

**CALENDAR ITEM
C57**

A	Statewide	10/13/16 Bid Log Number 2016-02 C. Basavalinganadoddi D. Cook
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**CONSIDER DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER
TO SOLICIT BIDS, AWARD AND EXECUTE AGREEMENTS FOR THE CONTINUED
REMOVAL OF VARIOUS HAZARDS LOCATED ALONG THE COASTLINE IN SANTA
BARBARA AND VENTURA COUNTIES**

PARTY:

California State Lands Commission

BACKGROUND:

Weather systems and extreme storms can cause dangerous coastal hazards to surface on shorelines. The Commission, when funding is available, removes coastal hazards along the California coast. Examples of hazards are remnants of coastal structures, piers, oil wells and pilings, and deteriorated electric cables and old pipes. Many coastal hazards are located on Public Trust lands set aside for water-related commerce, navigation, fishing, and recreation, and can impede coastal use as well as threaten public health and safety. The Commission is committed to protecting California's coastline and ocean resources through robust implementation of its coastal hazard removal program.

The coastal hazard removal program was initiated with an inventory performed in the mid-1980s that found over 400 coastal hazards in Los Angeles, Santa Barbara and Ventura Counties. While some hazards were traced to responsible parties, most could not and consequently became the State's responsibility. With the assistance of grant funding, the Commission has enhanced the coastal environment by removing myriad hazards.

In 2002, Commission adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the Santa Barbara Channel Hazards Removal Project (Project). This Project and subsequent permitting targeted the removal of many of the hazards inventoried along the coasts of Santa Barbara and Ventura Counties. In 2010, the Commission received a \$700,000 grant from the Bureau of Ocean Energy Management to remove the hazards as part of the Project. In December 2010, the Commission awarded the hazard removal contract to Cushman Contracting Corporation. The original

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contract was for 3 years, expiring on December 30, 2013. The contract was extended every year thereafter and is current until December 30, 2016. The Commission has \$100,000 remaining to spend implementing the program, but the contract is nearing its end and cannot be extended. To take full advantage of new technological advances, to make use of the latest construction techniques and methods available in the industry, and to accommodate the prevailing wages and costs, it is necessary for the Commission to seek new competitive bids.

As such, the Executive Officer requests delegation of authority to solicit proposals and award and execute agreements for the continued removal of the various onshore hazards and derelict structures along the Santa Barbara and Ventura Counties coastline.

STAFF ANALYSIS AND RECOMMENDATION:

Authority and Other References:

Public Resources Code section 6106 (delegation to execute written instruments); State Contracting Manual, Volume 1, Chapter 10 – Public Works Contracts; Public Resources Code section 21065 and title 14, California Code of Regulations, sections 15060 (c)(3) and 15378; Public Contract Code section 10108 (Commission authority for Public Works Projects); title 2, California Code of Regulations, section 1909.

Public Trust and State's Best Interests Analysis:

The California State Lands Commission has management jurisdiction over the State's ungranted sovereign lands. These lands are held in trust to be used for Public Trust purposes such as water-related commerce, navigation, fishing, recreation, open space and habitat preservation. As described above, Commission staff has identified derelict structures located on lands within Commission's jurisdiction. These hazards impede the public's use of these lands and pose a potential threat to public health and safety. Through a new contract, continuation of the Commission's coastal hazard removal program will target the removal of hazards with higher potential of risk or injury to the public along the coasts of Santa Barbara and Ventura Counties. In addition, in the event other funding becomes available, the Commission will be ready to remove the identified hazards. The removal of hazards will be conducted to the fullest extent possible with the remaining monies and as funding becomes available.

The bidding will be conducted consistent with procedures specified in the State Contracting Manual, Public Contract Code, and Commission regulations. The method will be an Invitation for Bid Public Works contract

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with the lowest cost proposal meeting all requirements and criteria stated in the Invitation for Bid. All bids will be available for public inspection at the Commission's Sacramento office after the bid opening.

The recommended action, soliciting bids to hire a contractor to remove coastal hazards, will advance Public Trust values, address Public Trust needs and lessen the threat to public health and safety and is therefore in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. 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. A Mitigation Monitoring Program was adopted by the California State Lands Commission on October 1, 2002.
3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Mitigated Negative Declaration, State Clearinghouse No. 2002071146, and a Mitigation Monitoring Program were prepared and adopted by the California State Lands Commission on October 1, 2002, for this Project.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed activity will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust

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needs and values, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the Executive Officer or her designee to solicit bids and award and execute contracts necessary for the removal of identified hazards along the coastline of Santa Barbara and Ventura Counties in accordance with the Public Contract Code, Commission regulations, and State policies and procedures.