

RESOLUTION NO. 2014-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CERTAIN ADDITIONAL SERVICES IN ACCORDANCE WITH ARTICLE I OF THE EXISTING AGREEMENT DATED NOVEMBER 9, 2010, APPROVED IN ACCORDANCE WITH COUNCIL RESOLUTION 2010-263, BETWEEN THE CITY OF CHULA VISTA AND RICK ENGINEERING COMPANY IN THE AMOUNT OF \$121,000 FOR PREPARING AND PERMITTING THE ENVIRONMENTAL MITIGATION FOR BONITA CANYON EMERGENCY REPAIR PROJECT (DR189)

WHEREAS, on August 17, 2010, in accordance with Resolution No. 2010-212, the City Council established a new Capital Improvement Project for Bonita Canyon Repairs, project (DR-189); and

WHEREAS, on November 9, 2010, in accordance with Resolution 2010-263, the City Council approved an agreement between the City of Chula Vista and the Rick Engineering Company and Helix Environmental Planning (“RH Team”) for professional services for preparing plans and specifications for the Bonita Canyon Repair Project (“Agreement with RH Team”); and

WHEREAS, on March 13, 2012, in accordance with Resolution 2012-041, the City Council appropriated \$504,000 from the General Fund Reserve for Fiscal Year 2012 to the existing Capital Improvement Project DR189, for the construction of the Bonita Canyon repairs, environmental permitting fees, and for approving certain additional consultant services in accordance with Article I of the Agreement with RH Team; and

WHEREAS, on March 13, 2012, in accordance with Resolution 2012-041, the City Council appropriated an additional \$514,000 to DR189 for Bonita Canyon environmental mitigation in the FY2012-13 Capital Improvement Budget; and

WHEREAS, while processing plans for repairing the gabion structure with the Resource Agencies, Staff applied for an emergency Regional General Permit No. 63 permit (RGP63) from the Army Corps of Engineers due the vulnerability of the condition of the gabion structure and the threats of major storms; and

WHEREAS, on December 31, 2012, the Army Corps of Engineers granted the City a RGP63 permit to reinforce the gabion structure; and

WHEREAS, on January 4, 2013, upon obtaining City Manager’s approval and upon soliciting three informal bids from contractors, staff retained Cass Construction, Inc. to perform Bonita Canyon Emergency Repair in accordance with provisions in Section 1009 of the City Charter; and

WHEREAS, Cass Construction, Inc. completed the emergency repair work on March 27, 2013. As result of completing the emergency work, the potential threat of injury and property damage has been averted due to the combined efforts of the RH Team, City Staff, and the Resource Agencies; and

WHEREAS, since the completion of the construction, the RH Team and Staff have contacted the Resource Agencies on a regular basis to obtain approval of the mitigation phase, but negotiations with the ACOE have been prolonged due to federal budget issues and due to disagreement with ACOE over the City's proposed mitigation in the Habitat Mitigation and Monitoring Plan (HMMP); and

WHEREAS, since the RH Team is familiar with the project conditions and is already under contract with the City for doing the original repair work, the RH Team is uniquely qualified to provide the required additional services; accordingly, staff recommends that City Council waive the standard competitive selection process as impractical and, on sole source basis augment the current contract with the RH Team, so they may continue negotiations with the ACOE and produce construction drawings and documentation for the environmental mitigation phase; and

WHEREAS, once the Resource Agencies issue their approval for the environmental mitigation, staff will follow the Request for Proposals process and return to Council to award contracts for the construction and implementation of the environmental mitigation and biological monitoring for this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista, does hereby (1) waive the competitive selection process as impractical under Chula Vista Municipal Code section 2.56.070.B.3; and (2) on a sole source basis, and in accordance with Article I of the Agreement with RH Team, approve certain additional services in the amount of \$121,000 including contingency and certain optional tasks to be authorized at Staff's discretion for the preparation of construction drawings and documentation for the environmental mitigation phase of the Bonita Canyon Emergency Project (DR189) and to continue negotiation with the Resource Agencies to obtain permits for the same.

Presented by

Approved as to form by

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Richard A. Hopkins  
Director of Public Works

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Glen R. Googins  
City Attorney