



Negotiation Session Progress

Session	Accomplishment
February 12	Initial Planning Meeting Among Agency and Building Trades
February 22	Agency agreed to use Building Trades PLA Template
Between February 19 and March 15	<ul style="list-style-type: none">✓ Exchanged six (6) drafts✓ Held four (4) multiple-hour negotiation sessions✓ Reduced significant areas for negotiation from 33 to six (6)
March 23 and 30	Future Negotiation Sessions
April 12	Target date for PLA presentation to Agency Board of Supervisors



Negotiations Attendees

Name	Affiliation
Jesse Avila	Deputy County Counsel, Monterey County
Dave Chardavoyne	General Manager, Monterey County Water Resources Agency
Ron Chesshire	Monterey/Santa Cruz Building Trades Council
Joan Cox	Outside Counsel, Monterey County Water Resources Agency
Ron Drake	Program Manager for Monterey County Water Resources Agency
Jolene Kramer	Outside Counsel, Monterey/Santa Cruz Building Trades Council
David Rosenthal	Outside Counsel, Monterey County Water Resources Agency
Sharon Seidenstein	Outside Counsel, Monterey/Santa Cruz Building Trades Council
Tony Skinner	Tri Counties Building and Construction Trades Council



Significant Areas Agreed Upon in March 16 Negotiation Session

- Definition of covered work
- Exclusion/Inclusion of off-site manufacturing work
- Agency obligations re: prevailing wage requirements
- Composition of labor/management committee

Current Status of Remaining Significant Areas Requiring Resolution

1. Availability of services with signatory trade crafts within County

Agency has proposed compromise language.

2. Exclusion of Required Environmental Mitigation

Requested by Agency since such requirements are unknown as to scope, duration and location.

Current Status of Remaining Significant Areas Requiring Resolution (cont'd)

3. Effectiveness of PLA

Agency proposes language contained in Board Order WRAG 16-007 (regarding a favorable vote on AB 1585 accompanied by adequate funding for a design-build project) and requirement for a favorable 218 vote.

4. Composition of Arbitration Panel

Agency proposes a joint Building Trades/Contractor selection process.

Current Status of Remaining Significant Areas Requiring Resolution (cont'd)

5. Payment into Building Trades Benefit Plans for Non-Referral Employees

Agency proposes to exclude such payments to avoid double payment of benefits.

6. FERC-related Requirements for Background Checks for Personnel Working at Dam Sites

Agency requires inclusion in PLA.

Project Delivery Approach Decision Matrix

Previous staff presentations and BOS requested actions related to comparison of Project Delivery Approaches: AB155 vs P3

Date	Staff presentation	BOS request / direction
Dec 15, 2015	Introduced Private / Public Partnership (P3) concept	Request for a comparative decision matrix between AB155 and P3
Feb 9, 2016	Presented DRAFT AB155 / P3 Decision Matrix	Request for matrix refinement and fill-in of weighting factors
Mar 22, 2016	Presenting scaled-down version of Decision Matrix	

Alternatives

- **Design-Build pursuant to AB 155**
 - Follows Public Contract Code and SB 785 procurement process requiring pre-qualification of bidders.
 - CEQA approval required before solicitation of DB contractor.
 - Requires completion of preliminary engineering and environmental work by the Agency prior to solicitation.

Alternatives

- **P3 (Public Private Partnership) – Design- Build-Finance pursuant to California Code 5956**
 - Authorized by CA Government Code Section 5956 – California Infrastructure Investment Act
 - Exempt from CA Public Contract Code procurement process
 - P3 concessionaire provides project development financing
 - CEQA approval not required before solicitation.
 - P3 concessionaire provides Guaranteed Maximum Price
 - State funding not allowed

Delivery Approach Decision Matrix

CATEGORY	CRITERION	AB 155 / AB 1585* DESIGN-BUILD			P3		
		YES	NO	TBD	YES	NO	TBD
FINANCING	State Funding Feasible	X				X	
	Federal Funding Feasible	X			X		
	Local Funding Feasible	X			X		
	Private Funding Feasible	X			X		
	Expedites Prop 218 Vote		X		X		
	Identifies Guaranteed Maximum Price Prior to Prop 218 Vote		X		X		
	Provides Overall Lowest Cost to Stakeholders			X			X



Delivery Approach Decision Matrix

CATEGORY	CRITERION	AB 155 / AB 1585* DESIGN-BUILD			P3		
		YES	NO	TBD	YES	NO	TBD
SCHEDULE	Interim Financing Available Prior to Prop 218 Vote			X	X		
	CEQA Approval Required Before Procurement	X				X	
PLA	PLA Required	X				X	
OCIP	OCIP Feasible	X			X		
REGULATORY	Reduces Change Order Risk from Regulatory Requirements		X		X		



Delivery Approach Decision Matrix

CATEGORY	CRITERION	AB 155 / AB 1585* DESIGN-BUILD			P3		
		YES	NO	TBD	YES	NO	TBD
STAKEHOLDER SUPPORT	Reduces Financial Burden to Stakeholders			X	X		
GOVERNING STATUTES	Procurement Approach	AB 155 / AB 1585 Public Contract Code			Government Code 5956		
COST	Project Delivery Approach Increases Project Costs	X			X		



