



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: 08/09/11  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**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: Montecito Creek Debris Basin Fish Passage Project, First Supervisorial District**

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

- a) Find that the bid received from V. Lopez, Jr., and Sons, Inc., for the Montecito Creek Debris Basin Fish Passage Project is nonresponsive, and reject the bid on that basis;
- b) Award the construction contract for the Montecito Creek Debris Basin Fish Passage Project in the amount of \$248,148.00 to the lowest responsible bidder Whitaker Construction Group, Inc., subject to the provisions of documents and certifications, as set forth in the plans and specification applicable to the project and as required by law;
- c) 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;
- d) Approve a contingency in the amount of \$24,814.80 for the above subject project;
- e) Approve plans and specifications for the project; and
- f) Find that pursuant to CEQA 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 CEQA Section 15168 (2) Program EIR, that the Montecito Debris Basin Fish Passage Modification is within the scope of the project covered by the Program Environmental Impact Report (PEIR) for the

Updated Routine Maintenance Program (01-EIR-01) approved in 2001 and the Debris Basin Maintenance Plan, an addendum to the PEIR approved in 2003, and no new environmental document is required.

**Summary Text:**

The Montecito Creek Fish Passage Project is located approximately 200 feet downstream of the Casa Dorinda Bridge, southeast of the intersection of Olive Mill Road and Hot Springs Road in the Montecito area. The fish passage work will be on the upstream end of the existing Montecito Creek Debris Basin.

The project will reconfigure the existing concrete-lined channel that is currently not conducive to fish passage. These modifications will enable steelhead trout to migrate past the existing fishway ladder towards upstream spawning habitat, and will reduce the amount of sediment entering the existing fishway ladder by approximately 60%.

On July 14, 2011, the Flood Control District received 6 bids for the Montecito Creek Debris Basin Fish Passage Project. Whitaker Construction Group, Inc submitted the apparent lowest responsive bid in the amount of \$248,148. The second apparent lowest responsive bid was in the amount of \$249,610. The engineer's construction cost estimate is \$288,717.

The bid received from V. Lopez Jr., and Sons, Inc., in the amount of \$198,237.30 was determined to be non-responsive by Flood Control staff because the bid failed to conform with the requirements listed in the "Instructions to Bidders." In particular, the Bid Forms were removed from, and submitted without, the bound volume of Contract Documents, in violation of "Instructions to Bidders" item No. 8. This discrepancy was noted by one of the other bidding contractors during the public reading of the bids. County Counsel reviewed this matter and determined that the District was within its rights to find the bid received from V. Lopez Jr. and Sons, Inc., to be non-responsive.

The requirement that the Bid Forms not be removed from the bound volume of Contract Documents is intended to eliminate questions as to what is and what is not included in the bid and incorporated into the contract. For instance, a contractor would not be able to claim that there are multiple versions of the special provisions, or that the copy of the special provisions that they based their bid on was missing a particular section, because the applicable special provisions are attached to the bid itself.

**Background:**

Montecito Creek has been identified as having prime potential to re-establish habitat for steelhead trout. The report entitled, *Steelhead Assessment and Recovery Opportunities in Southern Santa Barbara County* (Matt W. Stoecker and Conception Coast Project: June, 2002) gives Montecito Creek a Salmonid Status Score of 0.9 (0-1) indicating documented presence of adult steelhead since the year 2000.

The construction activities to be performed with this project are covered under existing permits from Army Corps of Engineers, Regional Water Quality Control Board and California Department of Fish and Game. The basin was constructed under the Montecito Creek Debris Basin EIR (99-EIR-001) and

this project is covered by the Updated Program EIR for Santa Barbara County Flood Control Routine Maintenance Activities (01-EIR-01) that also covers modifications and/or repair of debris basins.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**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	\$ 272,962.80		
State			
Federal			
Fees			
Other:			
Total	\$ 272,962.80	\$ -	\$ -

**Narrative:**

This project was included in the Adopted FY 2011-12 budget under the Design Cost Center of the Water Resources Division of the Public Works Department as shown on page D-352 in the budget book. The project is also identified in the County’s Capital Improvement Program on page B-121.

**Staffing Impacts:**

**Legal Positions:**

**FTEs:**

**Special Instructions:**

Direct the Clerk of the Board of send two originals of the agreement along with a copy of the minute order to the Flood Control District office, Attn: Christina Lopez

**Attachments:**

Construction Contract (copy)

**Authored by:** Karen Sullivan, Civil Engineer, 568-3458

