



## Legislation Text

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File #: 2020-0016, Version: 1

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**DATE:** March 10, 2020

**SUBJECT:**

**RESOLUTION SELECTING AND AUTHORIZING AN AGREEMENT WITH DOWNSTREAM SERVICES INC., FOR AS NEEDED STORMDRAIN CLEANING AND MAINTENANCE SERVICES FOR A NOT TO EXCEED PERIOD OF THREE YEARS AND A TOTAL AGREEMENT AMOUNT OF \$180,000; FY2020 EXPENDITURES ARE BUDGETED. FUNDS REQUIRED FOR FUTURE FISCAL YEARS WILL BE BUDGETED IN THE APPROPRIATE FISCAL YEAR, SUBJECT TO BOARD APPROVAL UPON ADOPTION OF EACH FISCAL YEAR'S BUDGET**

### **EXECUTIVE SUMMARY:**

The District champions clean water in San Diego Bay through various initiatives, studies, inspection, and maintenance activities. The District also supports clean water by implementing the Municipal Stormwater Permit<sup>1</sup> (Stormwater Permit) requirements. The Stormwater Permit includes actions that must be taken to reduce or minimize the impacts from urban runoff. Routine maintenance and cleaning of the District storm drain system is a requirement of the Municipal Stormwater Permit. Proper cleaning may also prevent flooding and is a way to prevent pollutants from entering the Bay. The District utilizes a storm drain cleaning contractor to assist in completing this task.

Pursuant to BPC Policy No. 110, the District staff issued a Request for Bid (RFB 19-43MA) on November 11, 2019 to provide as-needed storm drain cleaning and maintenance services for a period of three years. A total of five bids were received with one of those bids rejected due to post-bid corrections. Based on their proposed lowest bid and positive references, Downstream Services, Inc., is being recommended for a new as-needed storm drain cleaning and maintenance agreement by District staff. Downstream Services is also the service provider for the existing as-needed storm drain cleaning agreement and has performed well for the District in this capacity.

### **RECOMMENDATION:**

Adopt a Resolution authorizing an Agreement with Downstream Services, Inc. for as-needed storm drain cleaning and maintenance services for an amount not to exceed \$180,000 for a period of three years, through year 2023.

### **FISCAL IMPACT:**

Funds for these expenditures are budgeted in the approved FY 20 Environmental Protection Stormwater Program Implementation budget. Funds required for future fiscal year(s) will be budgeted in the appropriate fiscal year and cost account subject to Board approval.

## **COMPASS STRATEGIC GOALS:**

This agenda item is to authorize an as-needed storm drain cleaning and maintenance service agreement. Approval of this agreement will enable the continued use of these services and will promote a clean San Diego Bay and maintain compliance with required stormwater-related permits. 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 thriving and modern maritime seaport.
- A vibrant waterfront destination where residents and visitors converge.
- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

## **DISCUSSION:**

The District implements programs, projects, and routine maintenance actions that align San Diego Bay water quality protection with the varied uses of District tidelands. Included in the list of maintenance actions is routine cleaning of the District storm drain system. Cleaning of the District storm drain system is one way the District prevents pollutants from entering San Diego Bay and helps prevent area flooding during rain events.

The District is also committed to implementing a stormwater management program that protects water quality in accordance with state and local stormwater requirements. The Stormwater Permit regulates discharges of urban runoff from the municipal storm drain system. The Stormwater Permit requires among other items, the proper operation and maintenance of the municipal storm drain system and structural treatment controls in the storm drains to reduce pollutants in storm water discharges.

The storm drain system includes the storm drain pipes, catch basins, inlets, detention basins and outfalls. Inlet screens and filters are also installed in many of the inlets across tidelands. The cleaning frequency of these structures can vary annually and by location depending largely upon weather, adjacent events and activities, and overall landside use patterns.

Pursuant to BPC Policy No. 110, the District staff issued a Request for Bid, RFB 19-43MA, to provide as-needed storm drain cleaning and maintenance services. The RFB process involves selection of the lowest responsive bid, with cost based on the District's defined scope of services. Five bids were received through the RFB. Using the District's standard RFB review process which includes the bid review and a check of company references, the lowest bid was rejected due to post-bid correction of two bid items. As a result, Downstream Services, Inc., was determined to be the lowest responsive bidder.

Downstream Services holds the existing storm drain cleaning contract which has been in place since 2014. The company has performed well for the District by demonstrating an understanding of the District's needs for maintenance of the storm drain system and has been responsive to the District's requests.

Based on the results of the RFB selection process and the positive past performance of services provided, District staff is requesting Board authorization to enter into a new agreement Downstream Services in the amount of \$180,000 for a period of three years.

### **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 Board action for an agreement between the District and Downstream Services Inc. for as-needed storm drain cleaning and maintenance services is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) because the agreement for storm drain cleaning and maintenance services would involve no expansion of use beyond the District's current routine cleaning and maintenance practices, which involves interior and exterior removal of debris from the system, as well as the cleaning, replacement and installation of filters to allow for the conveyance of stormwater; nor would these services expand beyond the District's existing storm drain system currently inventoried within the District. The agreement is for routine municipal storm drain cleaning consistent with the Municipal Stormwater Permit. 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, this Board item 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. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

Finally, the proposed Board action is considered an "excluded development" pursuant to Sections 8.a.(2) and (3) (Existing Facilities) of the District's Coastal Development Permit (CDP) Regulations as the agreement for storm drain cleaning and maintenance services that would involve no expansion of use beyond the District's current cleaning and maintenance practices, nor would these services expand beyond the District's current storm drain system. The routine municipal storm cleaning practices are consistent with the District's current Municipal Stormwater Permit. Therefore, issuance of a CDP is not required.

### **Equal Opportunity Program:**

Due to limited known sub opportunities, no SBE goal was established for this bid.

### **PREPARED BY:**

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Attachment(s):

Attachment A: Agreement with Downstream Services

<sup>1</sup> 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 Requirements For Discharges From the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the san Diego Region