

**CALENDAR ITEM
C28**

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**REQUEST AUTHORITY FOR THE EXECUTIVE OFFICER
TO SOLICIT PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE FAIR AND
REASONABLE PRICE, AWARD AND EXECUTE AGREEMENTS FOR
IMPLEMENTATION OF THE SANTA BARBARA CHANNEL
HAZARDS REMOVAL PROGRAM**

PARTY:

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

BACKGROUND:

Staff has inventoried various derelict structures located along the Coastline of Santa Barbara and Ventura counties. These decaying structures impede uses of sovereign land and pose a potential threat to the public health and safety. The State Lands Commission (Commission) was granted funding in the 2001/02 Budget Act to remove such derelict structures. 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. Subsequent to adopting the IS/MND and obtaining all necessary permits, the General Fund shortfall in 2002 led to a Governor's Executive Order, D-64-02, dated November 26, 2002, that 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 pursuant to the Executive Order and the funds were reverted to the General Fund. Funding is anticipated in FY 2008-09 through 20011-12 under the Coastal Impact Assistance Program (CIAP) established under section 384 of the Energy Policy Act of 2005.

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PROPOSED ACTIVITY:

The objective of the Santa Barbara Channel Hazards Removal Program is to eliminate or mitigate these risks to public health and safety and allow the sites to safely support public trust uses of State sovereign land. Funding under the CIAP has been applied for through the California Resources Agency which will act as the manager of the program. A request has submitted to the Legislature to incorporate the funding in the Commission's 2008-09 FY Budget.

Consideration of these project activities consistent with the CEQA will require implementing the Mitigation Monitoring Program as adopted by the Commission in the IS/MND. The Executive Officer requests delegation of authority to engage a consultant for this purpose. The CSLC shall select the Consultant in accordance with the procedures specified in the CSLC Regulations and in the State Contract Manual, on the basis of demonstrated competence and qualifications for the types of services to be performed, and at a fair and reasonable price.

A contract for the removal of hazards is already in place under previous authorizations.

OTHER PERTINENT INFORMATION:

1. 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.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

2. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Contracts Manual Section 11.00 (A & E method)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0

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IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.
2. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS DOES NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE SECTION 11342, SUB. (H), BECAUSE THEY WILL BE ACCORDED EQUAL OPPORTUNITY TO SUBMIT STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA.
3. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS FOR PROFESSIONAL SERVICES OF ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, LAND SURVEYING OR CONSTRUCTION PROJECT MANAGEMENT SERVICES WILL BE CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED BY THE COMMISSION AS SPECIFIED IN GOVERNMENT CODE SECTION 4526 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS 2980 –2980.9.
4. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SOLICIT PROPOSALS, NEGOTIATE A FAIR AND REASONABLE PRICE, AWARD AND EXECUTE CONTRACTS FOR ENVIRONMENTAL DOCUMENTATION AND MITIGATION MONITORING IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA RESOURCES AGENCY TO ACCEPT GRANT OF \$250,000 EACH YEAR FOR FOUR CONSECUTIVE YEARS STARTING WITH FISCAL YEAR 2008-09. THIS SUBJECT GRANT IS BEING SOUGHT BY THE COMMISSION UNDER COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) ESTABLISHED UNDER SECTION 384 OF THE ENERGY POLICY ACT OF 2005.