



## Legislation Details (With Text)

**File #:** 2019-0469    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Passed  
**File created:** 11/21/2019    **In control:** Board of Port Commissioners  
**On agenda:** 1/9/2020    **Final action:** 1/9/2020  
**Title:** RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT 285-2017MA WITH RICK ENGINEERING, AMENDMENT NO. 1 TO AGREEMENT 287-2017MA WITH FMF PANDION, AND AMENDMENT NO. 1 TO AGREEMENT 286-2017MA WITH TETRA-TECH, INC. FOR AS-NEEDED STORMWATER MANAGEMENT SERVICES INCREASING THE MAXIMUM EXPENDITURE BY \$750,000 FOR A NEW AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000, EXTENDING THE AGREEMENT UNTIL JUNE 30, 2022, AND ESCALATING THE FULLY BURDENED HOURLY BILLING RATES BY 3% PER YEAR, EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2022 FOR RICK ENGINEERING AND FMF PANDION. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED AND FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED, SUBJECT TO BOARD APPROVAL

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2. 2019-0469 Attachment A, 2. 2. 2019-0469 Attachment B, 3. 2. 2019-0469 Attachment C, 4. 2. 2019-0469 Draft Resolution

Date	Ver.	Action By	Action	Result
1/9/2020	1	Board of Port Commissioners	adopted	

**DATE:** January 9, 2020

**SUBJECT:**

**RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT 285-2017MA WITH RICK ENGINEERING, AMENDMENT NO. 1 TO AGREEMENT 287-2017MA WITH FMF PANDION, AND AMENDMENT NO. 1 TO AGREEMENT 286-2017MA WITH TETRA-TECH, INC. FOR AS-NEEDED STORMWATER MANAGEMENT SERVICES INCREASING THE MAXIMUM EXPENDITURE BY \$750,000 FOR A NEW AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000, EXTENDING THE AGREEMENT UNTIL JUNE 30, 2022, AND ESCALATING THE FULLY BURDENED HOURLY BILLING RATES BY 3% PER YEAR, EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2022 FOR RICK ENGINEERING AND FMF PANDION. FUNDING FOR FISCAL YEAR 2020 IS BUDGETED AND FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED, SUBJECT TO BOARD APPROVAL**

**EXECUTIVE SUMMARY:**

The District supports clean water in San Diego Bay through several initiatives, studies, and its jurisdictional runoff management program (JRMP). The goal is to reduce, remove and eliminate pollutants in runoff from tidelands. Several National Pollutant Discharge Elimination System (NPDES) stormwater permits are implemented through the District's JRMP. These permits include requirements and actions that must be taken to reduce or minimize the impacts from urban runoff

generated from existing developments, construction and development projects, and other activities. The District utilizes consultant services to assist with these requirements and to provide technical expertise in support of the District's water quality goals.

Due to an unanticipated uptick in construction activities, ongoing marine terminal initiatives, and other strategic water quality initiatives and operational activities requiring stormwater oversight, most of the funds allocated to the as-needed stormwater services agreements have been exhausted or encumbered ahead of schedule, resulting in the need for an amendment to the agreement. The three firms under these agreements have provided exemplary services to date. Continuation of services from the existing firms is needed to complete existing projects efficiently and effectively.

### **RECOMMENDATION:**

Adopt a Resolution authorizing Amendment No. 1 to Agreement 285-2017ma with Glenn A. Rick Engineering & Development Corporation dba Rick Engineering (Rick Engineering), Amendment No. 1 to Agreement 287-2017ma with FMF Pandion, and Amendment No. 1 to Agreement 286-2017ma with Tetra-Tech, Inc. for as-needed stormwater management services increasing the maximum expenditure by \$750,000 for a new aggregate amount not to exceed \$1,500,000, extending the agreement until June 30, 2022, and escalating the fully burdened hourly billing rates by 3% per year, effective July 1, 2020 through June 30, 2022 for Rick Engineering and FMF Pandion.

### **FISCAL IMPACT:**

The proposed amendment to Agreements 285-2017MA, 286-2017MA, and 287-2017MA in the amount of \$750,000 with Rick Engineering, FMF Pandion, and Tetra-Tech, Inc., increases the total contract amount from \$750,000 to \$1,500,000 and extends the end date from June 30, 2021 to June 30, 2022. Funding for this amendment is available in the Environmental Protection FY 2020 budget.

Funds required for future fiscal years will be budgeted for in the appropriate year subject to Board approval upon adoption of each fiscal year's budget.

### **COMPASS STRATEGIC GOALS:**

This agenda item amends the consultant agreements for stormwater management services. The goal of the services provided is to promote a clean San Diego Bay and maintain compliance with required stormwater related permits. Services provided will also help align water quality protection with commerce and maritime activities, enhance visitor experience, reduce environmental liability and increase environmental awareness. Protecting water quality ensures that the waterfront remains vibrant, safe, healthy and fun. This agenda item supports the following Strategic Goal(s):

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port with a comprehensive vision for Port land and water uses integrated to regional plans.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The District's 21<sup>st</sup> century organizational vision is an innovative, global seaport supporting commerce, community, and the environment. Accordingly, the District seeks to implement programs and projects that align San Diego Bay water quality protection and enhancement actions with the varied uses of District tidelands.

The District is also committed to implementing a stormwater management program that protects water quality in accordance with state and local stormwater requirements such as the Municipal Stormwater Permit and the Construction General Permit<sup>1</sup>. The District's program regulates certain discharges and ensures that the proper controls are implemented in facility operations, construction and development projects, and activities on tidelands. Each of these permits contains requirements and actions that must be taken to reduce or minimize the impacts from urban runoff.

To help the District successfully achieve its water quality goals and maintain compliance with regulatory permits, the District utilizes as-needed consultant services to provide specific technical assistance and support. The scope of services under the proposed agreements includes stormwater planning and reporting, facility and construction site stormwater inspections, storm drain inspections and mapping and modeling, technical document and construction plan preparation and reviews, stormwater sampling, standard template development, and employee and tenant training. To date, consultants under contract have assisted with the following tasks:

- Permanent water quality treatment BMP inspections;
- JRMP required construction inspections;
- Water quality planning at the marine terminals;
- Stormwater document review;
- Alternative compliance planning support; and
- Generate and update stormwater document templates.

Environmental Protection has experienced an increase in workload recently due to an increase in construction projects and the correlated need for stormwater oversight on inspections and BMP implementation. That, coupled with an increase in rainfall last FY and projected into this FY, has led to a greater reliance on consultant services to support staff compliance efforts. As a result, funds have been exhausted quicker than originally anticipated and additional funds are necessary to support forecasted tasks related to Municipal Stormwater Permit compliance such as JRMP required construction inspections. Consultant support is also necessary to assist with ongoing efforts related to the marine terminal stormwater program.

District staff has been pleased with the quality of work from the three consultants under contract and recommends the following:

- Add an additional \$750,000 aggregate to the contract for use on an individual task authorization basis;
- Retain the three consultants currently under contract (Rick Engineering, FMF Pandion, and Tetra-Tech, Inc.); and
- Extend the contract for an additional one year, to expire on June 30, 2022.

### **General Counsel's Comments:**

The Office of the General Counsel reviewed this agenda and approved the proposed agreements as

presented to it as to form and legality.

### **Environmental Review:**

The proposed Board action for the amendments to existing agreements between the District and Rick Engineering, FMF Pandion, and Tetra-Tech, Inc. for as-needed stormwater management services is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), and 15306 (Information Collection) because it is an amendment to existing agreements for stormwater management services that would involve no expansion of use beyond that previously existing. Further, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). No further action under CEQA is required.

In addition, the proposed Board action complies with Section 87 of the Port Act, which allows for construction, reconstruction, repair, maintenance, and operation of public buildings public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine.

Finally, the proposed Board action is considered an “excluded development” pursuant to Section 8.a. (Existing Facilities), and 8.e. (Information Collection) of the District’s Coastal Development Permit (CDP) Regulations as the amendments to the agreements for stormwater management services that would involve no expansion of use beyond that previously existing. Therefore, issuance of a CDP is not required.

### **Equal Opportunity Program:**

Due to limited known subcontracting opportunities, no small business goal was established for this agreement.

### **PREPARED BY:**

Christian Braun  
Senior Environmental Specialist, Environmental Protection

### **Attachment(s):**

Attachment A: Amendment No. 1 to Agreement No. 285-2017MA with Glenn A. Rick Engineering & Development Corporation dba Rick Engineering  
Attachment B: Amendment No. 1 to Agreement No. 286-2017MA with Tetra Tech, Inc.  
Attachment C: Amendment No. 1 to Agreement No. 287-2017MA with FMF Pandion

<sup>1</sup> Order No. R9-2015-0100, also referred to as the Municipal Stormwater Permit, regulates discharges of urban runoff from the municipal storm drain system. On a state level, Order No. 2009-0009-DWQ, also referred to as the Construction General Permit, regulates discharges from construction activities on sites greater than one acre.