



Board of Supervisors
Meeting Date: March 21, 2017
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Regular Item

PUBLIC WORKS DEPARTMENT - Director Gary Antone

Requested Action(s)

- a) Request adoption of a finding that use of a non-competitive negotiated contract with the Resource Conservation District of Tehama County for the performance of mitigation and monitoring responsibilities relating to the Bowman Road @ South Fork Cottonwood Creek Bridge Project is in the public interest to ensure the reliable long-term performance of mitigation and monitoring activities by a well-qualified public agency
- b) Request authorization for the Director of Public Works to sign and submit the Request for Approval of Cost-Effectiveness/Public Interest Finding form to the California Department of Transportation for approval
- c) Request to adopt a finding that competitive bidding for the work described in the Memorandum of Understanding between the County of Tehama and the Resource Conservation District of Tehama County for the Performance of Mitigation and Monitoring Responsibilities relating to the Bowman Road @ South Fork Cottonwood Creek Bridge Project would be unavailing and impractical, and would not produce any public advantage
- d) AGREEMENT - Request approval and authorization for the Chairman and the Director of Public Works to sign the Memorandum of Understanding between the County of Tehama and the Resource Conservation District of Tehama County for the Performance of Mitigation and Monitoring Responsibilities relating to the Bowman Road @ South Fork Cottonwood Creek Bridge Project
(Road Agreement #2017-4)

Financial Impact:

100% state funded through the State Transportation Improvement Program.

Background Information:

The Public Contract Code (Section 20409) authorizes the County to perform bridge project work with its own forces - but generally requires competitive bidding when such work is contracted out. However, under *Graydon v. Pasadena Redevelopment Agency* (1980) 104 Cal.App.3d 631, competitive bidding is not required where such bidding would be unavailing and impractical, and would not produce any public advantage. In this case, competitive bidding would not produce any public advantage, as it is not practicable to hire a private contractor to undertake a 10-year mitigation and monitoring commitment. It is in the County's and public's best interest to retain another public agency with the resources, expertise, and stability to accept and perform this long-term

obligation.

The Army Corps of Engineers permit number SPK-2003-00395, issued July 11th, 2012, and California Department of Fish and Game permit 1600-2012-0027-R1, issued May 4th, 2012, both require riparian habitat restoration as described in the "Bowman Road at South Fork Cottonwood Creek Bridge Replacement Project, Riparian Habitat Mitigation and Monitoring Plan" ("Mitigation Plan"), February 2012."

The Caltrans process for funding this type of work is in development and currently requires a Long Term Environmental Commitments agreement and 10 years of invoicing the state for incremental work, however, the use of the Tehama County Resource Conservation District and state only funds allows for the flexibility of funding this work in advance.

Attachment List:

Bowman Rd @ SF Cottonwood Creek RCD Mitigation MOU (PDF)

Exhibit A Monitoring plan (PDF)