

**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 Jeremy Harris Construction, Inc. for the Birch Creek As-Built Restoration Project in the Oak Glen Area

RECOMMENDATION(S)

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

1. Approve Addendum No. 1, issued on July 27, 2023, to the bid documents for the Birch Creek As-Built Restoration Project in the Oak Glen area.
2. Award **Contract No. 23-872** to Jeremy Harris Construction, Inc. (Riverside, CA) in the amount of \$936,034 for the Birch Creek As-Built Restoration Project in the Oak Glen area.
3. Authorize a contingency fund of \$93,603 for the Birch Creek As-Built Restoration Project in the Oak Glen area.
4. Authorize the Chief Flood Control Engineer of the San Bernardino County Flood Control District to approve the expenditure of the contingency fund of \$93,603 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 \$59,301 of the \$93,603 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 \$1,029,637, as detailed in the Financial Impact section, for the Birch Creek As-Built Restoration Project in the Oak Glen area (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 Birch Creek As-Built Restoration Project in the Oak Glen area (Project), to address the impacts of the El Dorado Flood Emergency, will be financed with a combination of District funds and federal funds. The United States Department of Agriculture – Natural Resources Conservation Service (NRCS) will

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reimburse the District for debris removal based on Agreement No. 22-1146, approved by the Board of Supervisors (Board) on November 15, 2022 (Item No. 103). The District will continue to seek other funding sources, including future grants and/or Federal Emergency Management Agency (FEMA) reimbursement, however, to ensure the timely completion of the Project, the District will fund the remainder of the Project costs with property tax revenue currently held in Available Reserves. The following 2023-24 budget adjustments are requested for the Project:

Cost Center	GL Account	Description	Text	Action	Amount
1930002526	52002445	Other Professional Services	F02845	Increase	\$1,029,637
2526	37008880	Available Reserves	F02845	Decrease	\$1,029,637

BACKGROUND INFORMATION

The Project consists of grading and sediment removal along Birch Creek from Potato Canyon Road to 0.53 miles east of Oak Glen Road. The Project will restore Birch Creek to its 1965 as-built condition.

On September 27, 2022, the District’s environmental staff reviewed and determined that the Project is exempt under Section 15269 (b) and (c) of the California Environmental Quality Act (CEQA) Guidelines. Section 15269(b) allows for emergency repairs to publicly-owned service facilities necessary to maintain service essential to the public health, safety or welfare, and Section 15269(c) allows for emergency repairs to prevent or mitigate an anticipated emergency. A Notice of Exemption was posted and filed by the Clerk of the Board on November 9, 2022. Additionally, in 2023, the District applied for and received a federal emergency watershed protection regulatory permit from the United States Army Corps of Engineers and filed an emergency notification with the California Department of Fish and Wildlife in accordance with California Fish and Game Code Section 1610.

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 October 2023.

PROCUREMENT

On July 11, 2023 (Item No. 52), 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 13, 2023, in the Precinct Reporter on July 13, 2023, and released on the County Electronic Procurement Network (ePro) on July 13, 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 three bids were received:

Contractor	Location	Total Bid
Jeremy Harris Construction, Inc.	Riverside, CA	\$936,034
Granite Construction Company	Indio, CA	\$1,757,000

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SJD&B, Inc.	Walnut, CA	\$2,161,665
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There was one addendum issued during the bidding phase.

Addendum No. 1: Amended the Special Provisions, Scope of Work, Earthwork, 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 Jeremy Harris Construction, Inc., the lowest responsive bidder. No appeal/protest letters were received.

This Project will have a 10%contingency fund of \$93,603 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 \$59,301 of the \$93,603 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.

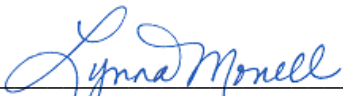
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

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