



## Legislation Text

---

**File #:** 16-0754, **Version:** 1

---

Recommendation to adopt Specifications No. RFP CM16-028 for Professional Engineering Design Services for the Colorado Lagoon Open Channel Restoration Phase 2A Project (Project); award a contract to Anchor QEA, LLC, of Huntington Beach, CA, in the amount of \$300,000, for preliminary design services, for a period of three years, with the option to renew for three additional one-year periods; authorize City Manager, or designee, to execute all documents necessary to enter into the contract, including any necessary amendments thereto;

Authorize City Manager, or designee, to execute a Memorandum of Understanding with the Harbor Department and grant first rights of refusal to compensatory mitigation credits generated by the Project to the Harbor Department, in exchange for the Harbor Department's continued contribution to the Project;

Accept a Harbor Department contribution of \$350,000 for preliminary engineering design services for the Project; and

Increase appropriations in the Tidelands Operations Fund (TF 401) by \$350,000 in the City Manager Department (CM) by \$350,000, offset by the Harbor Department transfer. (District 3)

City Council approval is requested to enter into a contract with Anchor QEA, LLC, to develop preliminary engineering plans for the Project.

### Background

The Colorado Lagoon (Lagoon) is an 18-acre saltwater tidal lagoon located at 5119 East Colorado Street. It is hydraulically connected to Alamitos Bay and the Pacific Ocean through a 900-foot long underground box culvert located under Marina Vista Park at 5355 East Eliot Way (see Exhibit A-Location Map). The Lagoon serves three primary functions: it hosts estuarine habitat, provides public recreation (including swimming), and it retains and conveys storm water. The Lagoon site was formerly part of the vast Los Cerritos Wetlands complex and was naturally connected to what is now Marine Stadium. Over the course of several decades, an accumulation of contaminants resulting from storm water runoff, in combination with the muting of the tidal exchange, helped contribute to the listing of the Lagoon on the Federal Clean Water Act Section 303(d) lists of impaired water bodies due to elevated levels of Organochlorine (OC) Pesticides, Polychlorinated Biphenyls (PCBs), Sediment Toxicity, Polycyclic Aromatic Hydrocarbons (PAHs), and metals in fish tissue and sediment.

The restoration of the Lagoon has been an on-going and multi-phased effort intended to improve water quality and restore the ecological value of one of Southern California's last remaining coastal lagoons as guided by the Master Restoration Plan and Total Maximum Daily Load (TMDL) adopted by the State Water Resources Control Board. Phase 1 was completed in August 2012, and consisted of several components to improve water and sediment quality.

Phase 2 consists of two subphases, Phases 2A and 2B. This approval is for Phase 2A, which will involve the proposed construction of an open, earthen hydraulic water channel to reconnect the Lagoon to Marine Stadium. Phase 2B consists of creating new subtidal and intertidal habitat, planting eelgrass, and revegetation of the site to help satisfy mitigation requirements. The Phase 2B project is fully funded and a construction contract for the work was awarded by the City Council on May 24, 2016.

### Memorandum of Understanding with the Harbor Department

On June 30, 2016, the Board of Harbor Commissioners approved a revised Memorandum of Understanding between the City Manager Department and Harbor Department for their continued participation in the Project, and approved a funding contribution in the amount of \$350,000 for the preliminary design services, and mitigation bank establishment support.

The Project is ready to proceed with the first steps of the work, which includes preparing preliminary, value-engineered designs and preparing regulatory permit applications. The design team will only be authorized to proceed with these initial design tasks in order to support the City's ongoing negotiations with the State and Federal Resource Agencies in the establishment of the Colorado Lagoon Compensatory Mitigation Bank. The result of these efforts would facilitate negotiations with the Harbor Department for the purchase of mitigation bank credits, which is further discussed below.

### Mitigation Bank Proposal

A mitigation bank is a wetland, or other aquatic resource, that is restored, enhanced or established for the purpose of providing compensation for unavoidable impacts to other aquatic resources that are permitted under Section 404 of the Federal Clean Water Act. A mitigation bank is created when a party (government, corporation, nonprofit or other entity) undertakes these restoration and enhancement activities under a formal agreement with a regulatory agency for the purposes of compensating a project with unavoidable impacts. The City is pursuing the establishment of a mitigation bank to create a system that would provide mitigation credits for projects with impacts to aquatic resources resulting from maintenance or construction activities.

The City continues to work with the U.S. Army Corps of Engineers and the Interagency Review Team (IRT) to establish the Colorado Lagoon/Open Channel Compensatory Mitigation Bank Enabling Instrument (BEI), and continues to evaluate the proposed number

of mitigation credits that the Open Channel Project could generate. The Harbor Department has been a partner in the restoration of the Lagoon site and has contributed to the funding of the Environmental Impact Report, Phase 2 Open Channel Alternatives Analysis, and Mitigation Bank Establishment. The Board of Harbor Commissioners' approval to fund the Project preliminary designs and the continued mitigation bank establishment will allow the City to continue negotiations with the Resource Agencies and would provide the Harbor Department the first rights of refusal to purchase mitigation credits resulting from any new habitat created at the Open Channel site. The purchase of the credits would help fund the cost of the Open Channel project. Staff anticipates that approval of the mitigation bank will be received from the agencies towards the end of the calendar year. However, construction of the Project will not be able to commence until the BEI documents are approved by the Resource Agencies, and all required regulatory and building permits are obtained.

### Colorado Lagoon Master Restoration Plan

The Lagoon improvements have been guided by the Colorado Lagoon Restoration Plan (Feasibility Study) and by the Total Maximum Daily Loads (TMDL) Resolution No. R09-005 adopted by the Los Angeles Regional Water Quality Control Board in 2009. The Restoration Plan, sought to address the point source of contaminants outlined in the TMDL Resolution through the implementation of both structural and non-structural Best Management Practices (BMPs). Many of these BMPs have already been implemented by the City and Los Angeles County Flood Control District (LACFCD), but in addition, the Restoration Plan also identifies the reconnection of the Lagoon to Marine Stadium as a way to enhance tidal flushing at the Lagoon.

In 2010, the City completed the first major construction efforts identified in the Lagoon Restoration Plan, which included the installation of a low flow diversion system to divert dry weather runoff and prevent new contamination from entering the Lagoon. Dry weather runoff is now captured in a wet-well and diverted into the County sanitation sewer system. As part of the project, the City also installed trash separation devices to collect trash and debris prior to entering the wet-well or Lagoon. Maintenance and repair of existing infrastructure were also performed as part of these efforts, which involved cleaning the underground box culvert and repairing the trash racks and tidal gates. The culvert had not been cleaned since its original construction in the 1960's and debris, silt, and extensive marine growth had accumulated on the bottom, sides and ceiling, which impeded tidal flushing and flows into the Lagoon.

After the point sources of pollution were managed, the City completed its next major phase of restoration in 2012. Approximately 72,000 cubic yards of contaminated sediment was dredged from the Lagoon bottom.

The combination of these efforts has resulted in improved water quality and recognition from Heal the Bay.

### Prior City Council Approval

On November 16, 2010, the City Council approved the Phase 2 project and selected Alternative 4a as the preferred Open Channel alternative (Exhibit B). The City is ready to proceed with preparing preliminary designs, value engineering options, and regulatory permit applications.

## **Basis of Selection and RFP Award**

City Council action is requested to award a contract to Anchor QEA, LLC, to begin preliminary engineering services for the purposes of seeking regulatory permits and value engineering options pursuant to the scope of services outlined in the Request for Proposals (RFP) No. CM16-028. Upon finalization of the mitigation bank, staff anticipates to return to the City Council for authorization to execute an agreement with the U.S. Army Corps of Engineers, formalizing the BEI Agreement, and to award the remaining Scope of Services identified in RFP No. CM16-028, which would include preparation of detailed construction documents necessary for public bidding, bid phase support, and construction support services.

The RFP was advertised in the Long Beach Press-Telegram on October 13, 2015, and 6,796 potential proposers specializing in architecture, engineering, construction, structure and materials were notified of this opportunity. Of those proposers, 86 downloaded the RFP via the City's electronic bid system. The RFP document was made available from the Purchasing Division, located on the seventh floor of City Hall, and the Division's website at [www.longbeach.gov/purchasing](http://www.longbeach.gov/purchasing) <<http://www.longbeach.gov/purchasing>>. An RFP announcement was also included in the Purchasing Division's weekly update of Open Bid Opportunities, which was sent to 22 local, minority and women-owned business groups. Two proposals and Statements of Qualifications (SOQs) were received on October 30, 2015. Of those two proposals, none were Disadvantaged Business Enterprises (DBEs), none were Minority-owned Business Enterprises (MBEs), none were Women-owned Business Enterprises (WBEs), or certified Small Business Enterprises (SBEs), and one was a Long Beach business (Local).

## **Local Business Outreach**

In an effort to align with the City's outreach goal, Long Beach businesses are encouraged to submit proposals for City contracts. The Purchasing Division also assists businesses with registering on the Bids Online database to download the RFP specifications. Through outreach, 705 Long Beach vendors were notified to submit proposals, of which 86 downloaded and one submitted a proposal. The Purchasing Division is committed to continuing to perform outreach to local businesses to expand the bidder pool.

A six-person evaluation committee comprised of representatives from the Departments of Parks, Recreation & Marine, Harbor, Public Works and City Manager's Office convened. The panel reviewed the proposals and qualifications in accordance with the evaluation criteria

stipulated in the RFP. Anchor QEA, LLC, was unanimously selected by the committee to provide the open channel engineering design services based on their expertise and performance in the written and oral interview phase of the selection process.

This matter was reviewed by Deputy City Attorney Robin Zur Schmiede on August 2, 2016 and by Budget Operations Administrator Grace Yoon on July 29, 2016.

#### SUSTAINABILITY

The scope of the professional design services agreement requires the consultant to prepare construction documents that call for reuse or recycling of materials pursuant to the City's Construction and Demolition Ordinance. The proposed Project, as discussed in the EIR, would call for the reuse of excavated sediment from the Open Channel at Marina Vista Park and would minimize the amount of debris disposed within landfills and reduce the overall number of truck trips during the construction of the Project.

City Council action to adopt Specifications No. RFP CM16-028 and award a contract concurrently is requested on August 16, 2016, to proceed with the next major design phase.

The initial design services contract shall be for a not-to-exceed amount of \$300,000. The remaining design service fees will be determined after negotiations have concluded with the Resource Agencies, the design team, and the Harbor Department. Staff anticipates to return to the City Council to accept additional financial contributions if approved by the Board of Harbor Commissioners, and to award the remaining design phase scope of services for the Project after negotiations have concluded and the BEI is finalized and approved. The overall total project cost estimate will be known at that time.

On June 30, 2016, the Board of Harbor Commissioners approved funding contribution in the amount of \$350,000. An appropriation increase in the Tidelands Operations Fund (TF 401) in the City Manager Department (CM) in the amount of \$350,000 is requested. Of this amount, \$50,000 will support the City's ongoing mitigation bank establishment effort for which a professional services contract is already established. The award of this contract will provide continued support to our local economy by assisting in the preservation of employment for one full-time employee residing in Long Beach.

Approve recommendation.

PATRICK H. WEST  
CITY MANAGER