

**CALENDAR ITEM
C55**

A	Statewide	10/13/16 Bid Log 2016-08 PRC 6785 W 30209 R11214 A. Abeleda C. Connor
S	Statewide	C. Oggins

CONSIDER DELEGATING AUTHORITY TO THE EXECUTIVE OFFICER TO SOLICIT STATEMENTS OF INTEREST FOR ON-CALL CONSULTANT SERVICES, NEGOTIATE A FAIR AND REASONABLE PRICE, AND AWARD AND EXECUTE AGREEMENTS OF LESS THAN \$250,000 PER TASK FOR ENVIRONMENTAL OR PUBLIC TRUST REVIEW OF WATER INFRASTRUCTURE PROJECTS AND PROGRAMS FOR WHICH COMMISSION STAFF SEEKS TO PRIORITIZE REVIEW PURSUANT TO GOVERNOR BROWN’S EXECUTIVE ORDER B-29-15

PARTY:

California State Lands Commission

BACKGROUND:

The California State Lands Commission is seeking an on-call contractor to conduct environmental or Public Trust resource review of applications the Commission has received, or anticipates it will receive, for water infrastructure projects and programs that increase local water supplies—including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems—for which Commission staff seeks to prioritize review pursuant to Governor Brown’s Executive Order B-29-15 (see stipulation 19) (https://www.gov.ca.gov/docs/4.1.15_Executive_Order.pdf).

PROPOSED ACTIVITY:

During the course of this Contract, the Commission Project Manager will issue Work Orders for the services as they become necessary and said work shall not exceed the allocated Work Order budget. As projects become necessary, the Consultant will develop task-specific Work Plans including cost estimates based on the subject Work Orders. Examples of the work to be performed include the following.

- Preparation of documents under the California Environmental Quality Act (CEQA)

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- Review of potential impacts to Public Trust resources and values
- Provide expertise (or ability to bring experts on) in environmental and engineering issue areas, such as: air quality; greenhouse gas emissions; marine biology; engineering (e.g., intake and outfall structure conditions and modifications such as screen and diffuser installations); water quality and hydrology; sea-level rise; and Public Trust resources and values.
- Ability to conduct modeling or field studies to address issues related to:
 - intake impingement and entrainment
 - discharge shear and turbulence effects
 - brine dilution

STAFF ANALYSIS AND RECOMMENDATION:

Authority and Other References:

Public Resources Code section 6106 (delegation to execute written instruments); State Contracts Manual Volume 1 Chapter 11.00 A & E method (rev. 10/05); Public Contract Code section 6106; Government Code section 4526; California Code of Regulations, title 2, sections 2980 through 2990.12; California Code of Regulations, title 14, section 15045

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 to further statewide Public Trust purposes and values, such as but not limited to, water-dependent uses, water-related commerce, navigation, fishing, recreation, open space and habitat preservation. The proposed action is to seek an on-call contractor to conduct environmental or Public Trust review of applications the Commission has received, or anticipates it will receive, for water infrastructure projects and programs that increase local water supplies. Governor Brown's Executive Order B-29-15 directs state agencies to prioritize such project and programs. In the review, the on-call contractor will identify and analyze environmental impacts and impacts to Public Trust resources and values as part of the proposed project or program. As such, the hiring of an on-call contractor to conduct environmental or Public Trust review of applications is considered to be generally consistent with the common law Public Trust Doctrine and in the State's best interests.

OTHER PERTINENT INFORMATION:

1. The term of any contract for on-call consultant services shall not exceed 3 years.

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2. Authorization to solicit proposals is not a project as defined by CEQA because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. Approval of this item by the Commission does not constitute approval of any water infrastructure project; it only authorizes solicitation for consultant contracts for environmental or Public Trust impacts review and analysis.
4. 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.

RECOMMENDED ACTION:

It is recommended that the Commission:

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

AUTHORIZATION:

1. 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.
2. 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 California Code of Regulations, title 2, sections 2980 through 2980.12.
3. Authorize the Executive Officer or her designee to solicit proposals, negotiate a fair and reasonable price, award and execute contracts in accordance with State policies and procedures.

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4. Authorize the Executive Officer or her designee to enter into an agreement with individual project applicants to recover costs incurred in the consideration of Work Orders prepared under the on-call contract(s).