



# CITY COUNCIL AGENDA STATEMENT



November 17, 2020

File ID: 20-0349

## TITLE

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND D-MAX ENGINEERING, INC. FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM DRY WEATHER MS4 OUTFALL AND TRASH MONITORING SERVICES

## RECOMMENDED ACTION

Council adopt the resolution.

## SUMMARY

The City of Chula Vista is required to perform dry weather MS4 (Municipal Separate Storm Sewer System) outfall discharge monitoring to identify, prioritize, control, and monitor the non-storm water and illicit discharges within its jurisdiction. Monitoring includes but is not limited to field screening, field monitoring, field sampling and laboratory analysis, and trash assessment monitoring at identified locations throughout the City. Due to the expertise and specialized equipment necessary to perform these services, it is necessary to retain an outside consultant. Proposals were requested from qualified engineering and environmental consulting firms. Three proposals were received, and staff has determined that D-Max Engineering, Inc. was the most qualified.

## ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities), Section 15308 Class 8 (Actions by Regulatory Agencies for Protection of the Environment), and Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Thus, no further environmental review is required.

## DISCUSSION

In May 2013, the San Diego Regional Water Quality Control Board (RWQCB) adopted Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirement for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds within the San Diego Region (Municipal Permit). Municipal Permit Provisions E.2.c and E.2.d require the City to perform dry weather MS4 outfall monitoring to detect non-storm water and illicit discharges within its jurisdiction and to prioritize the dry weather MS4 discharges that will be investigated and eliminated.

Due to the expertise and specialized equipment necessary to perform MS4 outfall and trash monitoring services, staff considered it necessary to retain an outside consultant and requested proposals from qualified engineering and environmental consulting firms. In accordance with City of Chula Vista Municipal Code section 2.56.110, on August 14, 2020, the Engineering and Capital Projects Department advertised a Request for Proposals (RFP) for consultant services to conduct dry weather MS4 Outfall and Trash Monitoring Services for Fiscal Years 2020-2021 and 2021-2022. The following three consultants submitted proposals:

- D-Max Engineering, Inc.
- NV5
- Wood

The City Engineer approved the consultant selection committee members listed below:

- Marisa Soriano, Storm Water Program Manager
- Mark Sanchez, Public Works Manager
- Kimberly Valenzuela, Storm Water Environmental Specialist II

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. was the most qualified firm. D-Max Engineering, Inc. has significant experience in completing dry weather MS4 Outfall monitoring programs for various jurisdictions in the San Diego Region; has adequate resources to complete the work; is familiar with the City's drainage system from previous years as the City's Dry Weather Monitoring Consultant; has provided storm water services to the City in an efficient and timely manner; and has helped the City maintain compliance with Municipal Permit requirements.

Staff recommends that D-Max Engineering, Inc. be retained to perform dry weather MS4 outfall and trash monitoring services for the City of Chula Vista.

The Scope of Services as outlined in the Request for Proposals and detailed in the Agreement consists of four major components as follows:

1. Deliverable 1 – Dry Weather MS4 Outfall and Trash Monitoring Services
2. Deliverable 2 – Source Identification Upstream Investigations
3. Deliverable 3 – As-needed Monitoring
4. Deliverable 4 – Reports

While quantities for Deliverables 1 and 4 are fixed and known, those for Deliverables 2 and 3 are dependent upon unforeseeable factors, including the number of pollutant observations and difficulty of source identification. For this reason, a Not-to-Exceed amount has been set for Deliverables 1 and 4, and an estimated Not-to-Exceed budget has been anticipated to cover the costs for Deliverables 2 and 3.

In addition to the above work, the Scope of Work includes upstream investigations and as-needed monitoring that will be compensated based on actual time and materials and according to unit rates included in the Agreement. The amount of time and materials for upstream and as-needed investigations are not known at this time, but any work in this category requires prior approval by the City. An estimated Not-to-Exceed budget of \$40,000 for Fiscal Year 2020-2021 and \$40,000 for Fiscal Year 2021-2022 is anticipated for upstream investigations and as needed monitoring (Deliverables 2 and 3).

By approving this resolution, the City Council authorizes the Mayor to sign the Agreement on behalf of the City with D-Max Engineering, Inc. to perform MS4 outfall and trash monitoring services on an hourly rate/unit cost basis for a total fee, which will not exceed \$93,811 in either Fiscal Year 2020-2021 or \$93,811 in Fiscal Year 2021-2022.

The initial agreement will be for two years from November 2020 to June 30, 2022. Provisions are included allowing the agreement to be extended, at the City's sole discretion, for three additional one-year terms. Unit rates for all tasks will increase by 2% annually for each additional year. The three year extension option was included in the RFP and the proposed agreement to encourage better hourly rates and unit costs, to avoid the time-consuming selection process each year, and to maintain continuity in the overall program. Approval of the proposed resolution will authorize the City Manager to extend the agreement for up to three years, depending upon satisfaction with the consultant's work and available funding in future budgets. It is anticipated that the fee for future said programs will be programmed as part of the City's Fiscal Year NPDES program budgets.

Failure to comply with any aspect of the City's NPDES Municipal Permit may expose the City to enforcement action by the Regional Board or third-party lawsuits.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that to the extent that any decision would have a reasonably foreseeable financial effect on a Councilmembers' real property, the effect would be nominal, inconsequential, or insignificant. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702(b), this item does not present a real property-related conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

Funds to cover dry weather MS4 Outfall and trash monitoring costs for FY2020-2021 have been included in the Engineering and Capital Projects budget for Fiscal Year 2020-2021. Therefore, no appropriation is required.

#### **ONGOING FISCAL IMPACT**

Fiscal impact for each Fiscal Year 2020-2021 and Fiscal Year 2021-2022 will not exceed \$93,811 per Fiscal Year. If the agreement is extended for three additional one-year terms, at the City's sole discretion, unit rates

for all tasks will increase by 2% annually for each of the additional years. Funds required to cover dry weather monitoring costs for each additional year will be programmed as part of the City's Engineering Department budget for Fiscal Years 2022-2023, 2023-2024 and 2024-2025 as part of the normal budget process.

#### **ATTACHMENTS**

- 1) Agreement with D-Max Engineering, Inc.

*Staff Contact: Marisa Soriano, Storm Water Program Manager*