



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: PW/Flood Control
Department No.: 054
For Agenda Of: April 2, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote

TO: Board of Directors, Flood Control and Water Conservation District
FROM: Department
Director(s) Chris Sneddon, Public Works Director, (805) 568-3010
Contact
Info: Walter Rubalcava, Deputy Director – Flood Control, (805) 568-3436
SUBJECT: **Amendment No. 2 to the Agreement for Services of Independent Contractor with
Filippin Engineering for the Santa Monica Debris Basin Operational
Improvements Project, First Supervisorial District**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management and CEO Budget

As to Form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute Amendment No. 2 to the Agreement for Services of Independent Contractor with Filippin Engineering (a local vendor) to provide construction management and inspection services for the Santa Monica Debris Basin Operational Improvements Project (BC 22-071), increasing the contract amount from \$893,357.00 to a not to exceed limit of \$1,117,107.00, an increase of \$223,750.00 and to extend the term from June 30, 2024 to June 30, 2025;
- b) Authorize an increase of \$22,375.00 to the contingency amount of \$89,335.70 to a total contingency amount of \$111,710.70 to the Agreement for Services with Filippin Engineering for additional work needed to complete the project;
- c) Approve Budget Revision Request (BJE No. 0009607) to increase appropriations of \$2,082,700 in the Public Works South Coast Flood Zone fund for Capital Asset Infrastructure for the Santa Monica Debris Basin Operational Improvements Project funded by an increase in unanticipated federal revenue from the Natural Resources Conservation Service (4/5 vote required); and

- d) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the action is an Amendment to a contract for an existing and ongoing project. The Santa Monica Debris Basin Operational Improvements Project, including the Agreement for Services of Independent Contractor with Filippin Engineering, was determined by the Board to be exempt from CEQA pursuant to CEQA Guidelines Section 15301(d), consisting of repairs, maintenance, and minor alterations of existing public facilities, involving negligible or no expansion of use. A Notice of Exemption was prepared December 17, 2020 and filed with the Clerk of the Board on January 4, 2021, and is available at: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5706722&GUID=7235F45C-E638-4DBC-92D2-F66C9B25AD06>. The current action to approve a Contract Amendment consists of organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary Text:

This item is on the agenda in order to approve Amendment No. 2 to the agreement with Filippin Engineering for construction management and inspection services for work necessary to complete the Santa Monica Debris Basin Operational Improvements Project (Attachment A) and to approve Budget Revision Request (BJE No. 0009607) to increase appropriations in the Public Works South Coast Flood Zone for Capital Asset Infrastructure funded by an increase in unanticipated federal revenue from the Natural Resources Conservation District (NRCD – Attachment B).

On June 28, 2022, the Board entered into an agreement with Filippin Engineering for construction management and inspection services for the Santa Monica Debris Basin Operational Improvements Project (Attachment C), in the amount of not to exceed \$749,960 with a term expiring on June 30, 2024.

On January 9, 2023, a storm filled the Santa Monica Debris Basin to capacity. With the Santa Monica Debris Basin Operational Improvements Project in a break period, the inlet towers in the basin had not been constructed to completion. As a result, excavation of the basin and clearing the newly constructed towers was required. Filippin Engineering was requested to provide inspection and construction management services. These services were not anticipated in the original contract as the original contract had a break in schedule between January 2023 and April 2023, thus requiring Amendment No. 1 (Attachment D).

On May 2, 2023, the Board approved Amendment No. 1 to the agreement with Filippin Engineering for construction management and inspection services for work necessary to complete the Santa Monica Debris Basin Operational Improvements Project in the amount of \$143,397 to a total contract amount of \$893,357. The Amendment increased the contingency amount by \$14,340 to a total contract contingency amount of \$89,336.

During construction, existing field conditions and inconsistencies in the original as-built plans have caused changes to the design of the project. In-field changes were unavoidable due to existing infrastructure conditions and locations and were necessary to provide a design that allows the Santa Monica Debris Basin to operate at its full capacity. At this time, two Contract Change Orders have been executed with

the construction contractor and a third is in progress, adding additional working days to the construction contract. As a result, Filippin Engineering was requested to provide additional inspection and construction management services for the extended construction period that was not originally anticipated in the original contract and exceeds the contingency amount.

Background:

The Santa Monica Creek Debris Basin Operational Improvements Project is located on Santa Monica Creek, approximately 3,500 feet north of Foothill Road, near the City of Carpinteria. The Santa Monica Debris Basin was built in 1977 by the Soil Conservation Service (SCS, now the NRCS) as part of Carpinteria Valley Watershed Project.

During the 1-9 Debris Flow the Santa Monica Debris Basin captured debris to its full capacity. Following the debris flow, the U.S. Army Corps of Engineers was mission tasked to remove debris from the basin. The debris removal effort, and subsequent emergency restoration work, brought to light several deficiencies in the original project design that, if corrected, would reduce the time and cost needed to remove debris from the basin in the future. The operational improvement project addresses these deficiencies and will improve clean out efficiency and the ability to respond to future debris removal events.

The Santa Monica Debris Basin Operational Improvements Project, including the Agreement for engineering services from Filippin Engineering, was determined by the Board to be exempt from CEQA pursuant to CEQA Guidelines Section 15301(d), consisting of repairs, maintenance, and minor alterations of existing public facilities, involving negligible or no expansion of use. A Notice of Exemption was prepared on December 17, 2020 and filed with the Santa Barbra County Clerk of the Board of Supervisors on January 4, 2021.

Fiscal and Facilities Impacts:

Budgeted: Partially Budgeted

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ			
State			
Federal	\$ 2,082,700.00		
Fees			
Other:			
Total	\$ 2,082,700.00	\$ -	\$ -

Narrative:

Budget Revision Request (BJE No. 0009607) increases the FY 2023-24 budget by \$2,082,700 for the Santa Monica Debris Basin Operational Improvements Project. The project is primarily funded through a grant from the NRCS. The additional funds will be utilized for the project's remaining construction

costs, engineering services, project management, and \$246,125 will be utilized to increase Filippin Engineering Inc.'s contract for their work on this project. Current project expenditures are currently paid through the South Coast Flood Zone fund; however, the project's costs will be reimbursed by the NRCS grant. A portion of the NRCS grant funds are included in the FY 2023-24 budget, however, NRCS approved additional grant funding of \$2,082,735 in the spring of 2023. The additional grant funding is not included in the FY 2023-24 budget due to uncertainties regarding the project's construction timing, and the division's focus on emergency response projects that resulted from the 2023 winter storms.

This project is also included in the County's Capital Improvement Program.

No General Fund monies will be utilized for this project.

Special Instructions:

Direct the Clerk of the Board to return one original signature page of Amendment No. 2 to the Filippin Engineering Agreement and a copy of the minute order of these actions to the Flood Control Office, Attn: Christina Lopez.

Attachments:

- Attachment A: Amendment No. 2 to the Agreement for Services of Independent Contractor with Filippin Engineering for the Santa Monica Debris Basin Operational Improvement Project (includes BC summary, an original amendment, and an additional signature page)
- Attachment B: Budget Revision Request (BJE No. 0009607)
- Attachment C: Copy of the Agreement for Services of Independent Contractor with Filippin Engineering for the Santa Monica Debris Basin Operational Improvements Project (BC 22-071)
- Attachment D: Copy of Amendment No. 1 to the Agreement for Services of Independent Contractor with Filippin Engineering for the Santa Monica Debris Basin Operational Improvement Project (BC22-071)

Authored by:

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