

**CALENDAR ITEM
C31**

A	Statewide	12/03/08 Bid Log Number 2008-09 M. Ahuja, D. Brown, A. Abeleda
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**REQUEST FOR AUTHORITY FOR EXECUTIVE OFFICER
TO SOLICIT BIDS, AWARD AND EXECUTE AGREEMENTS FOR THE REMOVAL
OF THE VARIOUS HAZARDS LOCATED IN SANTA BARBARA AND VENTURA
COUNTIES ALONG THE COASTLINE**

PARTY:

California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

BACKGROUND:

The Commission has primary jurisdiction over the State's sovereign lands. These lands are held in trust to be used for public purposes such as commerce, navigation, fishing, recreation, and environmental open space and habitat. Staff has identified derelict structures located within the Commission's jurisdiction. These hazards represent decaying structures that impede these uses as well as pose a potential threat to public health and safety. This project will target identified hazards with higher potential risk of injury to the public along the coastal areas of the Santa Barbara Channel.

In 2001-02 fiscal year, the Legislature appropriated \$1,200,000 for the removal of hazards in the Santa Barbara Channel and Sacramento River areas. The Commission awarded a contract and staff began the environmental review and permitting process. On July 30, 2002, staff of the Commission circulated an Initial Study/Draft Mitigated Negative Declaration (IS/MND) for the program for a 30-day public review period pursuant to the California Environmental Quality Act (CEQA). The IS/MND was adopted by the Commission on October 1, 2002, for the program. In response to a budget shortfall, the Governor's Executive Order, D-64-02, dated November 26, 2002 required: "State agencies shall disencumber non-essential contracts or purchase agreements funded by appropriations from prior years, where goods and services have not been received, and to cancel the related contracts, where permissible." The Beach Hazard Removal contract was such a contract. The encumbrance was canceled, the funds reverted to the General Fund, and the program was put in suspense. Commission staff successfully obtained required permits to enable the program to continue as

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funds became available.

With all the required permits, staff was successful in pursuing some private companies to pay for the hazard removal efforts at sites where the companies were the responsible parties. Staff was able to direct its contractor to clear and make safe three sites at a cost of approximately \$2,000,000.

Staff has requested funding of \$700,000 over a three year period through the Coastal Impact Assistance Program (CIAP) established under Section 384 of the Energy Policy Act of 2005 (the Act). Expenditure authorization has been included in the 2008-09 fiscal year budget for this purpose. Funding is expected to be available in early 2009.

PROPOSED ACTIVITY:

The current Beach Hazard Removal contract expires in May, 2009. The Executive Officer requests delegation of authority to solicit bids and award and execute agreements for Services for the removal of the various on-shore hazards and derelict structures along the Santa Barbara and Ventura Counties coastline.

The bid process will be conducted consistent with procedures as specified in the State Contracts Manual, Public Contract Code, and Commission regulations. The method will be an Invitation to Bid (IFB) Public Works contract with the award to the lowest responsible bid that is responsive to all requirements and criteria stated in the IFB. Bid opening will be open to the public and all bids will be available for public inspection at the Commission's Sacramento office.

The Executive Officer also requests delegation of authority to reject any and all bids if their rejection is in the best interests of the State.

OTHER PERTINENT INFORMATION

1. For Soliciting Bids and Rejecting Bids

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, Section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

2. For Awarding and Executing the Contract

A Mitigated Negative Declaration, State Clearinghouse No. 2002071146, was prepared and adopted for this project by the California State Lands Commission on October 1, 2002.

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A Mitigation Monitoring Program was adopted by the California State Lands Commission on October 1, 2002.

This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, *et seq.*

Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.
- B. Public Resources Code Section 6106 (Delegation to execute written instruments)
- C. Public Contracts Code Section 10108 (Authority of the Commission to perform Public Works Projects)
- D. State Contracts Manual Chapter 11 Public Works Contracts
- E. Title 2, California Code of Regulations, section 1909

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. FOR SOLICITING BIDS AND REJECTING BIDS; FIND THAT THESE ACTIVITIES ARE NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.
2. FOR AWARDING AND EXECUTING THE CONTRACT:
 - A) FIND THAT A MITIGATED NEGATIVE DECLARATION, STATE CLEARINGHOUSE NO. 2002071146, AND MITIGATION MONITORING PROGRAM WERE PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA STATE LANDS COMMISSION ON OCTOBER 1, 2002.
 - B) ADOPT THE MITIGATION MONITORING PROGRAM, AS CONTAINED ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

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C) FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, *ET SEQ.*

AUTHORIZATION:

1. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SOLICIT BIDS, REJECT ANY AND ALL BIDS IF THEIR REJECTION IS IN THE BEST INTERESTS OF THE STATE, AND AWARD AND EXECUTE CONTRACTS NECESSARY FOR THE REMOVAL OF IDENTIFIED HAZARDS IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.