

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT  
AND RECORD OF ACTION**

**November 19, 2024**

**FROM**

**NOEL CASTILLO, Chief Flood Control Engineer, Flood Control District**

**SUBJECT**

Contract with Ames Construction, Inc. for the Elder Creek Channel Improvement Project in the City of Highland

**RECOMMENDATION(S)**

Acting as the governing body of the San Bernardino County Flood Control District:

1. Approve Addendum No 1, issued on July 25, 2024, and Addendum No. 2 issued on August 22, 2024, to the bid documents for the Elder Creek Channel Improvement Project in the City of Highland.
2. Award a **Contract No. 24-1089** to Ames Construction, Inc. (Corona, CA) for the Elder Creek Channel Improvement Project in the City of Highland, in the amount of \$16,701,175.
3. Authorize a contingency fund of \$1,670,117 for the Elder Creek Channel Improvement Project in the City of Highland.
4. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to approve the expenditure of the contingency fund of \$1,670,117 for verified quantity overruns for this unit priced construction contract.
5. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to order any necessary changes or additions in the work being performed under the contract for a total amount not to exceed \$150,000 of the \$1,670,117 contingency fund, pursuant to Public Contract Code section 21061(d).
6. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to accept the work when 100% complete and execute and file the Notice of Completion.
7. Approve Mitigation Release and Compensation Agreements, each in the amount of \$45,000, with the following five property owners to compensate them for their temporary relocation costs arising from the noise and vibration impacts of the Elder Creek Channel Improvement Project:
  - a. Garcia **Contract No. 24-1090**
  - b. Gonzalez and Rojas **Contract No. 24-1091**
  - c. Mendoza **Contract No. 24-1092**
  - d. Tello **Contract No. 24-1093**
  - e. Vargas **Contract No. 24-1094**
8. Authorize the Chief Executive Officer to execute the Mitigation Release and Compensation Agreements referenced in Recommendation No. 7, subject to review by County Counsel.
9. Direct the Chief Flood Control Engineer of the San Bernardino County Flood Control District to transmit the Mitigation Release and Compensation Agreements to the Clerk of the Board of Supervisors within 30 days of execution.

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10. Authorize the Auditor-Controller/Treasurer/Tax Collector to post budget adjustments in the amount of \$5,800,000, as detailed in the Financial Impact section, for the Elder Creek Channel Improvement Project in the City of Highland (Four votes required).  
(Presenter: Noel Castillo, Chief Flood Control Engineer, 387-7906)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.  
Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item does not result in the use of Discretionary General Funding (Net County Cost). On June 25, 2024 (Item No. 144), the San Bernardino County (County) Board of Supervisors (Board) approved a loan in the amount of \$6,000,000 from the County's General Fund to the San Bernardino County Flood Control District (District) for the construction of the Elder Creek Channel Improvement Project in the City of Highland (Project). The Project is also funded by a grant from the Federal Emergency Management Agency (FEMA) in the amount of \$2,999,999.61. The remaining cost of the Project, including the loan repayment with interest, will be funded by the District with property tax revenue (1930002526 F01911), some of which is currently held in Available Reserves. The following adjustments to the District's 2024-25 budget are requested to proceed with the Project:

<b>Fund Center/Fund</b>	<b>G/L Account</b>	<b>Description</b>	<b>Action</b>	<b>Amount</b>
1930002526	52002445	Other Professional & Specialized Services	Increase	\$5,800,000
2526	37008880	Fund Balance Reserved - Available Reserves	Decrease	\$5,800,000

**BACKGROUND INFORMATION**

The proposed contract with Ames Construction, Inc. consists of the construction of approximately 2,100 linear feet of flood control improvements to the Elder Creek drainage system south of Old Greenspot Road and north of its confluence with Plunge Creek in the City of Highland. The Project improvements include replacing the existing earthen channel with a wider and deeper concrete channel system; replacing two existing road culverts at Abbey Way and Merris Street with larger culverts; relocating waterlines; constructing a concrete bypass channel at the downstream end of the Project to convey storm flows; and converting an existing earthen channel segment into an expanded low-flow channel that supports wildlife functions and values.

On May 28, 2019, the District received its State regulatory permit from the California Department of Fish and Wildlife.

On April 7, 2020 (Item No. 52), in compliance with the California Environmental Quality Act (CEQA), the Board adopted a Mitigated Negative Declaration (MND) and Notice of Determination for the Project.

Additionally, on September 29, 2020, the District received its State regulatory permit from the Santa Ana River Regional Water Quality Control Board, and On July 14, 2021, the District received its Federal regulatory permit from the United States Army Corps of Engineers. The

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District has completed its environmental requirements and has the necessary State and Federal authorizations in place to proceed with Project implementation.

Due to the close proximity of the Project to several residences, the CEQA MND includes noise mitigation measures to reduce noise impacts to less than significant levels. In November 2023, the County's Real Estate Services Department (RESO) prepared a relocation study that calculated the cost to temporarily relocate residents impacted by the Project's noise and vibration for several months. In accordance with the CEQA MND, the District offered impacted residents temporary relocation compensation. In order to receive the temporary relocation compensation offered by the District, the property owners will be required to sign Mitigation Release and Compensation Agreements with the District.

The properties subject to the study and the related Mitigation Release and Compensation Agreements are identified below.

Property Owner/Last Name	Assessor Parcel Numbers	Agreement Amount
Garcia	1210-201-54	\$45,000
Gonzalez & Rojas	1210-201-30	\$45,000
Mendoza	1210-201-31	\$45,000
Tello	1210-201-27	\$45,000
Vargas	1210-201-29	\$45,000

The Project is consistent with the County and the Chief Executive Officer's goals and objectives to provide for the safety, health, and social service needs of County residents by conveying flows to reduce the potential for roadway flooding during storm events, and to provide flood protection for the existing structures and residences within the Project area by improving drainage.

Following Board approval of this item, construction is anticipated to commence January 2025 and be completed by October 2025.

**PROCUREMENT**

This Project was advertised in the San Bernardino County Sun newspaper on July 23, 2024, and released on the County Electronic Procurement Network (ePro) on July 23, 2024. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On August 22, 2024, the following bids were received:

Contractor	Location	Total Bid
Ames Construction, Inc.	Corona, CA	\$16,701,175.00
Sukut Construction, LLC	Santa Ana, CA	\$17,859,998.00
Beador Construction Co., Inc.	Costa Mesa, CA	\$19,950,700.00
Empire Equipment Services, Inc.	Mira Loma, CA	\$21,464,870.29
KEC Engineering	Corona, CA	\$21,622,454.00

There were two addendums issued during the bidding phase.

Addendum No. 1: Amend the Special Provisions, revised Plan Sheets and replace Proposal Pages.

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Addendum No. 2: Answer proposers' questions, amend Special Provisions.

The District reviewed the bids received and determined that they are responsive and recommends that the Board award the contract to Ames Construction, Inc., the lowest responsive bidder. No appeal/protest letters were received.

This Project will have a 10 percent contingency fund of \$1,670,117 to compensate the contractor for verified quantity overruns, as well as changes in the contract under certain circumstances. Under an established formula based on the contract amount, Public Contract Code section 21061(d) allows the Board to authorize the Chief Flood Control Engineer to order changes in the contract, including for unforeseen conditions or design shortfalls, should they become necessary in the future, for a total amount not to exceed \$150,000 of the \$1,670,117 contingency fund.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on October 23, 2024; Purchasing (Michael Candelaria, Lead Buyer, 387-8258) on October 7, 2024; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Manager, 382-7022) on October 30, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on October 31, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 1, 2024.

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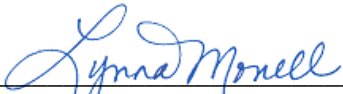
Record of Action of the Board of Supervisors  
San Bernardino County Flood Control District

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman    Seconded: Joe Baca, Jr.

Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: November 19, 2024



cc:    Flood - Silao w/agree for sign  
         Contractor - c/o Flood w/agree  
         File - w/agree

MBA    11/20/2024