



## Legislation Text

File #: 2019-0327, Version: 1

**DATE:** November 5, 2019

**SUBJECT:**

**RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH APEX COMPANIES LLC FOR AS-NEEDED CHULA VISTA BAYFRONT STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SERVICES FOR AN AGGREGATE AMOUNT NOT TO EXCEED \$633,269 FOR A PERIOD OF THREE YEARS. FUNDS WILL BE SOURCED FROM THE SITE PREPARATION AT CHULA VISTA BAYFRONT PROJECT IN THE FY 2019-2023 CAPITAL IMPROVEMENT PROGRAM.**

### **EXECUTIVE SUMMARY:**

This action will authorize an agreement for Storm Water Pollution Prevention Plan (SWPPP) services for the Chula Vista Bayfront to provide temporary water pollution control Best Management Practices (BMP) inspection, maintenance, and repair services at the Chula Vista Bayfront (CVB) as part of the Capital Improvement Program (CIP) project Site Preparation at Chula Vista Bayfront. Pursuant to BPC Policy No. 110, the District issued a Request for Proposals (RFP) on May 10, 2019. The District received four proposals and interviewed three of the four responsive firms: Apex Companies LLC, KEMA, and Summit Enterprises Inc. dba Summit Erosion Control.

After reviewing the written proposals, conducting interviews and leading a decision analysis process with criteria as stated in the RFP, final evaluation concluded that Apex Companies, LLC offered the best value for this agreement.

Upon Board approval, staff will be authorized to enter into Agreement No. 148-2019MA (Attachment A). The agreement is for a one-year period with the District's option to extend the agreement for two additional years as follows:

Agreement Year	Maximum Expenditure
Year 1 – November 12, 2019 through November 11, 2020	\$183,269
Years 2 and 3 – November 12, 2020 through November 11, 2022	\$450,000
Not to Exceed Total	\$633,269

Selecting and Authorizing this agreement will not commit the entire not-to-exceed agreement amount of \$633,269. Instead, this action provides staff the contractual capacity to address the SWPPP requirements as needed, should they arise during the three (3) year agreement term, for future site development needs, weather conditions, and opportunities to import and place additional soil.

## **RECOMMENDATION:**

Resolution selecting and authorizing an agreement with Apex Companies LLC for As-Needed Chula Vista Bayfront SWPPP (Storm Water Pollution Prevention Plan) services for an aggregate amount not to exceed \$633,269 for a period of three years

## **FISCAL IMPACT:**

Funds for this service, if needed, will be sourced from the Site Preparation at Chula Vista Bayfront project in the FY 2019-2023 CIP. Approval of this agenda will authorize the expenditure of up to \$633,269 from the Capital Improvement Program funding appropriation.

## **COMPASS STRATEGIC GOALS:**

- A Port with a healthy and sustainable bay and its environment.

## **DISCUSSION:**

### *Chula Vista Bayfront Project*

The Chula Vista Bayfront (CVB) project seeks to transform approximately 535 acres of largely vacant and underutilized industrial landscape into a thriving recreational, residential, and resort destination along the Chula Vista waterfront.

The CVB Master Plan envisions:

- 70 acres of new parks (100 acres park land total, including existing parks)
- 120 acres of open space, habitat replacement, wetlands, and ecological buffers to protect wildlife habitat, species, and other coastal resources
- Shoreline promenade, walking trails, and bicycle path network
- 2,850 total hotel rooms
- 600,000 square feet of restaurant, retail, and marina-support uses
- 220,000 square feet of mixed-use commercial recreation/marine-related office uses
- 1,100 - 3,000 space parking facility

Development on the CVB is currently underway with the commencement of construction of the Costa Vista RV Park and the Sweetwater Bicycle Path and Promenade project. It is anticipated that development of the 1,600 room Gaylord hotel and related public infrastructure will commence in mid-2020. The Gaylord hotel, to be developed by RIDA, will be the centerpiece of and the catalyst project for future development within the Chula Vista Bayfront.

The CVB CIP project, Site Preparation at Chula Vista Bayfront, is currently in the planning and design phases, and early site preparation grading at key parcels has begun. Site preparation grading includes import and placement of pre-qualified soil embankment to key locations in the CVB to provide soil for site improvement grading to accommodate sea level rise at key project locations.

To date, approximately 225,000 cubic yards of fill soil have been transported to the Chula Vista Bayfront as part of the Site Preparation at Chula Vista Bayfront project at the sites for the Costa Vista RV Resort and the upcoming Gaylord hotel. Planned building pad and site improvements for these and other upcoming CVB projects will require continued import activities throughout the upcoming years. This agreement will provide a qualified service provider to fulfill SWPPP inspection, maintenance, repair and reporting requirements imposed by the State of California's Construction General Permit (CGP) and the District's Jurisdictional Runoff Management Program (JRMP). The service provider will maintain in place Long-Term Temporary BMP Operations and Maintenance Plans (LTMP's). In addition, services include potential construction storm water compliance measures after selective land disturbance activities associated with grading work at various locations in Chula Vista.

Selecting and Authorizing this agreement will not commit the entire not-to-exceed agreement amount of \$633,269. Instead, this action provides staff the contractual capacity to address the SWPPP requirements on an as-needed basis during the three (3) year agreement term, to address future site development needs, weather conditions, and opportunities to import and place additional soil.

Staff implemented the process for procurement of consultants in accordance with BPC Policy No. 110. An RFP for Chula Vista Bayfront SWPPP Services was issued on May 10, 2019. During the advertisement period, 2,042 vendors were notified. Of those notified, 87 vendors signed up as prospective proposers, and four submitted proposals. An information exchange meeting, attended by 6 consultants, was held on May 22, 2019. On June 11, 2019, the District received responsive proposals from four firms. The firms are listed alphabetically in the following table:

Firm	Local Office Location
Apex Companies LLC,	San Diego, CA
KEMA	National City, CA
SoCal Stormwater Runoff Solution Services, Inc.	Sherman Oaks, CA
Summit Enterprises Inc. dba Summit Erosion Control.	San Diego, CA

Their qualifications were reviewed by a cross-departmental panel of District staff. Three of the four firms were selected for interviews based on their written proposals, and interviews were conducted on July 10, 2019. The evaluation panel considered the written proposals, presentations, and responses to interview questions, and the firms were ranked based on the criteria established in the RFP. The three top-ranked firms are described below, in the order in which they were ranked:

Firm	Local Office Location
<p><b>Apex Companies LLC:</b></p> <p>Apex presented a well-qualified staff where both Project Managers as well as other team members attended and were part of the overall presentation. Included in their presentation was a very clear assignment and organizational chart that defined each team members qualifications and responsibility.</p> <p>Apex Companies LLC reporting is very organized and sophisticated and utilizes current technology. They presented a proactive approach to providing solutions to anticipated storm water problems within the sites to minimize costs from responses to stormwater issues. Apex currently contracts with the Port and therefore has relevant experience. Their presentation addressed the Port's overall needs as well as the CVB site specific needs. Finally, Apex's costs were the second lowest proposed and were close to the lowest.</p>	San Diego, CA
<p><b>KEMA:</b></p> <p>KEMA presented well-qualified staff with experience working on stormwater issues nationwide as well as experience working with the California State Water Board including experience with United States Navy projects in and around San Diego Bay. KEMA did not however describe in detail their staff's experience with regards to the specific needs of the District. For example, KEMA's description of the District's needs left out key challenges such as storm water entering the Bay, pumping storm water out of the sediment traps that are currently being utilized at the CVB, or the site inspections that are required by the State Water Board.</p> <p>Finally, KEMA's costs were the highest of all respondents.</p>	National City, CA
<p><b>Summit Enterprises Inc. dba Summit Erosion Control:</b></p> <p>Summit Erosion Control presented a team with excellent field staff experience with an emphasis on private industry with building contractors. Some of the experience Summit highlighted included direct involvement in the CVB.</p> <p>Summit's presentation included the installation of sustainable and durable products. They emphasized their ability to react to events with resources with multiple field staff; this emphasis contrasted with other vendor's proactive approach to preparing the sites for storm events. Summit's proposal, however lacked solutions to potential problems, and they did not demonstrate well organized reporting capability.</p> <p>Summit's proposed costs were the lowest.</p>	San Diego, CA

The selection panel found that Apex Companies LLC was the highest qualified based on their experience preparing for and responding to stormwater issues, their ability to address the District's specific and overall needs, and their proactive approach to this project. Based on this analysis, staff concluded that their proposed agreement will achieve the best value to the District. Staff recommends the Board adopt a resolution selecting and authorizing an agreement with Apex Companies LLC for the Chula Vista Bayfront SWPPP (Storm Water Pollution Prevention Plan) services.

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

The Office of the General Counsel reviewed this agenda and approved the proposed agreement as presented to it as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, a resolution selecting and authorizing an agreement with APEX Companies for as-needed SWPPP services at Chula Vista Bayfront was adequately covered in the Final Environmental Impact Report (FEIR) for the Chula Vista Bayfront Master Plan (CVBMP) (UPD #83356-EIR-658; SCH #2005081077; Clerk Document No. 56562), certified by the District on May 18, 2010 (Resolution No. 2010-78), the Addendum to the FEIR, which was adopted by the Board on August 13, 2013 (Resolution No. 2013-138), and the Second Addendum to the FEIR, which was adopted by the Board on April 10, 2018 (Resolution No. 2018-0069). The proposed Board action is not a separate "project" for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.) Additionally, pursuant to CEQA Guidelines Sections 15162 and 15163, and based on the review of the entire record, including without limitation, the FEIR and Addendums, the District finds and recommends that the proposed Board action does not require further environmental review as: 1) no substantial changes are proposed to the project and no substantial changes have occurred that require major revisions to the FEIR and Addendum due to the involvement of new significant environmental effects or an increase in severity of previously identified significant effects; and 2) no new information of substantial importance has come to light that (a) shows the project will have one or more significant effects not discussed in the FEIR and Addendum, (b) identifies significant impacts would not be more severe than those analyzed in the FEIR and Addendum, (c) shows that mitigation measures or alternatives are now feasible that were identified as infeasible and those mitigation measures or alternatives would reduce significant impacts, and (d) no changes to mitigation measures or alternatives have been identified or are required. Pursuant to CEQA Guidelines §15162 (b), the District finds and recommends that no further analysis or environmental documentation is necessary. Accordingly, the proposed Board action is merely a step-in furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act which allow for the Board to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed actions are consistent with the Public Trust Doctrine.

The proposed Board action was covered in the CDP for Site Preparation at Chula Vista Bayfront (CDP-2017-01; Clerk Document No. 66187) approved by the District on January 25, 2017 and the amendment to the CDP issued by the District on November 1, 2018. The proposed Board action is consistent with the project in that CDP and amendment. No additional action under the California Coastal Act is required at this time.

**Equal Opportunity Program:**

Due to limited known sub opportunities, no SBE goal was established for this agreement. Apex Companies LLC did identify SBE's as part of their team.

**PREPARED BY:**

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Attachment A: Agreement between San Diego Unified Port District and Apex Companies, LLC for Chula Vista Bayfront SWPPP Services - Agreement No. 148-2019MA