



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6B ADOPTION OF RESOLUTION 24-484. DISCUSS, REVIEW, AND ADOPT A RESOLUTION APPROVING THE AGREEMENT WITH PADRE ASSOCIATES, INC. FOR PERMITTING SUPPORT.

Summary:

During high tide and storm events during the winter of 2023-24, large logs, driftwood, and other natural debris clogged the creek bed above the San Simeon Community Services District (“District”) wastewater treatment plant pipeline bridge spanning the Arroyo Del Padre Juan. The volume and size of the debris present an emergency situation warranting the use of the U.S. Army Corps of Engineers Regional General Permit 63 (“Permit”) covering repair and protection activities in emergency situations.

Padre Associates, Inc. (“Padre”) submitted a proposal to prepare the Permit application materials and coordinate with federal and state agencies during the Permit application review process. Padre’s proposal included a cost estimate of Twenty four Thousand Seven Hundred thirty Dollars (\$24,730.00) for the permitting support work. The District and Padre have negotiated a professional services agreement for the proposed work.

Section 19.04 of the Policies and Procedures Governing the San Simeon Community Services District and Board of Directors (“Policies and Procedures”) generally requires the District to solicit written proposals from at least three qualified consultants if the cost for professional services falls between Ten Thousand Dollars (\$10,000) and Fifty Thousand Dollars (\$50,000). However, “special circumstances” may warrant fewer than three proposals. The Policies and Procedures specify that “special circumstances” may include needing to take immediate action on a project or the absence of any fiscal or competitive advantage in obtaining three proposals.

The District’s urgent need to remove the debris clogging the creek bed above the pipeline bridge constitutes special circumstances. The District does not have sufficient time to solicit additional proposals because the debris removal needs to be completed before rain begins, which is likely only a few months away. Further, the debris removal will take time, as will the process to obtain the Permit necessary before the debris removal work can begin. In addition, there is little if any advantage to obtaining three proposals. Padre is already familiar with the area where the Permit is needed because of Padre’s prior work with the pipeline bridge replacement. The District contracted with Ashley & Vance

Engineering, Inc. (“Ashley & Vance”) for project management, design, and other services related to the pipeline bridge replacement, and Padre completed the environmental studies as a sub-contractor for Ashley & Vance. The environmental studies that Padre completed for the pipeline bridge replacement work included the area where the District now needs to remove debris. Documents completed for the pipeline bridge replacement work will also be used for the Permit application.

Section 18.08.01 of the Policies and Procedures requires all expenditures and purchases of \$5,000 or greater to have prior authorization/approval by the District Board of Directors (“Board”). Further, where it is in the best interests of the District under “special circumstances” to limit the number of proposals solicited, the documented basis for the action must be included in the report to the District Board. The proposed Resolution approves the agreement with Padre for permitting support and authorizes the District’s Interim General Manager to execute the agreement.

Board Actions:

1. The Board may adopt the Resolution approving the agreement with Padre Associates, Inc. for permitting support.
2. The Board may adopt the Resolution approving the agreement with Padre Associates, Inc. for permitting support, subject to any changes as directed by the Board.
3. The Board may reject the Resolution approving the agreement with Padre Associates, Inc. for permitting support and take no further action.

Attachments:

1. Resolution.
2. Professional Services Agreement with Padre Associates, Inc.