

**CALENDAR ITEM
C51**

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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 MITIGATION
MONITORING OF CHEVRON LONG WHARF IN RICHMOND, CALIFORNIA**

PARTY:

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

BACKGROUND:

The Chevron Richmond Long Wharf (Long Wharf) is a marine terminal designed and used for the transfer of crude oil and other process plant feed and blending stocks to the Chevron Richmond Refinery (Refinery) by ships and barges. The facility also transfers and processes plant feed stocks, blending stocks and liquid petroleum products to ships and barges from the Refinery. Vessels dock along the wharf and discharge to and/or receive cargo from storage tanks located in the Refinery through pipelines. CSLC retained the services of a consultant to prepare an Environmental Impact Report (EIR) for the project. The CSLC certified the EIR, adopted a Mitigation Monitoring Program and approved the new 30-year lease on January 29, 2009. The lease has since been executed by Chevron.

PROPOSED ACTIVITY:

Staff proposes to contract with a consultant to assist staff to complete the mitigation monitoring portion of the project. Solicitation and selection will be conducted consistent with Commission regulations and State policies and procedures. Work is of a limited duration and requires a wide array of technical specialties making the use of Commission staff impractical. The services are of such an urgent, temporary, and occasional nature that the delay incumbent in their implementation under civil service would frustrate their very purpose. All costs will be recovered from the lessee .

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OTHER PERTINENT INFORMATION:

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.

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 (rev. 10/05)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 , Sections 2980.0 - 2990.0
- F. Government Code Section 19130

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 SERVICES ARE OF LIMITED DURATION AND ARE OF SUCH URGENT, TEMPORARY AND OCCASIONAL NATURE THAT THE DELAY IN THEIR IMPLEMENTATION UNDER CIVIL SERVICE WOULD FRUSTRATE THEIR VERY PURPOSE AS SPECIFIED IN GOVERNMENT CODE SECTION 19130 (b) (10).
3. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS DOES NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE SECTION 11342.610, BECAUSE THEY WILL BE ACCORDED EQUAL OPPORTUNITY TO SUBMIT STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA.
4. 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

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GOVERNMENT CODE SECTION 4526 AND TITLE 2, CALIFORNIA
CODE OF REGULATIONS 2980 –2980.9.

5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SOLICIT PROPOSALS, NEGOTIATE A FAIR AND REASONABLE PRICE, AWARD AND EXECUTE CONTRACTS FOR MITIGATION MONITORING IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.
6. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH LESSEE TO RECOVER ALL COSTS INCURRED IN THE PERFORMANCE OF THIS WORK.