/20		\$1,445.09	11/03/20	\$1,343.45	\$1,469.00	01/15/21	EXEC	01/19/21	0	
050	063-R0	Welding Reinforcement or Pile 453	LS	U	11/23/20	\$1,000.00	11/24/20		\$661.83	11/18/20	\$661.83	\$662.00	12/12/20	EXEC	01/11/21	0	
051	061-R0	Tennis Pro Shop Ceiling Removal	LS	E	01/22/21	\$5,000.00	01/25/21		\$3,969.42	11/10/20	\$2,774.42	\$3,588.00	07/07/21	EXEC	07/09/21	0	
052	065-R0	Power to Drinking Fountain	LS	E	01/22/21	\$1,000.00	01/27/21		\$5,090.69	01/21/21	\$5,090.68	\$5,091.00	03/30/21	EXEC	04/06/21	0	
053	064-R0	Furred Wall for the DX Piping at Room G201	LS	E	01/22/21	\$1,000.00	01/25/21		\$1,984.88	01/20/21	\$2,485.17	\$2,485.00	02/24/21	EXEC	02/26/21	0	
054	071-R0 066-R0	Overhead Door, Hoists and Curtains & Circuits to Feed XPDR	LS	E	02/16/21	\$25,000.00	02/17/21		\$14,498.90 \$5,790.36	01/28/21 01/22/21	\$17,512.42	\$17,512.00	06/21/21	EXEC	06/24/21	0	
055	067-R0	Topping Slab Control Joint Details	LS	E	02/02/21	\$5,000.00	02/03/21		\$7,038.26	01/25/21	\$7,038.26	\$7,038.00	04/07/21	EXEC	04/13/21	0	
056	068-R0	Greywater Treatment Room P131 Equipment Pads	LS	S	02/02/21	\$10,000.00	02/08/21		\$9,629.31	01/25/21	\$8,560.07	\$8,560.00	07/08/21	EXEC	07/09/21	0	
057	069-R0	Water Chemistry Work Station	LS	E	02/03/21	\$25,000.00	02/08/21		\$15,229.69	01/26/21	\$15,229.66	\$15,230.00	02/18/21	EXEC	02/26/21	0	
058	079-R0	Pool Bleacher Soffit Attachment	LS	E	02/16/21	\$5,000.00	02/17/21		\$6,041.31	02/06/21	\$5,849.00	\$5,849.00	04/20/21	EXEC	04/22/21	0	
059	080-R0	Pool AHU-1 and AHU-2 Added C-Channels	LS	E	02/16/21	\$5,000.00	02/17/21		\$5,818.85	02/10/21	\$4,559.89	\$5,554.00	04/20/21	EXEC	04/22/21	0	
060	077-R0	Credit for Non-conforming concrete	LS	U	03/08/21	-\$5,000.00	03/08/21		-\$2,120.00	02/04/21	-\$6,000.00	-\$6,000.00	06/15/21	EXEC	06/21/21	0	
061	086-R0	Traffic Rated DWP Vaults	LS	U	03/16/21	\$25,000.00	03/19/21		\$24,001.39	02/17/21	\$24,000.78	\$24,001.00	04/01/21	EXEC	04/08/21	0	
062	087-R0	Wall attachment at PEMB Frame	LS	U	04/01/21	\$50,000.00	04/05/21		\$62,284.18	02/24/21	\$40,689.14	\$62,284.00	06/16/21	EXEC	07/09/21	0	
063	084-R0	Precast Concrete Stair Landings	LS	S	04/21/21	\$5,000.00	04/21/21		\$4,564.41	02/12/21	\$3,634.30	\$3,634.00	06/17/21	EXEC	06/22/21	0	
064	088-R0	Starting Platform Logo & Color Top	LS	S	04/21/21	\$5,000.00	04/22/21		\$3,044.36	03/04/21	\$3,044.36	\$3,044.00	06/03/21	EXEC	06/14/21	0	
065	116-R0	Relocate Pool Locker Room Registers	LS	S	04/22/21	\$5,000.00	04/26/21	\$2,500.00	\$2,624.22	07/28/21	\$2,642.51	\$2,643.00	08/16/21	EXEC	08/18/21	0	
066	112-R0	Pool Showerhead Revision	LS	U	04/22/21	\$10,000.00	04/26/21	\$5,000.00	\$13,788.94	07/13/21	\$13,788.94	\$13,789.00	08/17/21	EXEC	08/18/21	0	
067	093-R0	Time Extension due to Weather Delay up to April 15, 2021	LS	U	04/26/21	\$0.00	04/26/21		\$0.00	06/15/21	\$0.00	\$0.00	06/10/21	EXEC	06/14/21	16	
068	033-R0 074-R0 075-R0 076-R0 078-R0	Building Plumbing Modificatrions	LS	E	05/06/21	\$25,000.00	05/06/21		\$11,795.89 \$756.07 \$2,300.91 \$2,224.52 \$1,684.57	04/27/20 02/03/21 02/03/21 02/03/21 02/05/21	\$8,500.87	\$12,140.00	08/16/21	EXEC	08/18/21	0	
069	092-R0	AV/PA System Conduits	LS	S	05/06/21	\$50,000.00	05/11/21		\$65,684.50	06/07/21	\$45,622.02	\$45,622.00	06/09/21	EXEC	06/14/21	0	
070	089-R0	Plan Clarification No. 012 - Gas Consolidation and Site Modifications	LS	S	05/06/21	\$75,000.00	05/06/21		\$118,876.63	03/12/21	\$75,701.68	\$75,702.00	06/22/21	EXEC	07/09/21	0	
071	090-R0	Aluminum Base at Exterior Walls	LS	E	05/05/21	\$10,000.00	05/06/21		\$9,613.43	04/22/21	\$9,642.00	\$9,642.00	06/15/21	EXEC	06/22/21	0	
072	096-R0	Fire Riser Drain Line	LS	E	05/27/21	\$10,000.00	06/22/21	\$10,000.00	\$2,227.67	06/23/21	\$2,227.67	\$2,228.00	06/24/21	EXEC	06/28/21	0	

073	045-R0	Glass Change for Window Type 23	LS	S	06/22/21	\$5,000.00	06/22/21		\$2,553.18	07/21/20	\$1,669.44	\$1,669.00	09/22/21	Unilateral	09/23/21	0	
074	094-R0	Best Core in lieu of Primus Core	LS	S	06/22/21	\$25,000.00	06/22/21		\$16,013.27	06/11/21	\$16,013.27	\$16,013.00	06/23/21	EXEC	06/24/21	0	
075	109-R0	Mandrel for Electrical Main Ductbank	LS	U	06/22/21	\$10,000.00	06/22/21		\$6,513.70	06/29/21	\$6,513.70	\$6,514.00	07/08/21	EXEC	07/09/21	0	
076	095-R0	Black Paint over CMU Wall in Pool Building	LS	S	06/23/21	\$1,000.00	06/24/21		\$752.69	06/18/21	\$752.69	\$753.00	07/01/21	EXEC	07/06/21	0	
077	070-R0 081-R0 083-R0	Electrical Clarifications	LS	E	07/20/21	\$50,000.00	07/20/21		\$7,455.98 \$4,937.84 \$1,469.50	01/28/21 02/11/21 02/11/21	\$11,030.79	\$11,031.00	09/29/21	EXEC	10/01/21	0	
078	121-R0	Gas Valve Regulator with Overpressure Protection Device	LS	U	07/26/21	\$5,000.00	08/19/21	\$5,000.00	\$3,088.06	08/19/21	\$2,685.26	\$2,685.00	11/08/21	EXEC	11/15/21	0	
079	125-R0	Backwater Check Valve for PRV Vault	LS	U	08/30/21	\$5,000.00	09/02/21	\$5,000.00	\$3,471.97	10/02/21	\$3,471.97	\$3,472.00	10/07/21	EXEC	10/14/21	0	
080	133-R0	8" Backwater Check Valve Vault for Pool Building	LS	U	08/31/21	\$50,000.00	09/02/21	\$25,000.00	\$20,820.54	10/26/21	\$20,820.54	\$20,821.00	11/08/21	EXEC	11/15/21	0	
081	072-R0 113-R0	Existing Baseball Field Board Feeder & BD South 400A Disconnect Switch	LS	E	09/01/21	\$25,000.00	09/01/21		\$15,285.13 \$12,061.88	02/01/21 07/26/21	\$27,238.06	\$27,347.00	09/13/21	EXEC	09/15/21	0	
082	097-R0 114-R0	BC Controller Power in Rooms P203, G201, and P113	LS	E	09/01/21	\$25,000.00	09/01/21		\$12,728.30 \$7,826.51	06/28/21 07/26/21	\$20,369.95	\$20,555.00	09/13/21	EXEC	09/15/21	0	
083	128-R0	Post Indicator Valve for future 8" Fire Water Line	LS	U	09/01/21	\$10,000.00	09/02/21	\$10,000.00	\$11,671.33	10/08/21	\$10,727.12	\$10,727.00	12/02/21	EXEC	12/08/21	0	
084	104-R0 105-R0 107-R0	LADWP Transformer Yard Cabling and Grounding	LS	U	09/08/21	\$50,000.00	09/13/21		\$15,437.61 \$2,897.24 \$9,773.90	06/28/21 06/28/21 06/28/21	\$28,108.73	\$28,109.00	09/29/21	EXEC	09/29/21	0	
085	101-R0 115-R0 117-R0	Transformer 'T2' grounding electrode and power for Rail Light and Smoke Damper	LS	E	09/10/21	\$10,000.00	09/13/21		\$7,388.15 \$1,395.83 \$614.83	06/28/21 07/26/21 08/11/21	\$9,398.81	\$9,399.00	09/29/21	EXEC	09/29/21	0	
086	127-R0	Metal Safety Guardrail for Low Parapet Roof	LS	E	09/23/21	\$25,000.00	09/23/21		\$30,694.84	10/06/21	\$28,338.59	\$29,970.00	10/28/21	EXEC	11/02/21	0	
087	123-R0	Women's Toilet Room G100 Chase Walls	LS	U	09/27/21	\$5,000.00	10/07/21		\$1,575.45	09/14/21	\$1,575.45	\$1,575.00	10/25/21	EXEC	10/28/21	0	
088	126-R0	Extension of 4" Conduit for Future BD Lighting	LS	S	09/30/21	\$25,000.00	10/02/21	\$10,000.00	\$21,018.82	10/05/21	\$19,228.63	\$19,229.00	10/12/21	EXEC	10/14/21	0	
089	137-R0	Planter pocket for Vines at Tennis Pro Shop	LS	S	09/30/21	\$1,000.00	10/02/21	\$5,000.00	\$1,350.03	11/23/21	\$1,350.03	\$1,350.00	12/06/21	EXEC	12/08/21	0	
090	098-R0	Gas Pipe Grounding and Bonding in the Pool Building	LS	E	10/26/21	\$10,000.00	10/26/21		\$6,800.90	06/28/21	\$6,800.90	\$6,801.00	10/28/21	EXEC	10/28/21	0	
091	099-R0 100-R0	Light Fixtures Mount Changes in Rooms P202, P205, G103, and P100	LS	E	10/26/21	\$25,000.00	10/26/21		\$10,804.23 \$11,883.58	06/28/21 06/28/21	\$22,687.82	\$22,688.00	10/28/21	EXEC	10/28/21	0	
092	108-R0	Grounding at Fence Posts Adjacent to LADWP Transformer Yard	LS	U	10/26/21	\$25,000.00	10/26/21		\$20,369.37	06/28/21	\$12,221.62	\$12,222.00	12/06/21	EXEC	12/09/21	0	
093	110-R0	Rooftop Gas & Condensate at West Pool	LS	E	10/26/21	\$5,000.00	10/26/21		\$1,418.18	07/01/21	\$1,418.18	\$1,418.00	10/28/21	EXEC	10/28/21	0	
094	119-R0 129-R0 132-R0	Power to Feed to AHU #2 and EWH-1 & Relocate FCU-10 and FCU-11	LS	E	10/26/21	\$25,000.00	10/26/21		\$9,613.48 \$4,094.86 \$3,768.44	08/13/21 10/12/21 10/20/21	\$17,476.76	\$17,477.00	10/28/21	EXEC	10/28/21	0	
095	131-R0	Tennis Shop Trailer Relocation	LS	U	10/26/21	\$10,000.00	10/26/21		\$7,768.90	10/12/21	\$7,769.33	\$7,769.00	10/28/21	EXEC	10/28/21	0	
096	134-R0	Panic Hardware at Electric Room Doors	LS	E	12/21/21	\$5,000.00	12/27/21		\$7,654.85	11/02/21	\$7,654.85	\$7,655.00	01/06/22	EXEC	01/12/22	0	
097	135-R0	Rebar at Pool Stairs	LS	E	12/21/21	\$5,000.00	12/27/21		\$6,634.41	11/10/21	\$6,634.41	\$6,634.00	01/06/22	EXEC	01/13/22	0	
098	136-R0 139-R0	FCU 10 and 11 & Added Chase Walls at DF-1 in the	LS	E	12/21/21	\$10,000.00	12/27/21		\$962.00 \$7,083.68	11/15/21 12/14/21	\$8,045.61	\$8,046.00	01/06/22	EXEC	01/26/22	0	

		Pool Building					/21										
099	190-R0	Installation of the Bollards for the DWP Transformer Yard	LS	S	04/19/22	\$1,000.00	04/28/22	\$1,000.00	\$7,685.45	07/12/22	\$471.00	\$471.00	07/13/22	EXEC	07/19/22	0	
100	192-R1	Additional Smoke Detectors in the Pool Building	TM	U	04/20/22	\$10,000.00	06/27/22	\$10,000.00	\$3,869.77	08/02/22	\$2,229.63	\$3,638.00	09/01/22	EXEC	09/08/22	0	
101	160-R0 161-R0 162-R0 163-R0 166-R0	Wood Framing Modifications	LS	E	05/03/22	\$25,000.00	05/03/22		\$2,591.72 \$1,995.05 \$8,491.64 \$2,232.88 \$544.10	01/31/22 01/31/22 01/31/22 01/31/22 02/04/22	\$15,855.38	\$15,855.00	05/04/22	EXEC	05/11/22	0	
102	None Specified	Credit for 32 Bollards at the DWP Transformer Yard	LS	S	08/11/22	-\$10,000.00	08/12/22				-\$18,796.00	-\$18,796.00	03/24/23	Unilateral	03/24/23	0	
103	173-R0 172-R0	Added Evacuation Signs	LS	E	05/04/22	\$5,000.00	05/04/22		\$1,578.75 \$8,472.13	05/20/22 05/20/22	\$12,209.28	\$12,209.00	07/28/22	EXEC	08/08/22	0	
104	082-R0	Additional Photosensor Zones	LS	E	05/05/22	\$10,000.00	05/05/22		\$9,830.44	02/11/21	\$9,830.45	\$9,830.00	07/14/22	EXEC	07/19/22	0	
105	191-R0	Emergency Lighting for Type "B" Fixtures	LS	U	05/10/22	\$5,000.00	06/27/22	\$5,000.00	\$1,617.43	07/30/22	\$1,617.43	\$1,617.00	08/03/22	EXEC	08/08/22	0	
106	179-R0	Elevator Monitoring Services	LS	S	05/10/22	\$1,000.00	06/03/22		\$699.60	06/18/22	\$699.60	\$700.00	08/18/22	EXEC	08/24/22	0	
107	178-R0	Additional Smoke Detectors above Acoustical Ceiling	TM	U	06/06/22	\$50,000.00	06/14/22	\$25,000.00	\$16,146.49	06/18/22	\$12,545.59	\$14,980.00	09/21/22	EXEC	10/05/22	0	
108	149-R0 150-R0	Framing Details	LS	E	06/06/22	\$25,000.00	06/06/22		\$20,357.88 \$2,852.52	01/13/22 01/13/22	\$9,039.08	\$23,413.00	08/02/22	EXEC	08/08/22	0	
109	148-R0 167-R0	Power for Water Heaters in the Tennis Pro Shop & Added Data Conduits in Rooms P127 and P131	LS	E	06/06/22	\$25,000.00	06/06/22		\$5,884.18 \$5,403.93	01/13/22 02/04/22	\$11,288.11	\$11,288.00	08/02/22	EXEC	08/08/22	0	
110	180-R0 183-R0	Emergency Generator Modifications from LAFD	LS	U	08/12/22	\$10,000.00	08/12/22		\$1,963.31 \$7,569.97	06/18/22 06/18/22	\$9,533.28	\$9,533.00	08/17/22	EXEC	08/24/22	0	
111	181-R0 185-R0 189-R0	Global Shutdown Modifications from LAFD and Exit Sign	LS	U	08/12/22	\$10,000.00	08/12/22		\$1,450.58 \$4,772.66 \$436.47	06/18/22 06/20/22 06/20/22	\$6,659.71	\$6,660.00	08/17/22	EXEC	08/24/22	0	
112	171-R0 193-R0	Drywell Installation and Downspout Modification	LS	U	08/12/22	\$25,000.00	08/12/22		\$1,917.26 \$12,857.62	05/10/22 08/08/22	\$14,774.88	\$14,775.00	08/31/22	EXEC	09/01/22	0	
113	151-R0 184-R0	Door Thresholds and Acoustical Ceiling Panels	LS	S	08/12/22	\$5,000.00	08/12/22		\$1,532.28 \$2,855.60	01/17/22 06/20/22	\$4,387.80	\$4,388.00	08/31/22	EXEC	09/08/22	0	
114	175-R0	Chase & Expose Asbestos Pipe along South of Parking Lot	LS	U	08/12/22	\$1,000.00	08/12/22		\$831.75	06/13/22	\$831.75	\$832.00	09/01/22	EXEC	09/12/22	0	
115	177-R0	FA Conduit at Pool West Mech Roof	LS	U	08/15/22	\$5,000.00	08/17/22		\$1,342.49	06/18/22	\$1,342.49	\$1,342.00	10/25/22	EXEC	11/04/22	0	
116	196-R0	Maintenance Hole Lining	LS	U	10/04/22	\$5,000.00	10/25/22		\$6,897.39	08/26/22	\$3,079.70	\$3,080.00	03/01/23	EXEC	03/29/23	0	
117	197-R0	PIV and Backflow Identification Signage	LS	U	10/04/22	\$1,000.00	10/25/22		\$1,037.70	08/26/22	\$1,037.70	\$1,038.00	02/21/23	EXEC	03/08/23	0	
118	195-R2	Electrified Hardware for Access Control Doors	LS	S	11/04/22	\$25,000.00	11/07/22		\$24,292.70	08/22/22	\$23,356.11	\$23,356.00	02/09/23	EXEC	03/29/23	0	
119	199-R0	Additional Training Session for the Video Scoreboard	LS	S	11/04/22	\$5,000.00	11/07/22		\$1,210.00	09/22/22	\$1,210.00	\$1,210.00	12/07/22	EXEC	12/08/22	0	
120	205-R0 200-R0 202-R0 203-R0	Gate Modifications	LS	S	11/01/22	\$10,000.00	11/01/22		\$2,228.98 \$3,273.14 \$1,363.26 \$2,795.09	10/18/22 10/18/22 10/18/22 10/18/22	\$8,030.81	\$8,513.00	01/12/23	EXEC	01/17/23	0	
121	207-R0	Material Delta for Green Screen Gate Posts	LS	S	11/04/22	\$1,000.00	11/07/22		\$6,801.47	10/18/22	\$726.00	\$6,801.00	02/22/23	EXEC	03/29/23	0	
122	208-R0 210-R0	Gas Meter Enclosure & Bollards at Emergency Generator	LS	S	11/04/22	\$25,000.00	11/07/22		\$11,761.28 \$7,342.02	10/18/22 10/18/22	\$19,103.30	\$19,103.00	12/07/22	EXEC	12/12/22	0	
123	209-R0	Steel Plate in Lieu of Aluminum Plate at Door Opening in the Pool Building	LS	S	11/04/22	\$5,000.00	11/07/22		\$1,659.89	10/18/22	\$1,659.89	\$1,660.00	01/06/23	EXEC	01/15/23	0	

124	233-R0	Hand Dryers and Rigid Conduit for Graywater	LS	S	11/16/22	\$25,000.00	11/17/22		\$16,306.30	12/30/22	\$16,306.31	\$16,306.00	01/06/23	EXEC	01/13/23	0	
125	223-R0	Two additional Surface Mounted FE Cabinets	LS	S	11/16/22	\$5,000.00	11/17/22		\$4,141.94	11/22/22	\$1,477.25	\$1,477.00	03/06/23	Unilateral	03/07/23	0	
126	224-R0	Coated Heavy Duty Safety Outlet Screen for EF-1	LS	E	11/16/22	\$5,000.00	12/07/22		\$1,627.49	12/12/22	\$1,627.49	\$1,627.00	02/21/23	EXEC	03/29/23	0	
128	204-R0	Attachment to Slab of Gates P1A and P2A	LS	U	11/16/22	\$1,000.00	11/19/22		\$1,019.20	10/18/22	\$1,019.20	\$1,019.00	01/12/23	EXEC	01/17/23	0	
129	217-R0	Bollards at the Backflow Preventers	LS	S	11/16/22	\$25,000.00	11/19/22		\$10,199.11	10/31/22	\$10,199.11	\$10,199.00	01/12/23	EXEC	01/17/23	0	
130	221-R0	Transformer Concrete Pad at the Child Care Center	LS	S	11/16/22	\$5,000.00	11/19/22		\$1,047.10	11/03/22	\$1,047.10	\$1,047.00	01/13/23	EXEC	01/17/23	0	
131	222-R0	Welding Reinforcing to Pile 453	LS	U	11/16/22	\$1,000.00	11/19/22		\$889.29	11/03/22	\$889.29	\$889.00	01/13/23	EXEC	01/17/23	0	
132	218-R0	Double Dose of Color for Concrete Mockup	LS	S	01/31/23	\$5,000.00	02/01/23		\$4,284.30	11/03/22	\$1,941.01	\$2,719.00	02/09/23	EXEC	03/08/23	0	
133	226-R0	Height Increase of Wall Pads in the Gym Building	LS	S	01/31/23	\$1,000.00	02/01/23		\$453.75	12/29/22	\$453.75	\$454.00	02/01/23	EXEC	03/29/23	0	
134	174-R0	Remove Unforeseen Slurry Duct Bank	LS	U	01/31/23	\$5,000.00	02/01/23		\$6,511.00	06/13/22	\$2,699.50	\$2,700.00	03/06/23	Unilateral	03/07/23	0	
135	220-R0	Added Main Runner to Create Light Pockets	LS	U	01/31/23	\$5,000.00	02/01/23		\$3,306.40	11/03/22	\$3,306.40	\$3,306.00	02/01/23	EXEC	03/08/23	0	
136	229-R0	Cost for Added Welding at Piles	LS	U	01/31/23	\$10,000.00	02/01/23		\$10,443.18	12/29/22	\$5,437.08	\$9,186.00	03/06/23	EXEC	03/29/23	0	
137	231-R0	Added Construction Key reinforcing in the Gymnasium Mat Slab	LS	E	01/31/23	\$1,000.00	02/01/23		\$747.67	12/29/22	\$747.67	\$748.00	02/01/23	EXEC	03/08/23	0	
138	230-R0	Added Cost Due to Sistering of Rebars	LS	U	01/31/23	\$5,000.00	02/01/23		\$1,663.20	12/29/22	\$1,663.20	\$1,663.00	02/01/23	EXEC	03/29/23	0	
139	237-R0	Frame Conversion Kit for FRP	LS	S	01/31/23	\$5,000.00	02/01/23		\$1,597.20	12/30/22	\$1,597.20	\$1,597.00	02/01/23	EXEC	03/29/23	0	
140	227-R0	Shipment of Modified Curtain Wall	LS	U	03/06/23	\$5,000.00	03/06/23		\$5,182.22	12/29/22	\$5,182.22	\$5,182.00	03/23/23	EXEC	03/29/23	0	
141	144-R0	(VOID) Additional Security Equipment and Infrastructure	CAN	U	02/14/23	\$75,000.00	02/24/23		\$83,698.40	01/06/22	\$0.00			CAN			
142	155-R0 156-R0 157-R0	Gymnasium Wood Framing	LS	E	02/24/23	\$10,000.00	02/24/23	\$5,311.12 \$2,402.00 \$1,462.66		01/27/22 01/27/22 01/27/22	\$9,175.79	\$9,176.00	03/16/23	EXEC	03/29/23	0	
143	239-R0	Credit for Unused Fence at Pool Building.	LS	U	03/07/23	-\$10,000.00	03/07/23		-\$22,927.94	03/27/23	-\$29,402.02	-\$25,120.00	04/13/23	EXEC	05/03/23	0	
144	235-R0	Gym Soffit Rework	LS	S	02/24/23	\$5,000.00	02/24/23		\$5,238.85	12/30/22	\$5,238.85	\$5,239.00	02/24/23	EXEC	03/29/23	0	
145	236-R0	Mechanical Opening Clarification	LS	U	02/13/23	\$1,000.00	02/15/23		\$2,537.00	12/30/22	\$2,537.00	\$2,537.00	02/24/23	EXEC	03/29/23	0	
146	238-R0	(VOID) Utilities Cost for Electric Meter M2 and M4 from June 2022 to November 2022	CAN	U	02/24/23	\$100,000.00	02/24/23		\$87,200.16	02/24/23	\$79,844.31	\$0.00		CAN			
147	244-R0	(VOID) Utilities Cost for Electric Meter M5 from June 2022 to November 2022	CAN	U	06/06/23	\$50,000.00	06/20/23		\$34,983.23	06/20/23				CAN			
148	240-R0	Duct Modification for Air Balancing (Controls)	LS	U	03/06/23	\$25,000.00	03/06/23		\$18,586.21	04/13/23	\$18,586.21	\$18,586.00	04/13/23	EXEC	05/03/23	0	
149	245-R0	Credit to Complete Security Camera System	LS	U	03/25/23	-\$25,000.00	03/30/23		\$0.00	07/15/23	-\$61,551.28	-\$61,551.00	05/11/23	Unilateral	05/17/23	0	
150	018-R0	Underground Plumbing Insulation	LS	E	03/30/23	\$75,000.00	04/12/23		\$51,021.51	02/13/20	\$49,016.11	\$51,022.00	05/03/23	EXEC	05/17/23	0	
151	141-R0	Condensate Line for Refrigerant Box	LS	E	03/28/23	\$10,000.00	03/30/23		\$6,504.66	12/17/21	\$6,354.66	\$6,505.00	04/13/23	EXEC	05/03/23	0	

152	188-R0	Electrical Modifications for Gym/Pool	LS	U	03/28/23	\$25,000.00	03/30/23		\$749.15	06/20/22	\$11,091.86	\$11,092.00	04/20/23	EXEC	05/10/23	0
153	241-R0	(VOID) FCU Air Filter Boxes	CAN	U	06/05/23	\$10,000.00	06/20/23		\$8,569.06	05/03/23				CAN		
154	247-R0	Time Settlement Agreement		U	11/30/23	\$0.00	11/30/23		\$0.00	12/01/23	\$0.00	\$0.00	12/07/23	NEG		
155	None Specified	Final Closeout Change Order		U	12/07/23	\$200,000.00	12/07/23							UNR		

Original Contract \$40,599,000.00 Original Contingency \$1,744,761.00 Revised Contingency \$2,244,761.00	Time Extension 209 CD's Approved Comp. CD's 30 Approved Non Comp. CD's 179	Payment Type: LS: Lump Sum TM: Time & Material CAN: Canceled	CO Category: U: Unforeseen 55 \$461,747.00 E: Errors & Omissions 42 \$714,977.00 S: Change in Scope 47 \$1,054,214.55
Executed COs & UCOs \$2,230,938.55 CO Percentage 5.50% Revised Contract \$42,829,938.55 Remaining Contingency \$13,822.45		CO Status: EXEC: Executed NEG: Negotiated UNR: Unresolved CAN: Canceled	Executed COs 138 \$2,325,837.55 Executed UCOs 6 -\$94,899.00 Forecasted COs 2 \$200,000.00 Canceled COs 8 --

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LOS ANGELES, CA 90015
(213) 847-1922

<http://bca.lacity.org>

STATEMENT OF COMPLETION

FINAL FIELD ACCEPTANCE DATE

1/10/23

PROJECT TITLE

Rancho Cienega Sports Complex Phase 1

WORK ORDER NUMBER

E1907694

CONTRACTOR

Pinner Construction Co., Inc.

This project was acceptably completed in accordance with the plans, specifications and authorized changes. Acceptance of the Project by the City will follow completion of all necessary administrative processing.

Inspector of Public Works

Anthony Logston

By _____

Final Inspector

Distribution: Division Manager / District Supervisor / Bureau of Engineering / Board of Public Works

For information regarding this Statement of Completion, please contact David Miles at (213) 847-2408

MEMORANDUM

Date: December 29, 2023

To: Ohaji Abdallah, Prop K Program Manager
Architectural Division
Bureau of Engineering

From: Ian Monteilh, Compliance Program Manager
Office of Contract Compliance – Labor Compliance Section
Bureau of Contract Administration

Subject: **RANCHO CIENEGA SPORTS COMPLEX PHASE 1– DEPARTMENT OF PUBLIC WORKS PROJECT LABOR AGREEMENT TARGETED HIRING COMPLIANCE REVISED MEMO WO# E1907694**

RECOMMENDATIONS

1. Accept this contract.
2. Do not assess the liquidated damages penalty in the amount of \$99,860.60, which was identified for non-compliance of targeted hiring requirements, as discussed in this report.
3. Instruct the Director, Office of Accounting, to release the disputed funds from the project fund to Pinner.

DISCUSSION

The following summarizes the contractor’s performance on the targeted hiring component of the *City of Los Angeles Department of Public Works Project Labor Agreement (PLA)* and the *City of Los Angeles Public Infrastructure Stabilization Policy (Policy)*:

LOCAL HIRE	Tier 1 Residents	Tier 2 Residents	Non-Local Residents	Total Project	Local Hire Percentage (Mandate ± 30%)
Hours	33,260.02	13,994.94	123,413.35	170,668.31	28%
Workers	219	114	1,041	1,374	24%

LOCAL APPRENTICE	Local Apprentices	Non-Local Apprentices	Total Apprentice	Local Apprentice Percentage (Mandate ± 50%)
Hours	18,855.69	24,844.71	43,700.40	43%
Workers	131	238	369	36%

TRANSITIONAL	Transitional Workers	Non-Target Residents	Total Project	Transitional Worker Percentage (Mandate ± 10%)
Hours	22,467.29	148,201.02	170,668.31	13%
Workers	82	1,292	1,374	6%

The Rancho Cienega Sports Complex Phase 1 project was awarded by the City's Board of Recreation and Parks and was constructed from September 2018 through November 2022. The project featured 69 contractors, including the prime contractor, Pinner Construction, Inc. (Pinner), and 68 subcontractors of various tiers.

PLA Targeted Hiring Results

The following is a review of PLA project targeted hiring requirements status of each formal PLA Progress Meeting conducted by the Bureau of Contract Administration (BCA) Office of Contract Compliance (OCC) with Pinner and their 3rd-party Jobs Coordinator, TransCal Services (Transcal). The PLA Progress Meetings addressed the following project criteria: Local Hire (30%); Local Apprentice (50%); and Transitional (10%).

Upon project completion, the PLA's transitional targeted hiring mandate was met. However, the project did not meet the local hire targeted hiring mandate, achieving 28% on a 30% mandate for local hire, a difference of 3,969.80 local hire work hours, or 2%. The project also did not meet the local apprentice targeted hiring mandates, achieving 43% on a 50% mandate for local, a difference of 2,983.91 local apprentice work hours, or 7%. This resulted in an initial PLA non-compliance liquidated damages assessment in the amount of \$332,868.68, which is the sum of the liquidated damages for local hire (\$155,087.43) and local apprentice (\$177,781.25).

Upon further review of the project's total work hours, including hiring efforts made by all project contractors, the following adjustments were made to determine local hire mandate compliance:

- 5,520.5 hours were removed due to a supervisor for H&S Electric that was erroneously added to certified payrolls, per PLA Section 2.4.4. The supervisor did not perform any craftwork on the project.
- 448.27 hours were removed for workers that do not live in the State of California, per PLA Section 2.4.11.

The total project hours were reduced from 170,668.31 by 5,968.77 hours, resulting in a revised total of 164,699.5 project hours. The project performed 47,254.96 local hours, representing 28.7% of the total project hours, not compliant with the PLA's local hire mandate. The project's total apprentice hours were also reduced from 43,700.40 by 300.02 hours for apprentices not residing not live in the State of California, resulting in a revised total of 43,400.38 project apprentice hours. The project performed 18,855.69 local apprentice hours, which represents 43% of the total project hours, not compliant with the PLA's local apprentice mandate.

BCA Efforts and Monitoring

The BCA spent over 1,400 staff hours working with Pinner and their subcontractors, providing assistance, clarity, encouragement, education and sometimes, enforcement actions related to the PLA processes and helping to ensure that career opportunities for local residents were not missed on this project.

These efforts included, but were not limited to:

- 207 PLA documentation reviews in advance of individual contractor mobilization
- 113 project related correspondences to discuss prevailing wage and PLA compliance
- 135 project-related emails
- 104 Transitional Worker certification forms
- 70 in-person and virtual project-related meetings

Pre-Construction and Progress Meetings:

August 22, 2018 - PLA Pre-Construction Meeting

Pinner and TransCal Services discussed and acknowledged PLA requirements.

July 9, 2019 - 10% PLA Progress Meeting

Local Hire @ 23%; Local Apprentice @ 37%; Transitional @ 14%

March 3, 2020 - 30% PLA Progress Meeting

Local Hire @ 29%; Local Apprentice @ 45%; Transitional @ 11%

August 19, 2020 - 50% PLA Progress Meeting

Local Hire @ 32%; Local Apprentice @ 45%; Transitional @ 12%

June 17, 2021 - 70% PLA Progress Meeting

Local Hire @ 30%; Local Apprentice @ 45%; Transitional @ 12%

September 2, 2021 - 90% PLA Progress Meeting

Local Hire @ 29%; Local Apprentice @ 43%; Transitional @ 12%.

BCA conducted a careful and thorough review of information provided by Pinner and TransCal Services, as well as internal certified payrolls received, correspondence, documentation and other pertinent project data to determine the project's overall efforts to achieve full targeted hiring compliance with the PLA and calculate any potential liquidated damages, based upon that review.

Potential Liquidated Damages Calculations

Understanding that Pinner did not meet the PLA's hiring mandates, BCA therefore considered all factors while calculating any possible penalties and forming any possible recommendations. Section VIII (4)(a) of the Public Works Infrastructure Stabilization Policy states, "The Prime Contractor shall pay liquidated damages equal to the average journeyman project wage for

each hour the Covered Project fell short of the targeted hiring, or \$500 per day (8 hours = 1 day), whichever is greater.”

- Calculating the local hire liquidated damages, per the Public Works Infrastructure Stabilization Policy, the shortfall of targeting hiring hours presented the greater calculated liquidated damages of \$155,087.43.

Option 1	Avg Journeyperson Hourly Wage		Hours the project fell short of targeted hiring		
	\$ 71.97	x	2,154.89 hours	=	\$ 155,087.43
Option 2	\$ 500 per day	x	269.36 days	=	\$ 134,680.63

- Calculating the local apprentice liquidated damages, per the Public Works Infrastructure Stabilization Policy, the shortfall of targeting hiring hours presented the greater calculated liquidated damages of \$177,781.25.

Option 1	Avg Apprentice Hourly Wage		Hours the project fell short of targeted hiring		
	\$ 49.35	x	2,844.50 hours	=	\$ 140,376.08
Option 2	\$ 500 per day	x	355.56 days	=	\$ 177,781.25

- Specifically, BCA examined what damages occurred due to the failure to achieve the 50% local apprentice goal. Because this involves lost apprentice wages, the BCA used the average apprentice wage of \$49.35 to calculate the potential penalty, or damage, rather than using the average journeyperson hourly wage of \$71.97 as noted in the Policy. The average apprentice hourly wage more accurately reflects the wages lost and damage to the public.

If the local apprentices had worked the 2,844.5 hours, they would have earned an average hourly rate of \$49.35, with a total local community wage reinvestment of \$140,376.08. Since the project did not meet the local apprentice mandate, that \$140,376.08 in wages was not reinvested into the local communities in wages, benefits, and hours toward becoming a journey level crafts person.

The BCA acknowledges that the project exceeded the Transitional Worker hiring mandate by 5,400.46 hours. While Pinner did not meet the local hire and local apprentice mandates on this project, Pinner did provide more work hours to Transitional workers than what was required. However, the Transitional Worker hours are already included in the project’s local hire hours total.

Project’s Efforts to Achieve PLA Compliance

Section VII of the Public Works Infrastructure Stabilization Policy allows that a contractor may be deemed in compliance if it demonstrates that it has met certain requirements. Thus, BCA reviewed Pinner’s efforts to determine if evidence of willful non-compliance was present, its history with the City on PLA-covered projects, and its “good faith” efforts to achieve targeted hiring compliance.

Evidence of Willful & Deliberate Non-Compliance

The BCA found no evidence that Pinner's inability to achieve the 30% local hire and 50% local apprentice hours goals was willful. Also, no evidence existed to suggest a disregard for achieving the targeted hiring mandates.

Pinner's History with the PLA

The BCA has limited history with Pinner and their efforts to achieve PLA compliance with previous projects awarded by the City. In July 2005, Pinner was previously awarded the Los Angeles Police Department's Harbor Replacement Station and Jail (Harbor) project, which contained a 30% local hire hours goal, but was not covered under specific PLA terms and conditions.

While Pinner was only able to achieve 18% on the 30% goal on the Harbor project, it was documented in the joint Department of Public Works Board Report, dated October 8, 2010, that all parties used the Harbor project experience to learn, adapt and improve their respective local hire initiatives. It is also noted that in 2005, Pinner was under a different ownership group and the current management was not involved in that project. There are no other PLA projects awarded to Pinner.

Project's Good Faith Efforts

The BCA also does not have strong evidence to suggest that Pinner's failure was due to a lack of "good faith" in their effort. The BCA verified that Pinner hired TransCal to serve as its third-party Jobs Coordinator. Section VI of the Public Works Infrastructure Stabilization Policy outlines the Jobs Coordinator's responsibilities on each covered project. Based on that information, Transcal's specific efforts were reviewed to help determine the project's overall good faith effort.

- TransCal oversaw the submission of over 40 separate craft request forms to the PLA's signatory unions to request local workers, including apprentices. The BCA reviewed those craft request forms, along with multiple documented email exchanges between several project contractors, Transcal and trade union hiring hall representatives when local workers were requested, but none were available for dispatch to the project. However, the project was able to employ 89 first-period apprentices, including 41 first-period local apprentices.
- Transcal identified transitional worker referrals while maintaining a daily presence at the project site and conducting interviews with workers that were present. Specifically, Transcal helped to ensure that 84 transitional worker certified local workers participated on the project, including 42 individuals with a criminal history background 28 individuals without a high school diploma or GED.
- Transcal held a project specific Job Fair at the project site on August 10, 2018 and another Community Outreach Event on October 31, 2018, where over 20 groups attended, including project contractors, union apprenticeship programs and community-based organizations. Over 40 community members attended and interacted directly with the trade unions in attendance, including IBEW Local 11, UA Local 250, the painters and

glaziers of DC36 and Laborers Local 300. The contractors in attendance included, Civil Works Corporation, Condon Johnson & Associates, DH Surveying & Mapping, Donald Hoover Co., H&S Electric Inc, and Pinner.

Transcal was able to initially place two event participants, both whom lived across the street from the project site, to work on the project. Upon their work conclusion, both individuals were subsequently referred to and hired on the City's Parker Center Demolition project, also covered by the PLA.

- From February 2019 through the project's completion, Transcal started and maintained the project's, "Section 3 Employment Applicant List," which was maintained in the office of the Rancho Cienega Sports Complex Park Director. This resulted in 50 individuals meeting with Transcal, including a City resident receiving a bricklayer apprentice sponsorship by Winegardner Masonry, a project subcontractor, in August 2020.
- On August 29, 2019, Pinner, Transcal Services and 10 project subcontractors participated in the Baldwin Hills Crenshaw Mall Community Outreach Event and Career Fair.
- On June 7, 2021, Transcal's Program Manager and Field Coordinator met with six individuals from the local community that were prioritized and selected by the Rancho Cienega Sports Complex Park Director. However, after the meeting, none of the six decided to pursue jobs in construction. However, these meetings further demonstrate Transcal's visibility and responsive outreach effort throughout the project.

Other documentation reviewed satisfied the regulation requirements set forth in the Policy. As shown by both Pinner's efforts working with the PLA's signatory unions and their Jobs Coordinator with the aforementioned craft request forms and transitional referrals, Pinner attempted to hire local workers, including local apprentices and transitional workers.

Final Potential Liquidated Damages

Given the totality of information surrounding this project, as is customary with other PLA covered projects non-compliance, if recommended for assessment, BCA assigned modified damages at 30% of the potential penalties based on the following:

- Local hire, based on the average journeyman wage for the contractor's failure to achieve the identified 30% local hire requirement. The penalty would therefore be calculated at 30% of the \$155,087.43 to equal \$46,526.23.
- Local apprentice based on the average apprentice wage for the contractor's failure to achieve the identified 50% local apprentice requirement. The penalty would therefore be calculated at 30% of the \$177,781.25 to equal \$53,334.38.

Combined, the total potential modified damages equal \$99,860.60.

Other Considerations

However, BCA also considered that the majority of the Rancho Cienega Sports Complex Phase 1 project was constructed during the COVID-19 global pandemic. On March 16, 2020, when the City issued its pandemic's state of emergency, the project was only at 34% completion, and was non-compliant with the requirements for local hire (29%) and local apprentice (45%). While the project did temporarily achieve compliance with the local hire mandate in August 2020, it was unable to maintain and fell below the 30% benchmark by September 2021. This was due to specialized contractor work, where apprentice utilization was limited to those individuals that had previous experience performing the specialized work and experienced local apprentices were largely unavailable.

During the course of the project, COVID-19 and related government orders enacted to address COVID-19 reduced worker availability; there was a lack of manpower across all industries, including construction, which created a hardship to achieve the local hiring requirements that were established pre-pandemic.

Specifically, Pinner expressed the continued inability to identify and employ local workers to help achieve full PLA targeted hiring compliance, citing that individuals visiting the site verbally expressed a lack of comfort working on a construction site when they believed that other safer employment opportunities existed. Workforce scarcity, workplace restrictions and safety measures affected the project's outreach recruitment efforts, which were continuously made throughout the pandemic despite these challenges. Pinner implored that these challenges be taken into consideration by BCA upon final review of any non-compliance and related monetary penalties imposition.

The unprecedented pandemic resulted in an abundance of atypical and unconventional City operational and policy changes, both short and long-term, including at its construction sites. Specifically, BCA inspection personnel helped to ensure that all employees wore proper masks and other protective equipment, regardless of working conditions, social distancing was implemented to the greatest extent possible and all project-related meetings were conducted virtually. Thus, the gravity of this stated effect on workforce development and retention was not taken lightly and heavily considered. Because of so many variables present, consideration was given to the impact the pandemic had on the project's workforce and achieving local hire requirements.

Thus, due to Pinner's history, efforts to achieve targeted hiring through a Jobs Coordinator and the hardships created by the COVID-19 global pandemic, the BCA does not recommend assessing the liquidated damages penalty of \$99,860.60 for PLA targeted hiring non-compliance. Additionally, the OCC Labor Compliance Section has reviewed its files and confirms that there are no other labor compliance issues relating to this project.