



# City of Chula Vista

## Legislation Details (With Text)

**File #:** 16-0324 **Name:**  
**Type:** Consent Item **Status:** Passed  
**In control:** City Council  
**On agenda:** 8/2/2016 **Final action:** 8/2/2016  
**Title:** RESOLUTION NO. 2016-156 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TRASH ASSESSMENT BASELINE STUDY AND STRUCTURAL BMP FEASIBILITY REPORT CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND D-MAX ENGINEERING INC. AND AUTHORIZING THE CITY MANAGER TO APPROVE UP TO TWO ONE-YEAR EXTENSIONS TO SAID AGREEMENT

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Item 5 - Attachment 1 - Agreement with D-Max, 2. Item 5 - Resolution

Date	Ver.	Action By	Action	Result
8/2/2016	1	City Council	approve	Pass

RESOLUTION NO. 2016-156 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TRASH ASSESSMENT BASELINE STUDY AND STRUCTURAL BMP FEASIBILITY REPORT CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND D-MAX ENGINEERING INC. AND AUTHORIZING THE CITY MANAGER TO APPROVE UP TO TWO ONE-YEAR EXTENSIONS TO SAID AGREEMENT

### RECOMMENDED ACTION

Council adopt the resolution.

### SUMMARY

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. Despite these controls and efforts, trash continues to be an ongoing problem across the State. 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.

On April 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). The Trash Amendments will reduce human-generated debris from entering streams, rivers, lakes, and the ocean. 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".

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. Four proposals were received, and staff has determined that D-Max Engineering, Inc. was the most qualified to conduct the studies and prepare the report.

## **ENVIRONMENTAL REVIEW**

### **Environmental Notice**

The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required. Notwithstanding the foregoing, the activity qualifies for an Exemption pursuant to Section 15061(b)(3) of the California Environmental Quality Act State Guidelines

### **Environmental Determination**

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been 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.

## **BOARD/COMMISSION RECOMMENDATION**

Not Applicable

## **DISCUSSION**

On April 7, 2015, the SWRCB adopted an Amendment to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan) as well as the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries (ISWEBE Plan) - collectively referred to as the “Trash Amendments”. The Trash Amendments were subsequently approved by the Office of Administrative Law (OAL) on December 2, 2015 and USEPA on January 12, 2016. Compliance with the Trash Amendments can be achieved by selecting and following one of two approved “tracks”.

Track 1 requires that City install ‘full capture devices’ at MS4 outfalls or in MS4 systems that convey runoff from priority land uses. Such controls are required to be in place within 10 years from the date the Amendments are implemented via an NPDES Permit, or within 15 years of the effective date of the Amendments. Compliance with Track 1 is demonstrated when the City can, “Demonstrate installation, operation, and maintenance of full capture systems and provide mapped location and drainage area served by of full capture systems.”

Track 2 requires the City to, “Implement a plan with a combination of full capture systems, multi-benefit projects, institutional controls, and/or other treatment controls to achieve full capture system equivalency.” This track has a schedule identical to that for track 1. Demonstration of compliance with track 2 requirements is achieved when the City has, “Developed and implemented a set of monitoring objectives that demonstrate mandated performance results, effectiveness of the selected combination of treatment and institutional controls, and compliance with full capture system equivalency.”

In addition to the Trash Amendments 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). While the Trash Amendments apply to the entire City, the WQIP goals apply only to the portion of Chula Vista that is west of I-805. The WQIP goals are expressed in terms of the percent of high volume trash drainage area feasible for BMP retrofit that is treated for trash and, percent optimal trash assessment scores at storm drain outfalls. For the WQIP, the City can demonstrate compliance by achieving either one of these goals.

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.

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. In order to select the most appropriate track, city staff executed a Request for Proposal to solicit assistance from qualified engineering and environmental consulting firms. The scope of work to develop a Trash Assessment Baseline Study and Structural BMP Feasibility Report includes: evaluating compliance ability/certainty; evaluating monitoring and reporting requirements; and estimating capital, operation and maintenance costs for both track options. 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.

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. The following Four consultants submitted proposals:

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

The Director of Public Works approved the recommended list of consultant selection committee members listed below:

- William Valle, Assistant Director of Engineering/City Engineer
- Silvester Evetovich, Principal Civil Engineer
- Boushra Salem, Senior Civil Engineer
- Marisa Soriano, Environmental Health Specialist

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.

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. D-Max is currently providing similar services to the cities of National City, San Diego, Lemon Grove, Poway, Irvine and the County of San Diego.

Staff recommends that D-MAX be retained to provide Trash Assessment Baseline Study and

## Structural BMP Feasibility Report Consulting 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 five major tasks component as follows:

- Task 1: Consultant shall submit a Final Trash Assessment Baseline Study for the City of Chula Vista jurisdiction West of I-805.
- Task 2: Consultant shall prepare and submit Structural BMP Implementation Feasibility Report for City of Chula Vista jurisdiction West of I-805.
- Task 3: Consultant shall complete Task 1 as requested by the City of Chula Vista, for the City's Jurisdiction East of I-805.
- Task 4: Consultant shall complete Task 2 as requested by the City of Chula Vista, for the City's Jurisdiction East of I-805.
- Task 5: Consultant shall provide As-Needed Services as requested by the City of Chula Vista related to the Trash Amendments and WQIP Goals and Strategy compliance, not outlined in Task 1 through Task 4 above.

Staff recommends that D-MAX be retained to provide Trash Assessment Baseline Study and Structural BMP Feasibility Report consulting Services for the City of Chula Vista on a fixed cost basis for tasks 1 through 4, and estimated cost for Task 5 which will total \$150,000 in Fiscal Year 2016-2017 perform services for the City of Chula Vista

The initial agreement will be for one year from Council approval date to August 31, 2017. Provisions are included allowing the agreement to be extended at the City's sole discretion for two additional one-year terms. The possible extension of the agreement for up to two years 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.

The City Manager shall be authorized to exercise the extensions on behalf of the City. 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. 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.

Approval of the proposed resolution will authorize the City Manager to extend the agreement for up to two years, depending upon satisfaction with the consultant's work and available funding in future budgets. It is anticipated that the fee for said extension will be programmed as part of the City's NPDES program budget as part of the normal budget process.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial 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.

### LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Approving an agreement with D-Max to provide Trash Assessment Baseline Study and Structural BMP Feasibility Report consulting services supports Operational Excellence as it allows the City to comply with the Statewide Trash Amendments and the San Diego Bay WQIP within its jurisdictions.

### CURRENT YEAR FISCAL IMPACT

Funds to cover Trash Assessment Baseline Study and Structural BMP Feasibility Report consulting services costs have been included in the FY2016-2017.

Tasks	Amount
Task 1: Trash Assessment Baseline Study for City of Chula Vista Jurisdiction West of I-805	\$ 40,485
Task 2: Structural BMP Implementation Feasibility Report for City of Chula Vista Jurisdiction West of I-805	\$ 39,812
Task 3: Trash Assessment Baseline Study for City of Chula Vista Jurisdiction East of I-805	\$ 20,459
Task 4: Structural BMP Implementation Feasibility Report for City of Chula Vista Jurisdiction West of I-805	\$ 23,155
Task 5: As-Needed Services as requested by the City of Chula Vista not outlined in Task 1 through Task 4 above. (Estimated)	\$ 26,089
<b>TOTAL</b>	<b>\$ 150,000</b>

### ONGOING FISCAL IMPACT

Fiscal impact for Fiscal Year 2016-2017 the maximum amount to be paid to the Consultant for services performed through August 31, 2017 shall not exceed \$150,000. If the agreement was extended for two additional one-year terms, at the City's sole discretion, the amount to be paid to the Consultant shall not exceed \$157,500 for services provided during the term of the first year extension (September 1, 2017 through August 31, 2018) for Fiscal Year 2017-2018 and \$165,375 for services provided during the term of the second year extension (September 1, 2018 through August 31, 2019). Funds required to cover said extensions will be programmed as part of the City's Public Works budget for Fiscal Years 2017-2018 and 2018-2019 as part of the normal budget process.

### ATTACHMENTS

Agreement with D-MAX Engineering, Inc.  
Resolution

*Staff Contact: Boushra Salem, Senior Civil Engineer, Department of Public Works*