



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: Flood Control
Department No.: 054
For Agenda Of: October 2, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott D. McGolpin, Public Works Director, 568-3010
Director(s)
Contact Info: Thomas D. Fayram, Deputy Public Works Director, 568-3436

SUBJECT: Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to Form: Yes

Recommended Actions:

That the Board of Directors:

- a) Find that the bid received for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident from R. Burke Corporation was non-responsive and reject this bid from the bid opening on August 30, 2018;
- b) Reject the bid protest filed by R. Burke Corporation on September 4, 2018 and find that the bid protest is without merit;
- c) Approve plans and specifications for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident;
- d) Award the construction contract for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident, in the amount of \$716,695 (including \$32,500 in itemized supplemental work) to the lowest responsible bidder Lash Construction, Inc. (a local vender), subject to the provisions of documents and certifications, as set forth in the plans and specifications applicable to the project and as required by law;

Auditor-Controller Concurrence

As to form: Yes

- e) Authorize the Chair to execute the construction contract upon return of the contractor's executed contract documents, and the review and approval of the County Counsel, Auditor-Controller, and Risk Manager or their authorized representatives;
- f) Authorize the Public Works Director or designee to approve changes or additions to the work being performed under the Construction Contract, in an amount not to exceed \$48,334.75 for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident;
- g) Determine that the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident shall be carried out and determine that it is for the benefit of a single zone; and
- h) For the purposes of the California Environmental Quality Act (CEQA) that:
 - i) These actions are within the scope of the Final Program Environmental Impact Report (PEIR) for the Updated Routine Maintenance Program [State Clearinghouse No. 2001031043] and the Debris Basin Maintenance and Removal Plan, which both adequately describes this activity for the purposes of California Environmental Quality Act; and
 - ii) Pursuant to CEQA Guidelines sections 15168(c)(2) and 15162(a), after considering the PEIR certified by the Board of Directors in November 2001, and the Debris Basin Maintenance and Removal Plan, which is a set of Addenda tiered off of the PEIR and approved by the Board of Directors on June 6, 2017, that no subsequent EIR or Negative Declaration is required because:
 - i) no substantial changes are proposed which require major revisions of the PEIR; ii) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which require major revisions of the PEIR; and iii) no new information of substantial importance concerning the project's significant effects or mitigation measures, which was not known and could not have been known with the exercise of reasonable diligence at the time that the PEIR was certified, has been received. Documents are located at:
<https://santabarbara.legistar.com/LegislationDetail.aspx?ID=3061682&GUID=DBB4555A-99A0-44A4-9388-69E7BB81B438>

Summary Text:

This item is on the agenda in order to award the construction contract for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident.

The United States Army Corps of Engineers (Corps) was tasked by the Federal Emergency Management Agency (FEMA) to clean debris out of eleven District owned and maintained debris basins following the 1-9 Debris Flow Incident. Of these eleven debris basins, six require repair and cleanup work necessary to restore them to their pre-disaster condition. These six debris basin are Cold Springs Debris Basin, Montecito Creek Debris Basin, Romero Debris Basin, Upper West Toro Debris Basin, Santa Monica Debris Basin and Gobernador Debris Basin. Damage to these debris basin facilities were caused by both the initial disaster and the subsequent emergency cleanout efforts.

On August 30, 2018, the Flood Control District received 5 bids for the Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident. R. Burke Corporation submitted the lowest bid, but it was determined to be non-responsive due to lack of acknowledgment of Addendum Number 1 on the Bid Proposal and for failing to include the cost of the supplemental work item in the bid (\$20,000). Flood

Control recommends that the Board determine the bid was non-responsive on this basis. R. Burke Corporation filed a protest on September 4, 2018, alleging that they did not receive notification of Addendum No. 1 via email. Flood Control confirmed with Public Works IT that: R. Burke Corporation had been registered to receive the email notifications since August 20, 2018; an automatic email notification went out on August 27, 2018 notifying plan holders of Addendum No. 1; R. Burke Corporation's email was sent an email; and no email notice of "Undeliverable" to R. Burke Corporation was received. Additionally, after Addendum No. 1 was released, it was also posted on the Public Works website associated with this bid opportunity. All other bids received included acknowledgement of Addendum No. 1. Flood Control recommends that the Board determine the protest is without merit and reject the protest and bid received from R. Burke Corporation.

Lash Construction, Inc. submitted the lowest responsive bid in the amount of \$716,695. The second lowest responsive bid was in the amount of \$868,926. The engineer's construction cost estimate was \$647,100.

This project was bid in accordance with the Public Contract Code, which requires the contract to be awarded to the lowest responsible bidder. The Department analyzed the bids and determined that after R. Burke Corporation is deemed non-responsive, the low bid by Lash Construction, Inc. is responsive and responsible. Flood Control recommends awarding this contract to Lash Construction, Inc.

The Debris Basin Restoration Projects – Thomas Fire 1-9 Debris Flow Incident scope is fully contained within the 2001 PEIR and PEIR addenda.

Background:

On January 10, 2018, FEMA issued a debris removal and clearance mission assignment to the Corps of Engineers for Santa Barbara County for the entirety of the 1-9 Debris Flow area of impact. The Corps was tasked with removing approximately 400,000 cubic yards of debris to restore basin and channel capacity and reduce the risk of flooding to homes and businesses.

The District is in the process of requesting, via the State of California Office of Emergency Services (CalOES) and the Public Assistance Grant Program, that FEMA award grants to the District for restoring these debris basins to their pre-disaster condition, as this work is eligible for Public Assistance Grants under DR4353. Additionally, the District is in the process of requesting funding from the Natural Resources Conservation Service's Emergency Watershed Protection (EWP) Program for the restoration of the Santa Monica Debris Basin to its pre-disaster condition. Federal funds authorized by more than one Federal funding source for specific items of work cannot be accepted by the District.

The Board authorized the Public Works Director to advertise and receive bids for these restoration projects on May 1, 2018.

The locations of Debris Basin Restoration Projects are shown in Exhibit A.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
South Coast FZ			\$ 765,029.75
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 765,029.75

Narrative:

Funding for debris basin rehabilitation related to the 1-9 Debris Flow was included in the adopted FY 2018-19 budget in the Water Resources Division of the Public Works Department as shown on page D-309 in the budget book. Costs will also be submitted to the state and federal agencies for reimbursement, as eligible. No General Fund monies will be utilized by this project.

Key Contract Risks:

Key risk factors for these agreements are low.

Special Instructions:

Direct the Clerk of the Board to send a copy of the minute order of this action to the Flood Control District office: Attn: Christina Lopez.

Attachments:

- Attachment A - Plans and Specifications including Addendums (available on the Clerk of the Board website and hard copy is available at the Clerk of Board office in Santa Barbara)
- Attachment B - Copy of Construction Agreement
- Attachment C - R. Burke Corporation Bid Protest filed September 4, 2018

Authored by:

Matt Griffin, Civil Engineer, 884-8074

Exhibit A

