

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BODY OF THE FOLLOWING:
SAN BERNARDINO COUNTY
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT
AND RECORD OF ACTION
December 3, 2024**

FROM

NOEL CASTILLO, Director and Chief Flood Control Engineer, Department of Public Works and Flood Control District

SUBJECT

Contracts to Provide On-Call National Pollutant Discharge Elimination System Services for Regulatory Assistance and Related Services to the San Bernardino County Stormwater Program

RECOMMENDATION(S)

1. Acting as the governing body of San Bernardino County:
 - a. Approve contracts with the following vendors, in the total aggregate amount not-to-exceed \$4,000,000 for the period of December 3, 2024 through June 30, 2029, for on-call National Pollutant Discharge Elimination System services associated with the County Phase 1 Municipal Separate Storm Sewer System Permit Co-permittee, and Mojave River Watershed Group Phase 2 Municipal Separate Storm Sewer System Permit requirements:
 - i. AtkinsRealis USA Inc. (San Diego) **Agreement No. 24-1183**
 - ii. Babcock Laboratories Inc. (Riverside) **Agreement No. 24-1184**
 - iii. CASC Engineering and Consulting, Inc. (Colton) **Agreement No. 24-1185**
 - iv. CG Resources Management and Engineering, Inc. (La Verne) **Agreement No. 24-1186**
 - v. CWE (Fullerton) **Agreement No. 24-1187**
 - vi. Dudek (Encinitas) **Agreement No. 24-1188**
 - vii. GEI Consultants, Inc. (Pasadena) **Agreement No. 24-1189**
 - viii. Larry Walker Associates, Inc. (Davis) **Agreement No. 24-1190**
 - ix. Michael Baker International (Ontario) **Agreement No. 24-1191**
 - x. OPR Communications (Riverside) **Agreement No. 24-1192**
 - b. Authorize the Director of the Department of Public Works to approve amendments to the contracts' Exhibit 1, "Schedule of Rates," to provide additional personnel and rates to implement projects, subject to review by County Counsel.
 - c. Direct the Director of the Department of Public Works to transmit to the Clerk of the Board any approved amendments to the contracts' Exhibit 1, "Schedule of Rates" within 30 days of execution.
2. Acting as the governing body of the San Bernardino County Flood Control District:
 - a. Approve contracts with the following vendors in a total aggregate amount not-to-exceed \$4,000,000 for the period of December 3, 2024 through June 30, 2029, for on-call National Pollutant Discharge Elimination System services associated with District Municipal Separate Storm Sewer System Permit Phase 1 Principal Permittee and Areawide Stormwater Program requirements:

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- i. AtkinsRealis USA Inc. (San Diego) **Agreement No. 24-1193**
- ii. Babcock Laboratories Inc. (Riverside) **Agreement No. 24-1194**
- iii. CASC Engineering and Consulting, Inc. (Colton) **Agreement No. 24-1195**
- iv. CG Resources Management and Engineering, Inc. (La Verne) **Agreement No. 24-1196**
- v. CWE (Fullerton) **Agreement No. 24-1197**
- vi. Dudek (Encinitas) **Agreement No. 24-1198**
- vii. GEI Consultants, Inc. (Pasadena) **Agreement No. 24-1199**
- viii. Larry Walker Associates, Inc. (Davis) **Agreement No. 24-1200**
- ix. Michael Baker International (Ontario) **Agreement No. 24-1201**
- x. OPR Communications (Riverside) **Agreement No. 24-1202**
- b. Authorize the Chief Flood Control Engineer to approve amendments to the contracts' Exhibit 1, "Schedule of Rates," to provide additional personnel and rates to implement projects, subject to review by County Counsel.
- c. Direct the Chief Flood Control Engineer to transmit to the Clerk of the Board any approved amendments to the contracts' Exhibit 1, "Schedule of Rates" within 30 days of execution.

(Presenter: Noel Castillo, Director/Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Ensure Development of a Well-Planned, Balanced, and Sustainable County.

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The entire National Pollutant Discharge Elimination System (NPDES) program is under the San Bernardino County Flood Control District (District) budget. Sufficient appropriation and revenue have been included in the District's 2024-25 budget and will be included in future recommended budgets, which include the County's share of costs related to these agreements. The County's share of costs will be funded with the existing allocation of Discretionary General Funding to the District for the NPDES program.

Future project costs may be funded solely by the District, jointly funded by the San Bernardino County Areawide Stormwater Program (Program) under Implementation Agreement No. 11-545, or jointly funded through the Mojave River Watershed Group (MRWG) under Implementation Agreement No. 14-59. Estimated annual costs for the future projects of the on-call contracts are projected at \$800,000 or less for each recommendation over a five-year period and are detailed below.

Estimated annual cost for on-call contracts listed in Recommendation No. 1:

Entity/Participant	Fund Center	Percentage	Amount	Total
County	1990002552	100.00	\$500,000	\$500,000
MRWG				
County		21.40	\$67,200	
Incorporated Cities (3)		78.60	\$232,800	

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Entity/Participant	Fund Center	Percentage	Amount	Total
Total MRWG	1990002548	100.00		\$300,000
Total Annual Cost				\$800,000

Estimated annual cost for on-call contracts listed in Recommendation No. 2:

Entity/Participant	Fund Center	Percentage	Amount	Total
District	1970002510	100.00	\$100,000	\$100,000
Program				
County		13.50	\$94,500	
District		5.00	\$35,000	
Incorporated Cities (16)		81.50	\$570,500	
Total Program	1990002550	100.00		\$700,000
Total Annual Cost				\$800,000

BACKGROUND INFORMATION

On January 29, 2010, the California Regional Water Quality Control Board – Santa Ana Region (SARWQCB) adopted an NPDES Municipal Separate Storm Sewer System (MS4) Phase 1 Permit (Phase 1 Permit) for urban stormwater discharges from the District, County, and the cities of Big Bear Lake, Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa (Permittees). The Permittees developed the Program to cooperatively implement the requirements set forth in the Phase 1 Permit. This cooperative effort is formalized under Agreement 11-545 approved by the Board of Supervisors (Board) on June 28, 2011 (Item No. 94).

On June 25, 2013, the County obtained coverage for specified unincorporated areas in the High Desert under the NPDES MS4 Phase 2 General Permit (Phase 2 Permit), No. CAS000004 - Order No. 2013-0001-DWQ. The County then formed, through Implementation Agreement 14-59 approved by the Board on February 25, 2014 (Item No. 39), the MRWG with the Town of Apple Valley, City of Hesperia and City of Victorville, which are also covered under the Phase 2 Permit, to cost effectively implement the regional compliance requirements of the Phase 2 Permit. This agreement designated the County as the Facilitator, which represents and acts on behalf of the MRWG to implement applicable programs required by the Phase 2 Permit.

The Phase 1 and Phase 2 Permits contain numerous, often complex, compliance requirements for individual Permittees, with the goal of eliminating non-stormwater discharges and reducing contaminants in stormwater runoff within the Santa Ana River and Mojave River Watersheds, respectively. Required activities and projects vary significantly in size and scope. These include but are not limited to the implementation of a comprehensive post-construction pollutant mitigation program, which involves plan review, approval, inspection, and enforcement. Additional responsibilities encompass inspection of commercial, industrial and municipal facilities; illicit discharge detection and elimination; and wide-ranging public education and outreach campaigns. The tasks also involve storm drain inspections and assessments; the incorporation of water quality and habitat enhancement features in flood management facilities; watershed-wide hydromodification management; general water quality monitoring; and receiving

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water monitoring as well as site and analytical-specific monitoring and evaluation. This work also includes providing technical support and representing the County in negotiations with the SARWQCB on Total Maximum Daily Load compliance programs, as well as conducting investigative engineering and water resource studies as required to achieve and maintain compliance with the Permits.

Projects are often interrelated and/or require the evaluation of one project's results to determine the necessity, direction, and composition of a subsequent project. Given the time-sensitive nature of these projects and the enforcement of deadlines through administrative actions and fines, having a streamlined approach for the contracting of firms to complete these projects is essential. Approving Recommendation No. 1 to establish on-call contracts will enable the County and District to respond efficiently to compliance demands, ensuring adherence to regulations and minimizing the risk of fines.

Since 2022, both Phase 1 and Phase 2 Permits have been under review by the Program, MRWG, and District staff. A tentative NPDES MS4 Phase 1 Permit, is proposed to be a regional permit, which would encompass the portions of San Bernardino County, Riverside County, and Orange County within the Santa Ana River Watershed. The SARWQCB issued the Staff Working Proposal in December of 2022, followed by the release of the Tentative Order in March 2024. A new Phase 1 NPDES MS4 Regional Permit is expected to be approved in 2025.

The recommended on-call contracts with qualified consultants will provide for the required NPDES permit compliance on County, District, Program, and MRWG projects.

The recommended action allows the County and the District to operate in a fiscally-responsible and business-like manner by allowing the County and the District to create an on-call list of consultants, allowing the County and District to utilize experienced staff to assist in the development and implementation of various compliance requirements in the most cost-effective and efficient manner. Additionally, the County and the District are pursuing County goals and objectives by working with other agencies and utilizing the previously approved implementation agreement between the District, the County and the Permittees, to efficiently meet the requirements of the Phase 1 Permit. Achieving and maintaining compliance with the issued regulatory permits will aid in the protection of the beneficial uses of the Santa Ana River Watershed, as well as assist the District in complying with these permit requirements, thereby reducing the potential for incurring permit violations and significant fines and penalties.

The District and County may terminate the contracts in whole or in part, with or without cause, upon 30 days written notice to the consultants.

PROCUREMENT

On September 13, 2024, Request for Proposal (RFP) No. PWG125-LANDD-5556 was approved and released through the San Bernardino County Electronic Procurement Network (ePro) with the intention of contracting with a list of Board-approved consultants from which the County and District could select from for professional services in support of future NPDES projects. As a result, ten consultants submitted proposals by the deadline of October 10, 2024. A selection committee comprised of three County staff conducted a thorough evaluation of the proposals. The selection committee received and determined that ten proposers met the minimum RFP requirements and

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were deemed qualified consultants. After the evaluation, all the fee schedules were unsealed and reviewed to ensure that the rates were reasonable and consistent among all the proposing firms. No appeal or protest letters were received. The County and/or the District, at its discretion, reserve the right to use or not use any on-call consultants via task orders and no minimum amount of work or NPDES projects is guaranteed.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie A. Curtis, Deputy County Counsel, 387-5455) on November 1, 2024; Purchasing (Michael Candelaria, Lead Buyer III, 387-8258) on November 4, 2024; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on November 8, 2024; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on November 14, 2024.

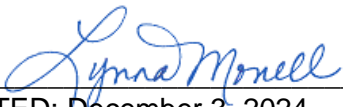
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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District
San Bernardino County

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: December 3, 2024



cc: Transportation - Dillon w/ agrees
 Contractor c/o Transportation/ agree
 Flood - Bland w/ agrees
 Contractor c/o Flood w/ agree
 File w/ agree

JLL 12/5/2024