



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: Public Works
Department No.: 054
For Agenda Of: December 4, 2018
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Scott D. McGolpin, P.E. Director, ext. 3010
Director(s)
Contact Info: Mark Schleich, P.E. Deputy Director ext. 3605

SUBJECT: Owner's Representative Services for Construction of the Tajiguas Resource Recovery Project, County Project No. 828368, Third Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to sign the contract in the amount of \$1,049,696.00 with engineering firm Simplus Management to provide owner's representative services for the construction of the Tajiguas Resource Recovery Project; County Project No. 828368;
- b) Determine that the previous Final Subsequent EIR SCH #2012041068 and Subsequent EIR Revision Letter and Errata dated May 27, 2016 certified by the Board of Supervisors on July 12, 2016 and Final Subsequent EIR Addendum dated August 11, 2017 (revised October 26, 2017) considered by the Board of Supervisors on November 14, 2017 are adequate review pursuant to California Environmental Quality Act Guidelines Section 15162, no substantial changes are proposed, and no new information of substantial importance has come to light regarding environmental effects of the project or of the sufficiency or feasibility of mitigation measures, and therefore the contract to provide construction management services with Simplus Management is within the scope of the project covered by the prior environmental review and no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this action.

Summary Text:

This item is on the agenda in order to consider recommendations regarding construction management related services associated with the Tajiguas Resource Recovery Project (TRRP). This agreement will establish an owner's representative who will perform project management related duties on behalf of the County during construction and startup phases of the project. Duties will include daily progress inspection and reporting, payment application review, quality assurance management, coordination with landfill operations and other concurrent construction projects, and monitoring contractor compliance with regulatory requirements.

A request for proposals (RFP) was issued for Owner's Representative Services in December 2016. Five proposals were received for the project. Consultants were evaluated based on proposal content as specified in the RFP. The proposed award of the contract for Owner's Representative services to Simplus Management (not a local vendor) is based on their firm's demonstrated competence and professional qualifications. Simplus Management's substantial construction management experience related to design build project delivery and design of material recovery facilities in Southern California makes them qualified for appointment as Owner's Representative for the Tajiguas Resource Recovery Project. Simplus Management was retained as a consultant in 2017, on a limited basis through completion of the EIR addendum, contract revisions, and project financing. With the imminent completion of construction financing and issuance of the construction notice to proceed, it is necessary to enter into a new, augmented agreement to perform these requested services on a full time basis during construction.

Background:

On September 18, 2018 your Board approved the Third Amendment to the Amended Contract between the County of Santa Barbara and MSB Investors, LLC for Development and Operation of the Tajiguas Resource Recovery Project (TRRP). On October 16, 2018 your Board authorized the Treasurer-Tax Collector to finance the construction of the capital improvements associated with the TRRP. Public financing is anticipated to be approved in late November 2018, and the two year construction period is anticipated to start in December 2018.

Construction of the TRRP includes the Material Recovery Facility (MRF), Dry Fermentation Anaerobic Digester (AD) Facility and Compost Management Unit. Construction is anticipated to include grading, drainage improvements, domestic and process utility improvements, steel and reinforced concrete structures, a solar panel array, conditioned office space and visitor center, specialized sorting and separation equipment, and combined heat and power (CHP) engines.

The agreement between the County and MSB Investors, LLC identifies the responsibilities of both the County and MSB Investors, LLC related to construction monitoring and management. The agreement identifies MSB Investors, LLC as the party "solely responsible for all aspects of Construction, including managing and ensuring all work performed by the Construction Contractor is completed in accordance with Exhibit E: Project Design and Construction, Applicable Law, Good Industry Practice, Good and Accepted Construction Practice, and applicable Construction codes and standards." (Section 4.7).

The County and their Owner's Representative scope of responsibilities will consist of observation and review of construction and facility equipment to ensure project design requirements are met, supplemental quality assurance testing, construction progress and payment review, liaison

responsibilities between Contractor and landfill operations, and monitoring of Contractor compliance with project regulatory requirements.

The Agreement for Owner’s Representative Services (Attachment A) describes in detail the terms of the agreement between the County and Simplus Management. Anticipated costs for owner’s representative services are anticipated to be approximately \$1,049,696, or less than 1 percent of the total project cost over the two year project schedule.

Pursuant to the requirements of the California Environmental Quality Act, construction and operation of the Tajiguas Resource Recovery Project was analyzed in Subsequent EIR No. 12EIR-00000-00002, SCH #2012041068 certified by the Board of Supervisors on July 12, 2016, Subsequent EIR Revision Letter and Errata dated May 27, 2016 and Addendum dated August 11, 2017 (revised October 26, 2017) considered by the Board of Supervisors on November 14, 2017. Copies of these documents are available at <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=3208879&GUID=8FD06D70-FE83-4AA1-982A-2CA8EA03B506&Options=ID|Text|&Search=Tajiguas+Resource+Recovery+Project>.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>FY 2018/19</u> <u>COST</u>	<u>FY 2019/20</u> <u>COST</u>	<u>FY 2020/21</u> <u>COST</u>	<u>TOTAL PROJECT COST</u>
General Fund				
State				
Federal				
Fees				
Enterprise Fund	\$ 324,580.00	\$ 496,476.00	\$ 228,640.00	\$ 1,049,696.00
Total	\$ 324,580.00	\$ 496,476.00	\$ 228,640.00	\$ 1,049,696.00

Narrative: The Resource Recovery and Waste Management TRRP Capital Enterprise Fund will provide 100% of the funding. The funds have been budgeted for the current FY 2018/19, as well as the FY 2019/20 recommended budget and the FY 2020/21 proposed budget.

Key Contract Risks:

Key risk factors for this agreement that contribute to an overall medium contract risk rating include: contract size and significance of their role with respect to the TRRP construction.

These risk factors have been evaluated and staff believes the contract should be authorized, because the contractor has significant experience successfully performing similar services successfully for numerous public agencies over the past twenty-two years. Contract monitoring and document management will be conducted by staff in accordance with the County’s Service Contract and Grant Compliance Management Policy (121-111).

Special Instructions:

Please forward a certified, stamped Minute Order approving this action and two original executed contracts for each of the three board contracts approved as well as the original Special Provisions

Subject: Owner's Representative Services for Construction of the Tajiguas Resource Recovery Project, County Project No.828368

Agenda Date: December 4, 2018

Page 4 of 4

signature sheet to Todd Curtis in the Public Works Department, Resource Recovery and Waste Management Division, 130 E. Victoria Street, Suite 100, Santa Barbara, CA 93101.

Please send a copy of the Minute Order to the Resource Recovery and Waste Management Division of the Public Works Department, Attention: Sheila de la Guerra.

Attachments:

Attachment A: County of Santa Barbara Agreement for County Project No. 828368 with Simplus Management.

Authored by:

Todd Curtis, Civil Engineer, 805-882-3621