



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: June 4, 2024
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 Chris Sneddon, Public Works Director, (805) 568-3010
Director(s)
Contact Info: Walter Rubalcava, Deputy Director – Flood Control, (805) 568-3436

SUBJECT: San Ysidro Debris Basin Improvement Project, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Directors:

- a) Reject the bid protest filed by Rehak General Engineering on April 19, 2024 and find that the bid protest is without merit;
- b) Approve plans and specifications for the San Ysidro Debris Basin Improvement Project (Project No. SC8356);
- c) Award, approve, and authorize the Chair to execute the construction contract for the San Ysidro Debris Basin Improvement Project in the base contract amount of \$1,947,182.55 (including \$285,000.00 in itemized supplemental work) to the lowest responsible bidder Marcon Engineering, Inc, 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;
- d) 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 \$109,859.13 to complete the work within the scope of the Agreement for the San Ysidro Debris Basin Improvement Project;
- e) Approve and authorize the Chair to execute the Agreement for Services of Independent Contractor with UNICO Engineering to provide construction management and inspection services for the San

Ysidro Debris Basin Improvement Project, for the period of June 4, 2024 through December 31, 2025 in an amount not to exceed \$312,778.40;

- f) Approve and authorize the Public Works Director, or designee, to make immaterial changes in accordance with Section 48 of the Agreement for Services of Independent Contractor with UNICO Engineering, to make amendments to the Agreement in an amount not to exceed \$31,277.84 and to extend the term of the Agreement by up to one-year to complete the work within the scope of the Agreement;
- g) Determine that the San Ysidro Debris Basin Improvement Project to be carried out is for the benefit of a single zone; and
- h) Find that pursuant to the California Environmental Quality Act Guidelines Section 15162, no new effects will occur and no new mitigation measures would be required as a result of the project and therefore pursuant to the California Environmental Quality Act Section 15168 (c)(2), that the San Ysidro Debris Basin Improvement Project is within the scope of the project covered by the Updated Debris Basin Maintenance and Management Plan, approved in 2022 and the project covered by the Program Environmental Impact Report for the Updated Routine Maintenance Program (01-EIR-01) approved in 2001 and no new environmental document is required; documents are located at: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=5951962&GUID=A53B1AB6-94E8-40B2-9A2A-6809BC7BBDA0&>

Summary Text:

This item is on the agenda in order to approve the plans (Attachment A), specifications (Attachment B), award the construction contract (Attachment C), and approve the construction management and inspection contract (Attachment D) for the San Ysidro Debris Basin Improvement Project.

On April 11, 2024, the Flood Control District received four (4) bids for the San Ysidro Debris Basin Improvement Project. Rehak General Engineering initially appeared to be the lowest bid. However, following bid opening, the District was notified that the District’s Bid Management System provider, PlanetBids, had caused a system error that resulted in the inadvertent increase of the bid of the apparent second lowest bidder, Marcon Engineering. The PlanetBids system showed a duplication of a supplemental line item in the amount of \$100,000. PlanetBids platform corrected this error on April 16, 2024. Once the system error was corrected, Marcon Engineering, Inc. was determined to have submitted the lowest responsive bid in the amount of \$1,947,182.55. Rehak General Engineering’s second lowest responsive bid was in the amount of \$2,001,660.00. The engineer’s construction cost estimate was \$2,144,00.00.

Rehak General Engineering filed a protest on April 19, 2024 claiming that it should be recognized as the apparent low bidder. The protest was found to be without merit. The PlanetBids system allowed for an inadvertent duplication of a line item for one bidder, which PlanetBids recognized as a “very rare” error resulting from a new line item being added during an active bid session, which PlanetBids corrected upon notification. The District is recommending awarding the contract based on the actual bid results as confirmed by PlanetBids.

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 close inspection of the documents and correction on PlanetBids, the lowest responsible and responsive bidder is Marcon Engineering, Inc. Flood Control recommends awarding this contract to Marcon Engineering, Inc.

The District released a Request for Proposals (RFP) for construction management and inspection services for the San Ysidro Debris Basin Improvement Project on January 24, 2024. The District received five (5) proposals by the deadline date of February 21, 2024. The District conducted a review and rated all proposals. UNICO Engineering was selected based on their proposal, demonstrated competence, professional qualifications, and familiarity with similar projects. The agreement with UNICO Engineering will provide full-time construction management, inspection and material testing services required for this project.

Background:

On January 9, 2018, the 1-9 Debris Flow filled and overtopped the San Ysidro Debris Basin (as well as many other debris basins below the Thomas Fire area). In 2023, the debris basin was cleaned out on an emergency basis due to the January 9, 2023 storm event and again the following year after the January 11, 2024 storm.

In 2017, the Board of Directors approved an Updated Debris Basin Maintenance & Removal Plan (DBMRP) to incorporate designs and plans to improve select debris basins along the South Coast in accordance with the District's 10 year USACE Standard Individual Permit. Following the 1/9/2018 Debris Flow, the District sought to revise the proposed debris basin modification projects to enhance large debris capture in the designated basins while meeting the DBMRP objectives. The resulting 2022 DBMMP described the proposed modifications for various debris basins including San Ysidro Debris Basin.

The project goal is to improve the performance of the debris basin and enhance fish passage for steelhead trout (an endangered species) by refining the outlet structure design and connection to the downstream channel. The design focuses on establishing a more natural sediment conveyance through the system while capturing large debris during larger storm events and during post-burned watershed conditions.

Fiscal and Facilities Impacts:

Budgeted: Yes

| Funding Sources | Current FY Cost: | Annualized On-going Cost: | Total Construction Project Cost |
|------------------------|-------------------------|----------------------------------|--|
| South Coast FZ | \$ - | | \$ 684,584.92 |
| FEMA HMGP | \$ - | | \$ 1,716,513.00 |
| Other: | | | |
| Total | \$ - | \$ - | \$ 2,401,097.92 |
| | | | |

Narrative:

Construction costs are included in the FY 2024-25 proposed budget, and also reflected on page D-331 in the FY 2023-24 budget book under the Water Resources Division of the Public Works Department. The majority of construction costs will be incurred during FY 2024-25; however, a portion of the costs will be incurred in June 2024. This project was approved for \$1,716,513.00 of grant funding through FEMA’s Hazard Mitigation Grant Program (HMGP), with the remaining costs of \$684,584.92 funded through the South Coast Flood Zone. No General Fund monies will be utilized for this project.

This project is also included in the 2023-2028 County’s Capital Improvement Program.

Special Instructions:

Direct the Clerk of the Board to email Christina Lopez at clopez@countyofsb.org to pick up the original signed mylar title sheet of the plans, signed cover sheet of the Special Provisions, signed original signature pages of the Construction Agreement with Marcon Engineering, Inc. and Agreement for Services of Independent Contractor with UNICO Engineering, and a copy of the minute order.

Attachments:

- Attachment A - Plans (includes title sheet)
- Attachment B - Special Provisions (includes cover sheet)
- Attachment C - Construction Agreement with Marcon Engineering, Inc. (one original agreement, a second original signature page, and Board Contract Summary)
- Attachment D - Agreement for Services of Independent Contractor with UNICO Engineering (one original agreement, a second original signature page, and Board Contract Summary)

Authored by:

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