

## **SPECIAL CONDITIONS**

- 1.1 **Coordination, Scheduling, and Meetings:** The Contractor shall coordinate scheduling all construction activities with the Project Manager from the Project and Facilities Management Department – Project Management, San Bernardino County (County), prior to beginning the activities. The successful bidder shall attend a preconstruction conference at a location and time set by the County.

Construction meetings shall be held at the job site or at a different location as instructed by the County. Details regarding job site meetings will be arranged at the preconstruction conference.

- 1.2 **Codes, Ordinances and Regulations:** All Work shall conform to the requirements of all Applicable Laws including the California Building Standards Code (as adopted and/or amended by the County), the Americans with Disabilities Act, Uniform Mechanical Code, Uniform Plumbing Code, Uniform Electrical Code, the Standard Plans for Public Works Construction, Construction Safety Orders of the Department of Industrial Relations – Division of Industrial Safety Construction Safety Orders, and all other State and National codes, ordinances, rules and regulations, which apply to the Work.

In any case of conflict between any of these requirements, and the Contract Documents, the requirement that is the most strict shall govern. Nothing in the Contract Documents is to be construed to permit Work not in conformance with these laws, codes, and regulations.

- 1.3 **Liquidated Damages:** Section 8.5.3 of the General Conditions is amended to read the following:

In the event that Contractor fails to achieve Final Completion of the Work within the Contract Time, Contractor agrees to pay County the sum of **\$1,500 per day** for liquidated damages for each calendar day that Final Completion is delayed.

- 1.4 **Safety:** The Contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property for the duration of the Work, on a 24-hour per day, 7-day week basis. Prior to the start of construction, Contractor shall provide the Project Manager with a copy of Contractor's Illness and Injury Prevention Program as required by California Code of Regulations, title 8, sections 1509 and 3203, and Section 10 of the General Conditions, specifically relating to this Project.

- 1.5 **Project Inspections:** All inspections shall be performed during normal business hours. Contractor shall notify the Project and Facilities Management Department – Project Management Inspector and Project Manager **24** hours in advance of all requested inspections.

Contractor may request an inspection via email to the Project and Facilities Management Department – Project Management Inspector and Project Manager at [gloria.loofbourrow@pfm.sbcounty.gov](mailto:gloria.loofbourrow@pfm.sbcounty.gov) and [michael.cameron@pfm.sbcounty.gov](mailto:michael.cameron@pfm.sbcounty.gov)

Email subject line should read as follows: 1257-Prado Entry Gatehouse and Monument Sign Project inspection request.

- 1.6 Change Orders: Contractor is referred to Section 7 of the General Conditions.
- 1.7 Sanitary Facilities: Contractor shall be solely and completely responsible to provide and maintain on-site sanitary facilities.
- 1.8 Contractor's Site Representative: Per Section 3.3.5.1 of the General Conditions, the Contractor shall have a Project superintendent on site at all times while Work is being done.
- 1.9 Power: Contractor shall be solely and completely responsible for providing power for all Contractor/construction purposes.
- 1.10 Water: Water used during construction can be provided by the County Prado Regional Park at no cost to the Contractor, unless available water source at the Project site is not sufficient or not located within reach, in which case Contractor is responsible to provide an alternate source for water. Contractor shall connect to the water at the Project site at a location specified by the County. Contractor agrees to take all reasonable steps to conserve water. The contractor is responsible for protecting the water sources at the Project site and will be responsible for any damage to the water sources caused by the Contractor's actions or inactions.
- 1.11 Traffic Safety: Contractor shall be solely and completely responsible for providing traffic safety for all Contractor/construction purposes.
- 1.12 Reserved
- 1.13 Reserved
- 1.14 Bird Nesting Season: Contractor shall comply with the memorandum from the Santa Ana River Basin Program Manager dated January 11, 2023 (Attachment A), as well as the Endangered Species Act of 1973, to avoid potential effects to nesting vireo. No demolition work shall take place during the designated vireo nesting season: March 15- August 31.
- 1.15 National Historic Preservation Act: Under Section 106 of the National Historic Preservation Act (NHPA) 36 CFR 800.13 in the event of any discoveries during the construction of either human remains, archaeological deposits, or any other type of historic property. San Bernardino County Project Management staff is to be notified of

such findings for reporting to U.S. Army Corps of Engineers responsible office Philip Serpa. All work in the area shall immediately be ceased until written approval is made available by U.S. Army Corps of Engineers.

NOT FOR BID



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT  
915 WILSHIRE BOULEVARD, SUITE 1109  
LOS ANGELES, CALIFORNIA 90017-3409

CESPL-OPT

11 JANUARY 2023

MEMORANDUM FOR Santa Ana River Basin (SARB) Program Manager, Operations Division, ATTN: Phil Serpa

SUBJECT: Prado Dam Basin – San Bernardino County Parks Gatehouse Replacement Proposal at Prado Regional Park

1. References:

- a. Executive Order (EO) 11988 Floodplain Management, May 1977.
- b. Engineering Regulation (ER) 1130-2-540 Project Operations Environmental Stewardship Operations and Maintenance Policies, 4 November 2002.
- c. National Environmental Policy Act of 1969, As Amended (P.L. 91-190).
- d. Endangered Species Act of 1973, December 27, 1973.
- e. Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703-712). July 3, 1918.

2. San Bernardino County (SBC) has requested USACE concurrence for their proposal to replace the existing gatehouse and implement improvements at the entrance to Prado Regional Park, 16700 Euclid Ave Chino, CA 91708, located entirely within Prado Dam Basin on a parcel currently leased to San Bernardino County for recreation purposes, i.e., Prado Regional Park (**Figure 1**).

3. SBC proposes to demolish the existing gatehouse along with approximately 38,040-ft<sup>2</sup> of existing pavement and to replace it with a new 670-ft<sup>2</sup> guard shack along with approximately 55,060-ft<sup>2</sup> of new pavement to include an interior access road and ADA parking area, the total calculated disturbing area comprise of 2.49 acres.

4. An environmental review has been conducted on the proposal to evaluate any potential direct and indirect adverse effects to natural resources.

- a. *Special Status Species*. Federal listed species with recorded occurrences within the Prado Dam Basin include the endangered least Bell's vireo (*Vireo bellii pusillus*; vireo) and designated critical habitat, the endangered southwestern willow flycatcher (*Empidonax traillii extimus*), the threatened coastal California gnatcatcher (*Polioptila californica californica*), the endangered Stephen's kangaroo rat (*Dipodomys stephensi*), and the endangered Santa Ana sucker (*Catostomus santaanae*). Additionally, the endangered plants Santa Ana River woolly-star (*Eriastrum densifolium* ssp. *sanctorum*) and San Diego ambrosia (*Ambrosia pumila*) and the threatened thread-leaved brodiaea (*Brodiaea filifolia*) may be affected by activities within Prado Dam Basin.

- b. The project area is located within designated critical habitat for least Bell's vireo. The project area is located within 500 linear feet (but greater than 300 feet) from a recorded vireo nesting territory (**Figure 2**).
- c. A determination has been made that certain high disturbance activities (noise from demolition) from the proposed project has the potential to affect a federal listed species, the least Bell's vireo.
- d. **Conservation Measure 1.** In order to avoid potential effects to nesting vireo, all demolition work associated with the proposed construction activities for this project will occur outside of the vireo nesting season (nesting season: March 15-August 31), beginning on September 1 through March 14 of the following year.
- e. **Conservation Measure 2.** If construction activities occur during the recognized bird breeding season (February 15-September 15), then a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than five days prior to the initiation of construction activities during this time period. The nesting bird pre-construction survey shall be conducted on foot inside the project footprint, including a 100-foot buffer (300-foot for raptors), and using binoculars to the extent practicable. The survey shall be conducted by a biologist familiar with the identification of avian species (including least Bell's vireo and coastal California gnatcatcher songs, whisper songs, calls, scolds, and plumage characteristics of adult and juveniles) known to occur in southern California. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the workspace) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, or other means to mark the boundary. If nesting special status species (including vireo or gnatcatcher) are observed within 300 feet of the workspace, the Corps' Operations Senior Biologist will be notified immediately. Work shall proceed outside of an appropriate buffer zone around the nest until the chicks have fledged. All construction personnel shall be notified as to the presence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground-disturbing activities shall occur inside this buffer until the avian biologist has confirmed that breeding/nesting is completed, and or the young have fledged the nest.
- f. **Conservation Measure 3.** No native vegetation removal is proposed or authorized for this project.
- g. **Conservation Measure 4.** Construction activities will be short-term and occur during daytime hours only, when ambient noise levels are greatest and have the least potential for noise impacts.
- h. **Conservation Measure 5.** Pursuant to Section 106 of the National Historic Preservation Act (NHPA) 36 CFR § 800.13, in the event of any discoveries during construction of either human remains, archaeological deposits, or any other type of historic property, San Bernardino County or the contractor

performing the work shall notify the Corps' Responsible Officer, Phil Serpa (213) 447-2893, [philip.j.serpa@usace.army.mil](mailto:philip.j.serpa@usace.army.mil), within 24 hours. All work in any area(s) where potential cultural resources are discovered shall be immediately ceased, and work shall not resume in the area surrounding the potential cultural resources until the Corps re-authorizes project construction, per Section 106 36 CFR § 800.13.

5. Point of contact is Jon Rishi (626) 720-7087, [jon.l.rishi@usace.army.mil](mailto:jon.l.rishi@usace.army.mil).

FOR THE COMMANDER



JON L. RISHI  
Senior Biologist  
Technical Support Branch  
Operations Division



**Figure 1.** Prado Dam Basin/Prado Regional Park, Chino, California. Proposed project footprint (red), existing gatehouse (blue), designated critical habitat for vireo (green shade).

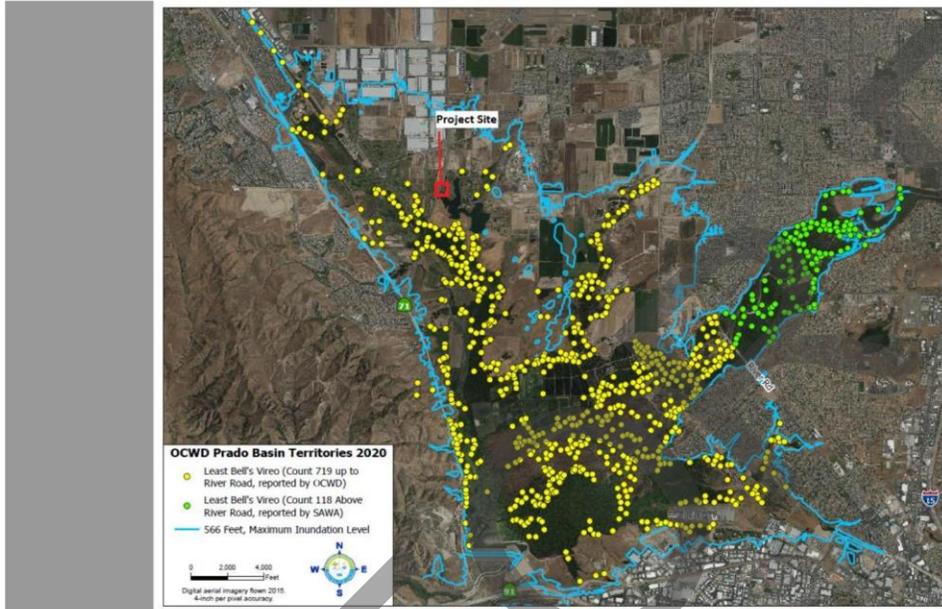


Figure 2. Prado Dam Basin 2020 Vireo Surveys.