

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING TRASH ASSESSMENT
BASELINE STUDY AND STRUCTURAL BMP FEASIBILITY
REPORT CONSULTING SERVICES AGREEMENT BETWEEN
THE CITY AND D-MAX ENGINEERING INC. AND
AUTHORIZING THE CITY MANAGER TO APPROVE UP TO
TWO ONE-YEAR EXTENSIONS TO SAID AGREEMENT

WHEREAS, the State and Regional Water Boards have focused on reducing pollutants (including trash) in storm water runoff through technology and water quality based controls in NPDES permits for over 20 years; and

WHEREAS, despite these controls and efforts, trash continues to be an ongoing problem across the State; and

WHEREAS, trash is harmful to the State's water resources, impairs surface water beneficial uses and violates water quality objectives. Trash is unsightly, destroys sensitive habitat, harms aquatic life and wildlife at all levels in the food web, and spreads contagion that threatens human health, creates obstructions, and poses swimming hazards; and

WHEREAS, on April 7, 2015, the State Water Resources Control Board (SWRCB) adopted amendments to the Water Quality Control Plans for Ocean Waters of California and for the Inland Surface Water, Enclosed Bays, and Estuaries of California for Trash (Trash Amendments); and

WHEREAS, the Trash Amendments were subsequently approved by the Office of Administrative Law (OAL) on December 2, 2015 and USEPA on January 12, 2016; and

WHEREAS, the City of Chula Vista is required to comply with the Trash Amendments by conducting a Baseline Study, developing a Structural BMP Feasibility Report and selecting one of two compliance "tracks"; and

WHEREAS, failure to comply with the Trash Amendments or WQIP requirements would expose the City to enforcement action by the Regional Board and/or third-party lawsuits; and

WHEREAS, in addition to the Trash amendment requirements, the City of Chula Vista has also committed to numeric goals related to physical aesthetics in the San Diego Bay Water Quality Improvement Plan (WQIP); and

WHEREAS, the study and report will assist the City in determining the most appropriate track to select in order to meet the goal and schedule requirements for both the Trash Amendments and the San Diego Bay WQIP; and

WHEREAS, since the future cost to comply with the Trash Amendments and the WQIP is expected to be significant, selecting the most cost effective track is essential; and

WHEREAS, due to the expertise and experience necessary to perform a Baseline Study and Feasibility Report, staff executed a Request for Proposal to solicit the assistance of qualified engineering and environmental consulting firms; and

WHEREAS, in accordance with City Purchasing Guidelines, on April 29, 2016, the Public Works Engineering Department advertised a Request for Proposal (RFP) for consultant services to conduct Trash Assessment Baseline Study and Structural BMP Feasibility Report Services for Fiscal Year 2016-2017; and

WHEREAS, the following four consultants submitted proposals:

- D-Max Engineering, Inc.
- Geosyntec Consultants
- Michael Baker International
- LaRoc Environmental

WHEREAS, after careful consideration of consultant qualifications and experience, and based on a scoring system developed for this purpose, the Selection Committee determined that D-MAX Engineering, Inc. (D-MAX) was the most qualified firm to conduct Trash Assessment Baseline Study and Structural BMP Feasibility Report Services; and

WHEREAS, D-MAX has partnered with subconsultant, Larry Walker Associates, Inc. (LWA), creating an interdisciplinary project team with extensive practical experience and technical expertise in complying with the requirements of the State Trash Amendments and the applicable trash control goals, strategies, and schedules detailed in the San Diego Bay WQIP; and

WHEREAS, the initial agreement will be for one year from Council approval date to August 31, 2017; and

WHEREAS, provisions are included allowing the agreement to be extended at the City's sole discretion for two additional one-year terms; and

WHEREAS, if the City exercises an option to extend, each extension shall be on the same terms and conditions contained in the agreement, provided that the amounts specified in section 3.A of the Agreement, may be increased by up to 5% for each extension, at the discretion of the City Manager or his designee; and

WHEREAS, the City shall give written notice to Consultant of the City's election to exercise its option to extend in a letter signed by the City Manager, or designee. Such notice shall be provided at least 60 days prior to the expiration of the term; and

WHEREAS, The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the state CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to the CEQA. Notwithstanding the foregoing it has also been determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) of the State CEQA Guidelines, the activity is not subject to the CEQA. Thus, no environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the Trash Assessment Baseline Study and Structural BMP Feasibility Report Consulting Services Agreement, between the City and D-Max Engineering Inc., in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the Mayor to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it authorizes the City Manager to approve up to two one-year extensions to said Agreement.

Presented by

Approved as to form by

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney