



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: April 25, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Alex D. McIntyre, Interim City Manager

PREPARED BY: Matthew Lee, P.E., Public Works Director

SUBJECT: Consider Adopting a Resolution Authorizing the City Manager to Execute a Construction Contract With United Storm Water, Inc. for the 2023 Trash Capture Device Installation Project in the Amount of \$177,425.85, Approving a Construction Contingency of \$20,000, and Determining the Project is Exempt Under the California Environmental Quality Act

BACKGROUND: The Environmental Protection Agency, under amendments to the 1987 Clean Water Act, imposed regulations that mandated local governments to control and reduce stormwater pollution runoff. The framework for regulating stormwater discharges is through a National Pollution Discharge Elimination System (NPDES) Permit. The permit is implemented and enforced by the California State Water Resources Control Board through its regional agency.

The City of San Bruno (City), in cooperation with the other jurisdictions in San Mateo County jointly reapplied for their Municipal Stormwater NPDES Permit on March 18, 1998. That Permit was extended from the expiration date of June 30, 2004, until the issuance of the Municipal Regional Permit Stormwater NPDES Permit (Order R2-2009-0074), NPDES Permit No. CAS612008 on October 14, 2009, which dramatically increased responsibilities mandated by the State. The permit became effective on December 1, 2009, and was renewed in 2015 and again in 2022.

Provision C.10 of the 2015 Municipal Regional Stormwater NPDES Permit requires the jurisdictions to implement control measures to reduce trash loads and debris from storm sewer systems (storm drains) which flow untreated directly into San Francisco Bay. Cities were required to reduce trash discharges by 70 percent from 2009 levels by 2017, 80 percent by 2019, and 100 percent reduction by 2022. The 2023 Trash Capture Device Installation Project implements the requirements of the 2015 renewed permit.

On March 28, 2017, the City Council approved an agreement with Schaaf and Wheeler to conduct a Trash Capture Device Installation Feasibility and Conceptual Design Study to meet the ultimate goal of 100 percent reduction by 2022 set forth in the 2015 Permit.

On March 27, 2018, the City Council approved a construction contract with United Storm Water, Inc. for the Trash Capture Device Installation Project. At the completion of the project, the City met the required 80 percent reduction rate.

DISCUSSION: In adherence to the City of San Bruno Municipal Code Section 2.44.070, the 2023 Trash Capture Device Installation project is subject to the Uniform Public Construction Cost Accounting Procedures Act ("the Act"), a state law that allows increased efficiency, decreased delays, and lower costs associated with procurement of relatively small public works contracts that are less than \$200,000. The City Council adopted the Act in 2019 as part of its Municipal Code revision process. The Act allows general law cities such as San Bruno to conduct a less formal bidding process for projects that are anticipated to cost less than \$200,000. In January 2023, the City sent Public Notices to nine trade journals and three hundred ninety-five contractors to submit the Contractor's Pre-Qualification Application to be included in the City's qualified bidder's list. Currently, eighty-nine contractors are on the City's bidder's list. United Storm Water, Inc. is the only qualified contractor on the City's bidder's list who can perform this specialized work.

The City received a bid to perform the work from United Storm Water, Inc. in the amount of \$177,425.85. Staff reviewed the bid and scope of work and determined that the bid was reasonable based on previous work and costs performed in the past and a similar estimate provided by staff. The completion of this project will allow the City to meet the 100 percent trash reduction rate. Future permit renewals may require the City to perform additional work.

The Trash Capture Device Installation Feasibility and Conceptual Design Study states that all full capture device systems installed shall be certified by the State Water Resources Control Board. United Storm Water, Inc.'s full trash capture devices are approved by the State Water Resources Control Board, San Francisco Bay Regional Water Quality Control Board, and the San Francisco Estuary Partnership.

Additionally, the devices provided by United Storm Water, Inc. are custom built on-site, consistent with devices already installed in other San Bruno catch basins and will help streamline the City's operations and maintenance.

FISCAL IMPACT: The 2023 Trash Capture Device Installation Project is a project within the approved FY 2022-23 Capital Improvement Program Budget (Project #21003). The agreement not-to-exceed amount is \$177,425.85 and is within the current total budget of \$250,678 available in the current fiscal year. The total estimated costs for the project are as follows:

Total estimated cost for the project:

Estimated Construction Agreement	\$ 177,425.85
Estimated Construction Management & Inspection	\$ 20,000.00
Construction Contingency	<u>\$ 20,000.00</u>
Total Current Estimate	\$ 217,425.85

ENVIRONMENTAL IMPACT: This project falls within the Categorical Exemption set forth in the CEQA Guidelines, Section 15301(b), which exempts the operation and minor alteration of existing facilities that involves no expansion of use.

RECOMMENDATION: Consider Adopting a Resolution Authorizing the City Manager to Execute a Construction Contract With United Storm Water, Inc. for the 2023 Trash Capture Device Installation Project in the Amount of \$177,425.85, Approving a Construction Contingency of \$20,000, and Determining the Project is Exempt Under the California Environmental Quality Act

ALTERNATIVES: Reject bid and do not proceed with work. This alternative will require the City to conduct a new feasibility study. Additionally, the City will no longer be in compliance with requirements of the NPDES permit. As a result, enforcement action may be taken by the California State Water Resources Control Board and third-party regulatory agencies that may include notice of violation and citations.

ATTACHMENTS:

1. Resolution
2. CIP Budget Sheet