

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

August 22, 2023

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Contract with KEC Engineering Corporation for the Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto

RECOMMENDATION(S)

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

1. Approve Addendum No. 1, issued on July 29, 2023, to the bid documents for the Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto.
2. Award **Contract No. 23-874** to KEC Engineering Corporation (Corona, CA) in the amount of \$2,383,383 for the Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto.
3. Authorize a contingency fund of \$238,338 for the Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto.
4. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to approve the expenditure of the contingency fund of \$238,338 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 \$131,669 of the \$238,338 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. Authorize the Auditor-Controller/Treasurer/Tax Collector to post budget adjustments in the amount of \$2,621,721, as detailed in the Financial Impact section, for the Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto (Four votes required).
(Presenter: Brendon Biggs, 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 will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. The Randall Avenue Culvert Replacement Project at the Rialto Channel in the City of Rialto (Project) will be funded with

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property tax revenue currently held in Available Reserves. The following 2023-24 budget adjustments are requested for the Project:

Fund Center/Fund	GL Account	Description	Text	Action	Amount
1920002522	52002445	Other Professional Services	F02857	Increase	\$2,621,721
2522	37008880	Available Reserves	F02857	Decrease	\$2,621,721

BACKGROUND INFORMATION

The Project consists of removing two existing corrugated metal pipes on Randall Avenue at the Rialto Channel and replacing it with a new reinforced concrete box culvert and wingwalls. The Project also includes reconstructing approximately 100 feet of roadway, sidewalk, curb and gutter, constructing a small segment of channel section to tie into an existing drainage inlet, regrading areas immediately upstream and downstream of the new culvert structure, and constructing rock slope protection.

On January 10, 2023 (Item No. 56), the Board of Supervisors (Board) determined the Project was exempt under the California Environmental Quality Act, approved the Project as defined in the Notice of Exemption, and directed the Clerk of the Board to file and post said notice. No timely challenges were filed. Following the posting of the Notice of Exemption, the District applied for and received State regulatory permits from the Santa Ana River Regional Water Quality Control Board and the California Department of Fish and Wildlife, thereby meeting State regulatory permit requirements necessary for Project implementation. The State regulatory agencies required mitigation for permanent impacts from this Project, which required the District to purchase mitigation credits via an in-lieu fee program and provide proof of purchase to the Santa Ana Regional Water Quality Control Board within 10-days of the authorized impacts. The mitigation credit agreement has been executed and the purchase of in-lieu fee credits is underway. The dollar amount of the credit purchase does not require Board approval.

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 September 2023 and be completed by December 2023.

PROCUREMENT

On June 27, 2023 (Item No. 130), the Board authorized the Chief Flood Control Engineer of the District to advertise the Project for bids. This Project was advertised in the Daily Press newspaper on July 12, 2023, in the Precinct Reporter on July 13, 2023, and released on the County Electronic Procurement Network (ePro) on July 12, 2023. Notice inviting bids was also provided to specified construction trade journals as required by Public Contract Code section 22036. On August 3, 2023, the following four bids were received:

Contractor	Location	Total Bid
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KEC Engineering, Corporation	Corona, CA	\$2,383,383
Riverside Construction Company, Inc.	Riverside, CA	\$2,414,290
Deark E&C, Inc.	Fullerton, CA	\$3,485,985
Los Angeles Engineering, Inc.	Covina, CA	\$3,798,000

There was one addendum issued during the bidding phase.

Addendum No. 1: Amended the Special Provisions, Supplemental Work, control of work – Utility Relocations, Legal Relations – add City of Rialto as additional insured, Prosecution and Progress – order of work, Temporary Traffic Control, Aggregate Bases, Slope Protection, Local Infrastructure, replaced proposal bid sheets, and answered questions.

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

This Project will have a 10% contingency fund of \$238,338 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 \$131,669 of the \$238,338 contingency fund.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on August 3, 2023; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on August 2, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404) on August 7, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 7, 2023.

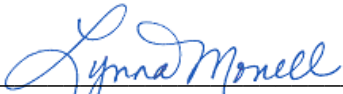
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 22, 2023



cc: SBCFCD - Silao w/ agree
Contractor c/o SBCFCD w/ agree
File w/ agree
JLL 08/23/2023