



## Legislation Text

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**DATE:** February 11, 2020

**SUBJECT:**

**RESOLUTION REJECTING ALL BIDS RECEIVED ON DECEMBER 19, 2019, FOR CONTRACT NO. 2019-34 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST AND AUTHORIZING AGREEMENT NO. 10-2020MA WITH SOUTHERN CONTRACTING COMPANY IN THE AMOUNT OF \$744,692.00 FOR THE SAN DIEGO-CORONADO BAY BRIDGE ARTISTIC LIGHTING MOCK-UP TEST IN ACCORDANCE WITH BOARD POLICY NO. 110, SECTIONS II AND III. FY20 EXPENDITURES ARE BUDGETED AND WILL BE FUNDED FROM THE PUBLIC ART FUND AS NEEDED, WHICH WILL BE REIMBURSED/REPLENISHED FROM DONATIONS AND IN-LIEU PERCENT FOR ART CONTRIBUTIONS AS THEY ARE RECEIVED PURSUANT TO BPC POLICY NO. 608. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF THAT FISCAL YEAR'S BUDGET.**

**EXECUTIVE SUMMARY:**

The Lighting Mock-up is necessary to create a project description for the San Diego-Coronado Bay Bridge Lighting Project (Bridge Lighting Project) and to commence environmental review for the permanent Bridge Lighting Project. The Bridge Lighting Project is being undertaken via a Memorandum of Understanding (MOU) with the California Department of Transportation (Caltrans), for the purpose of artistically illuminating the bridge structure with an installation of computer-programmable, colored, light-emitting-diode (LED) luminaires. Caltrans has jurisdiction over the bridge within the State Highway System right-of-way. To date, the proposed lighting installation has been developed to the level of schematic design, and required specifications for architectural lighting products, including the LED luminaires, for the land portion of the project have been defined through technical studies and comparative mock-up testing of competing manufacturers' luminaires on bridge piers over land in May 2019. In order to complete the project description to commence environmental review in accordance with the California Environmental Quality Act (CEQA), a plan for overwater mock-up field testing (Lighting Mock-up) has been developed to test and demonstrate the lighting design on three concrete bridge piers near the center of the span in mid-2020. The recommended agreement authorization brought forth with this agenda item will provide for the procurement of LED luminaires and associated control equipment for temporary installation on the three bridge piers and for the services of a qualified installation contractor to implement and operate the Lighting Mock-up during the testing Mock-Up Lighting period.

Bids for the San Diego-Coronado Bay Bridge Mock-up Test, Specification No. 2019-34, were advertised on November 20, 2019. On December 19, 2019, the District received three (3) bids ranging from \$755,755.00 to \$1,189,774.00. The apparent low bid and the highest bid were determined to be non-responsive with respect to the requirements of the Specification; and the

middle bid, as well as the highest bid, exceeded the allotted budget for the Lighting Mock-up. In addition, after issuing the initial public works bid, Staff has determined that the temporary mock-up using non-permanent attachments, such as clamps, which will be removed as part of the at the conclusion of the mock-up does not require public works bidding processes for the project. For these reasons, to close out the public works bidding process, Staff recommends the Board reject all bids.

While the strict formalities and low-bid award generally required for public works projects does not apply, Board Policy No. 110 still provides requirements for competitive bidding of service agreements and purchase of goods. The process used in the public works bidding on this project satisfies the requirements of Board Policy No. 110, sections II and III, in this case. Therefore, Staff has negotiated an agreement with Southern Contracting Company, the one responsive and qualified bidder with a reduced scope which allows the District to achieve a Lighting Mock-up within the project budget.

### **RECOMMENDATION:**

A. Adopt a resolution rejecting all bids received on December 19, 2019, for Contract No. 2019-34 for the San Diego-Coronado Bay Bridge artistic lighting mock-up test and authorizing Agreement No. 10-2020MA with Southern Contracting Company, in the amount of \$744,692.00 for the San Diego-Coronado Bay Bridge artistic lighting mock-up test. FY20 expenditures are budgeted and will be funded from the Public Art Fund as needed, which will be reimbursed/replenished from donations and in-lieu percent for art contributions as they are received pursuant to BPC Policy No. 608. Funds required for future fiscal years will be budgeted in the appropriate fiscal year, subject to Board approval upon adoption of that fiscal year's budget.

### **FISCAL IMPACT:**

Funds for the Mock-Up Lighting are available in the Waterfront Arts & Activation Department FY20 NPE budget and, on a reimbursable basis, from the District's Public Art Fund. Funding of Bridge Lighting Project, including testing, CEQA review and other entitlements, is intended to be from charitable contributions from businesses, organizations and individuals; tenant percent-for-art contributions received pursuant to BPC Policy 608; and grants. In instances where expenses have exceeded the sum of such revenues, the District's Public Art Fund has served as a back-up source of funding, with the understanding that such expenditures from the Public Art Fund would be reimbursed from future revenues generated by the ongoing fundraising initiatives. The current Public Art Fund balance of approximately \$857,000 defines the budget to continue underwriting anticipated bridge lighting expenses, including the amount of the Lighting Mock-up contract, through FY20 Q3 and Q4 on a reimbursable basis.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goals:

- A vibrant waterfront destination where residents and visitors converge.

### **DISCUSSION:**

Field testing of the proposed bridge lighting design is an integral and necessary step in further

designing and creating a CEQA project description. The Lighting Mock-up will be testing of a potential technical lighting design that will feed into the project description or modify the anticipated project description to allow for environmental review to commence for the Bridge Lighting Project. The Lighting Mock-up will be performed on three of the 29 concrete bridge piers that are proposed for illumination.

The Lighting Mock-up includes the temporary installation of computer-programmable color LED luminaires on bridge piers 16, 17 and 18, which are located near the center of the overwater bridge span, as shown on Attachment A. Temporary installation of the luminaires will be accomplished by means, such as with clamps, that will not affect or alter the bridge structure in any way. Luminaires will be mounted within the superstructure and on pier caps to affect down-lighting of the three piers, and pier 18 will additionally receive up-lighting from luminaires mounted on its piling cap. Approximately 140 luminaires will be temporarily installed to illuminate the three piers. Access for installation and removal of the luminaires will be provided via the existing bridge maintenance catwalk and by barge or boats.

The duration of the Lighting Mock-up is being planned for a period of seven consecutive nights during the hours between dusk and midnight from Monday, June 29, to Saturday, July 4, 2020. All luminaires and equipment installed for the Lighting Mock-up will be removed from the Bridge within seven days after the testing is completed. Upon de-installation, the luminaires and associated equipment and systems procured under this contract for the performance of the Lighting Mock-up will be placed in storage by the District. The proposed Lighting Mock-Up shall not diminish the Board's discretion in the future regarding the proposed Bridge Lighting Project, CEQA review for the same, including adoption of mitigation measures or CEQA alternatives, including the no project alternative or a Statement of Overriding Considerations, if applicable and the Board reserves its full discretion to approve or disapprove the Bridge Lighting Project.

A summary of contractor's principal responsibilities under this contract include, but are not limited to: (1) procurement, installation, and removal of LED luminaires, wires, connections, lighting control systems, and wireless transmitters/receivers on bridge piers 16 through 18; (2) pre- and on-site field support to ensure all equipment is fully commissioned, tested, and programmed; (3) supply of temporary power to the luminaires; (4) operation and control of luminaires for seven consecutive nights; and (5) continuous comprehensive support throughout the duration of the testing and demonstration period. After the Mock-Up Testing, staff will create a project description for CEQA review based on the results of the test, which may include altering what was used in the testing. Afterwards, it is anticipated that the CEQA process will start.

The Contract Documents including Drawing No. TL-2019-34 and Specification No. 2019-34 were issued for advertisement on November 20, 2019. On December 19, 2019, three (3) bids were received ranging from \$755,755.00 to \$1,189,774.00.00. Bids received from HMS Construction, Inc. (low bidder) and Power Pro Plus, Inc. (high bidder) were deemed to be non-responsive because the bidders did not submit documentation as set forth in the Specification related to experience with artistic luminaries. Additionally, bids from Southern Contracting Co. and Power Pro Plus exceeded the amount budgeted for the Lighting Mock-up. Bid amounts are shown in the table below:

Company	Location	Bid Amount
HMS Construction, Inc.	2885 Scott Street Vista, CA 92081	\$755,755.00
Southern Contracting Co.	559 N. Twin Oaks Valley Rd. San Marcos, CA 92069	\$1,066,500.00
Power Pro Plus, Inc.	8751 Prestige Court Rancho Cucamonga, CA 91730	\$1,189,774.00

Based on review of the bids, the lowest responsive and responsible bidder was determined to be submitted by Southern Contracting Co. at \$1,066,500.00. The engineer's construction cost estimate was \$700,000.

In addition, after issuing the initial public works bid, Staff has determined that the temporary mock-up using non-permanent attachments which will be removed as part of this project at the conclusion of the mock-up does not require public works bidding processes for the project. For these reasons, to close out the public works bidding process, Staff recommends the Board reject all bids.

While the strict formalities and low-bid award generally required for public works projects does not apply, Board Policy No. 110 still provides requirements for competitive bidding of service agreements and purchase of goods. The process used in the public works bidding on this project satisfies the requirements of Board Policy No. 110, sections II and III, in this case.

Therefore, Staff has negotiated the recommended agreement with Southern Contracting Company, the one responsive and qualified bidder with a reduced scope which allows the District to achieve a Lighting Mock-up within the project budget.

Upon Board authorization of this agreement, procurement of long-lead-time materials for the Lighting Mock-up is expected to commence in March 2020. Installation is expected to commence in late June 2020, and testing and de-installation is expected to be completed by early July 2020.

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

The Office of the General Counsel has reviewed the agenda sheet and attachments, as presented to it, and approves the same as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, a resolution rejecting all bids received for the San Diego-Coronado Bay Bridge Artistic Lighting Mock-Up test and a resolution authorizing a directly negotiated agreement for the San Diego-Coronado Bay Bridge Artistic Lighting Mock-up test is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15306 (Information Collection) and Section 3.a. of the District's Guidelines for Compliance with CEQA because the project in question would involve no expansion of use beyond that previously existing and would not result in a serious or major disturbance to an environmental resource. 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). A CEQA Exemption was previously issued for this project on June 4, 2019 (2019-090). The proposed project is consistent

with the project analyzed in the Categorical Determination. 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.) Accordingly, the proposed Board action is merely a step-in furtherance of the original project for which environmental review was performed, and no further environmental review is required.

In addition, the proposed Board direction or action complies with sections 21, 35, and 81 of the Port Act, which allow for the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, and to use District funds for expenses of conducting the District. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The project site is located in an area that is not within the District’s CDP jurisdiction. The project site is within the CDP jurisdiction of the CCC. On October 16, 2019 the California Coastal Commission (CCC) authorized issuance of a Coastal Development Permit (CDP) for the temporary installation of artistic programmable light-emitting diode lights ranging from 2,400 to 3,000 Kelvin on three center piers and lighting testing for a period of seven consecutive nights (CDP 6-19-0438). 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 contract.

**PREPARED BY:**

Yvonne Wise  
Director, Waterfront Arts & Activation

**Attachment(s):**

Attachment A: Lighting Mock-up Site on San Diego-Coronado Bay Bridge  
Attachment B: Agreement No. 10-2020MA with Southern Contracting Company for the San Diego-Coronado Bay Bridge Artistic Lighting Mock-up