



## Legislation Text

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File #: 20-113, Version: 1

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### Memorandum

**Date:** February 11, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Scott De Leon, Public Works/Water Resources Director

**Subject:** EXTRA ITEM - (Sitting as the Board of Directors for the Lake County Watershed Protection District) (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of the goods or services, and (b) Approve the Agreement between the County of Lake and Davis Environmental for Phase 1 Environmental Site Assessments for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project and authorize the Chair of the Board of Directors to sign the Agreements

**Executive Summary:** (include fiscal and staffing impact narrative):

This item is being submitted as an “*extra*” agenda item. The justification for this request to consider an item not on the posted agenda is as follows:

- *The need to take action came to the attention of this department subsequent to the posting of the current agenda.*

The Department recently became aware that Phase 1 Environmental Site Assessments are a required component of the property acquisition process for the Middle Creek Marsh Restoration Project, and we were unable to obtain a price quote from the environmental consultant prior to the posting of the agenda.

- *There is a need to take immediate action before the next available agenda.*

Time is of the essence to get the studies and appraisals to the State for their review and concurrence, as this is required before any acquisition negotiations can commence with the property owners. The grant being used for the purchase of property has a firm deadline, and we must pursue property acquisition as quickly as possible, and with the holiday break next week, not approving these contracts today will result in a two week delay.

Staff requests that the Board of Supervisors concur that justification exists to consider this for an extra agenda item.

Staff was recently made aware that the grant funds currently being used to purchase properties for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (Project) have a requirement that a Phase 1 Environmental Site Assessment (ESA) must be completed prior to appraising the property. This report is based on a physical inspection of the property by a trained environmental professional and it summarizes the observations made about potential hazardous wastes. Through research of project files, staff has learned that two environmental consulting firms have previously performed this type of work on the project - GHD Environmental Consultants and Davis Environmental. Both of these firms have excellent past records of performance and are familiar with the properties in the project area.

Your Board recently approved the contract to perform the appraisals, so time is of the essence to get the environmental consultants started on the ESA's. Staff recommends that your Board find that: due to the unique nature of the services, both of these firms possess thorough understanding of the requirements of the project, their past record of performance is excellent, and that completing the Consultant Selection Process again will likely result in their selection and only delay the project and therefore is not in the public interest, that you waive the formal bidding process and approve the Agreement with Davis Environmental the amount of \$18,550.00. Unfortunately we were not able to reach an agreement with GHD prior to today's meeting, therefore will be bring their contract to your Board at a later date.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety    | <input checked="" type="checkbox"/> Infrastructure | <input type="checkbox"/> Not applicable          |
| <input type="checkbox"/> Economic Development               | <input type="checkbox"/> Disaster Recovery           | <input type="checkbox"/> County Workforce          | <input type="checkbox"/> Technology Upgrades     |
| <input type="checkbox"/> Community Collaboration            | <input type="checkbox"/> Business Process Efficiency | <input checked="" type="checkbox"/> Clear Lake     | <input type="checkbox"/> Revenue Generation      |
|   |  |  | <input checked="" type="checkbox"/> Cost Savings |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?  
How long has Agreement been in place?  
When was purchase last rebid?  
Reason for request to waive bid?

**Recommended Action:**

(Sitting as the Board of Directors for the Lake County Watershed Protection District) (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of the goods or services, and (b) Approve Agreement between the County of Lake and Davis Environmental for Phase 1 Environmental Site Assessments for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project and authorize the Chair of the Board of Directors to sign the Agreement.