File #: 21-387, **Version:** 2 **Item #:** C-5.

CC - Adoption of Resolution Adopting a Labor Compliance Program (LCP) for the Culver Boulevard Stormwater Filtration/Retention Project, PR-002 in Accordance with State of California Proposition 84 Grant Requirements, and Authorizing the City Manager, or his Designee, to Submit the LCP to the Department of Industrial Relations for Approval.

Meeting Date: November 9, 2020

Contact Person/Dept: Lee Swain/PW
Phone Number: 310-253-6421

Fiscal Impact: Yes [] No [x] **General Fund:** Yes [] No [x]

Public Hearing: [] **Action Item:** [] **Attachments:** [x]

Commission Action Required: Yes [] No [] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (11/04/2020)

Department Approval: Charles D. Herbertson, PW Director/City Engineer (10/14/2020)

RECOMMENDATION

Staff recommends the City Council adopt a Resolution adopting a Labor Compliance Program (LCP) for the Culver Boulevard Stormwater Filtration/Retention Project, PR-002 (Stormwater Project) in accordance with State of California Proposition 84 grant requirements, and authorizing the City Manager, or his designee, to submit the Labor Compliance Program to the Department of Industrial Relations for approval.

BACKGROUND/DISCUSSION

The Stormwater Project will consist of a retention basin and filtration system to capture and treat stormwater/urban runoff from approximately 297 acres of drainage area. The Stormwater Project proposes to utilize this opportunity to construct a retention basin and a filtration system underneath the new landscaped median and bikeway between Sepulveda Boulevard and Elenda Avenue which is part of the Realignment Project. A portion of the captured run-off is proposed to be stored in an underground retention basin and will be used to supplement the required irrigation for the proposed landscaping along Culver Boulevard. The excess captured run-off will be filtered and discharged back

into the Harter Avenue storm drain downstream of the project as treated water. In addition, the Stormwater Project was also designed to send captured runoff to Veteran's Park for irrigation purposes. A dedicated wet well, pump system, and an irrigation supply line that will terminate at the cul de sac of Culver Blvd (North) will be constructed to convey captured runoff to Veterans Memorial Park for future irrigation use, thereby supporting the City's water conservation efforts.

State Water Board Grant Agreement

On August 30, 2018, the State Water Board officially approved the grant award in the amount of $3,300,000. On September 24, 2018, the State Board notified the City of the Prop 1 grant award in the amount of $4,478,796. At the January 28, 2019 City Council meeting, the City Council approved a budget amendment to appropriate Santa Monica Bay Restoration Commission Prop 84 and State of California Prop 1 Grant Funding in the Amount of $3,300,000 and $4,478,796, respectively, for the Stormwater Project. The State Water Board finalized the Grant Agreement and the agreement was executed by the City on October 17, 2019 and the State Water Board on December 18, 2019.

The State Water Board Grant Agreement (Grant Agreement) includes many requirements of the City including preparation of a Labor Compliance Monitoring and Reporting Plan (MRP) and adoption and enforcement of a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.5(b).

On September 23, 2019, City Council approved a professional services agreement with Michael Baker International (MBI) for construction management and inspection services in an amount not-to-exceed $1,248,951, approximately one month prior to the City signing the Prop 84 grant agreement with the State of California. The MBI Agreement provided monitoring services, including collecting certified payrolls, monitoring employer payroll, performing spot audits and providing random onsite interviews with representative crafts for construction of the project. However, it was not until City staff actually submitted requests for reimbursement to the State that it was determined that more in depth Labor Compliance Monitoring and reporting was required. The Proposition 84 Grant requires that the City have an LCP in place. This requires the City submit evidence of its capacity and ability to operate an effective LCP. The LCP must present experienced team members and training of the staff that implement the LCP and possess a quality, up-to-date enforcement manual. MBI is providing these additional services which will include implementation and operation of the LCP; provide a Labor Compliance Inspector; develop a Labor Compliance Manual; provide monthly Labor Compliance Reports and Annual Reporting. The reports will notify the General Contractor and all subcontractors with a summary of any issues that require responses to be in conformance with State Labor Code.

FISCAL ANALYSIS

There is no fiscal impact associated with the adoption of the Resolution. All costs associated with the implementation of the Labor Compliance Program are covered under the existing MBI Agreement.

ATTACHMENTS

1. Resolution Adopting Culver City Labor Compliance Program Manual (including the LCP as Exhibit A)

MOTION

That the City Council:

Adopt a Resolution adopting a Labor Compliance Program (LCP) for the Culver Boulevard Stormwater Filtration/Retention Project, PR-002 in accordance with State of California Proposition 84 grant requirements, and authorizing the City Manager, or his designee, to submit the LCP to the Department of Industrial Relations for approval.