

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
MINUTES - FACILITIES MASTER PLANNING & OVERSIGHT COMMITTEE
Educational Services Center
Board Room – First Floor
770 Wilshire Boulevard
Los Angeles, CA 90017
Wednesday, September 20, 2017
1:30 p.m. – 2:45 p.m.**

Committee: Ernest H. Moreno, Chair; Steven F. Veres, Vice Chair; Mike Fong, Member; and Sydney K. Kamlager, Board Alternate

Trustee Moreno called the meeting to order at 1:40 p.m.

PUBLIC SPEAKERS

None.

Trustee Moreno stated that today's Committee meeting is the Appeal Hearing on Award of Contract for RFP 02-03-17 filed by AECOM Technical Services (AECOM). AECOM is protesting the award of the Program Management Officer (PMO) contract to Jacobs Project Management Company. This Committee will serve as the neutral hearing officers for this matter. After considering all information presented at today's hearing, the Committee will make a recommendation to the full Board at the Board of Trustees meeting on October 4, 2017 regarding this appeal.

Trustees Moreno noted that a family member is employed by one of the subcontractors. To avoid any appearance of biased or favoritism Trustee Moreno will not participate in the hearing of AECOM's appeal. Board President Sydney K. Kamlager will serve as a Board alternate and Trustee Veres will serve as the Chair of the Committee.

CLOSED SESSION

~~Recess to Closed Session in accordance with the Ralph M. Brown Act, Government Code sections 54950 et seq., and the Education Code to discuss the matters on the posted Closed Session agenda pursuant to Government Code section 54954.5 (Refer to Attachment "A" for Closed Session agenda)~~

Mr. Jeffrey Prieto, General Counsel noted for the record that closed session was canceled.

HEARING

Consideration of the Appeal of the Protest Filed by AECOM Regarding Award of the Program Management Services Agreement to Jacobs Engineering

The following documents were distributed:

- AECOM Technical Services, Inc.'s Appeal Bid Protest September 20, 2017
Re: Request for Proposals No. PM 02-03-17 – LACCD Bond, Program Propositions A and AA/Measure J and CC, Program Management Services

- O'Melveny document entitled "Bid Protest Appeal by AECOM Technical Services, Inc., Request for Proposals No. PM 02-03-17 for LACCD, bond Programs A and AA/Measures J and CC Program Management Services"
- Additionally, prior to the hearing, committee members were provided access to the full record of the appeal and protest proceedings.

Mr. Prieto explained the hearing procedures as follows:

- Testimony from AECOM representatives – 15 minutes
- Response from Jacobs representatives – 15 minutes
- District presents its position – 10 minutes
- Close Public Hearing
- Committee questions, discussion, and action

Trustee Veres opened the hearing and called AECOM to begin its presentation.

Mr. Daniel R. Suvor, Attorney, O'Melveny & Meyers LLP, for AECOM presented the Protest Appeal by AECOM Technical Services, Inc. The presentation contained a slide show, which received as part of the record of proceedings.

Trustee Veres called the Jacobs Project Management Company (JPMCo) representative for a response.

Ms. Candace L. Matson, Counsel, Sheppard Mullin Richer & Hampton LLP, spoke on behalf of JPMCo. She introduced Mr. Lewis P. Cornell, West Area Vice President and General Manager, JPMCo.

Ms. Matson made a presentation, providing the Committee with JPMCo's arguments in rebuttal of the allegations contained in AECOM's protest.

Mr. Cornell discussed various issues of concern to him with respect to the AECOM allegations. He alleged that AECOM was not part of the negotiation process and therefore has no merit claiming that its price is several million dollars below the negotiated price. He thanked the District for selecting JPMCo through the RFP oral presentation and negotiation process.

Trustee Veres called the District's representatives for their presentation.

Dr. Robert B. Miller, Vice Chancellor for Finance and Resource Development, stated that he was the lead evaluator of the evaluation group that reviewed the proposals. He discussed various components with respect to the process, results, and addressed some of the arguments raised by AECOM in its appeal. He stated that the District went to great efforts to ensure that the process was professional, fair, and transparent. There were no preconceptions, no preferences, and the District considered this to make sure it approached the outcome in a non-preferential way.

Dr. Miller stated that in conclusion, based on the evidence staff recommends, that this Committee recommend that the Board of Trustees deny the protest and appeal and affirm the award to JPMCo.

Trustee Veres closed the Hearing and opened the matter for discussion.

A question and answer session was conducted with respect to various components regarding the RFP process, hearing, and presentations.

Trustee Veres stated for the record "that there were no evaluation factors of previous work performed from either AECOM or JPMCo that were applied in the RFP process."

Dr. Miller stated no, no other factors were considered other than the RFP process.

Trustee Veres entertained a motion to make a recommendation to the full Board. He indicated that the recommendation will be included on the October 4, 2017 Board of Trustees agenda. The Board's decision will constitute the District's final decision on the appeal.

Motion by Trustee Kamlager, seconded by Trustee Veres, to approve and adopt the following recommendations to the Board to:

- 1) Waive all deviations, irregularities, errors or omissions in connection with the Request For Proposal (RFP) process; or in Jacob's Project Management Company proposal or in regard to Jacob's Project Management Company's compliance or non-compliance with the requirements of the RFP documents; and
- 2) Deny the appeal of AECOM Technical Services; and
- 3) Confirm the award of the Los Angeles Community College District Bond Program Propositions A and AA/Measures J and CC Program Management Services contracts to Jacobs Project Management Company; and
- 4) Find that by objecting to the procedures, terms, conditions, or requirements of the RFP prior to submitting its proposal, AECOM Technical Services waived its right to protest on such grounds.

*APPROVED: 2 Ayes (Kamlager/Veres)
1 Abstention (Fong)*

FACILITIES MASTER PLAN

Los Angeles Southwest College Facilities Master Plan Update 2017-2022

Due to time constraints, this item was not discussed.

INFORMATIONAL ITEMS

Program Management Office Semi-Annual Report

Action Construction Summary

Due to time constraints, this item was not discussed.

SUMMARY – NEXT MEETING

None.

ADJOURNMENT

There being no objection, the meeting was adjourned at 2:57 p.m.