Legislation Details (With Text)

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Title:	CONSIDER APPROVAL OF AMENDMENT NO. 1 TO THE OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF CARSON AND THE LOS ANGELES COUNTY SANITATION DISTRICT NO. 2 FOR PROJECT NO. 1515 - CARSON STORMWATER CAPTURE FACILITY AT CARRIAGE CREST PARK EXTENDING THE CONTRACT THROUGH SEPTEMBER 30, 2023 (CITY COUNCIL)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit No. 2 - Amendment No.pdf, 2. Signed O&M Stormwater Agreement				

Date	Ver.	Action By	Action	Result

Report to Mayor and City Council

Tuesday, October 04, 2022

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 1 TO THE OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF CARSON AND THE LOS ANGELES COUNTY SANITATION DISTRICT NO. 2 FOR PROJECT NO. 1515 - CARSON STORMWATER CAPTURE FACILITY AT CARRIAGE CREST PARK EXTENDING THE CONTRACT THROUGH SEPTEMBER 30, 2023 (CITY COUNCIL)

I. SUMMARY

On December 7, 2021, the City of Carson (City) approved Item No. 25 approving the Operations and Maintenance Agreement with the Los Angeles County Sanitation District No. 2 (District), to support the City in required management and initial start-up for Project No. 1515 - Carson Stormwater Capture Facility at Carriage Crest Park for a not-to-exceed fee of $250,000.00 (Exhibit No. 1).

The completion of the project has been delayed due to various reasons. Recently, there were water leaks in the equipment vaults resulting in damage to the electrical equipment, which the designer and the contractor are making the necessary adjustments and corrections. The anticipated completion of the project is January 2023. As soon as the

project is completed, the District will provide the services for the first five months to start up the facility, provide an O&M manual, be responsible for the water quality monitoring requirements and operate the facility.

Because of the delay in project completion, the District was not able to complete all the contract services and the existing contract expired on June 30, 2022. For example, completion of the project is necessary to put together the Operations Manual. With the expectation that the project will be completed in January 2023, amendment to the contract, which will be made effective retroactive to June 30, 2022, is necessary. Staff prepared Amendment No. 1 to the existing contract, which was reviewed and approved by the City Attorney and District staff. Staff is requesting the City Council to approve Amendment No. 1 to extend the term of the contract through September 30, 2023 (Exhibit No. 2). Approving this amendment allows the District to continue to assist the City in the project's start-up and to complete the Operations Manual.

II. RECOMMENDATION

1. APPROVE Amendment No. 1 to the Operation and Maintenance Agreement between the City of Carson and the Los Angeles County Sanitation District No. 2 extending the term of the contract through September 30, 2023 for Project No. 1515 - Carson Stormwater Capture Facility at Carriage Crest Park.

2. AUTHORIZE the Mayor to execute Amendment No. 1 to the contract, following approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE Amendment No. 1 to the Operation and Maintenance Agreement between the City of Carson and the Los Angeles County Sanitation District No. 2 extending the term of the contract through September 30, 2023 for Project No. 1515 - Carson Stormwater Capture Facility at Carriage Crest Park.

2. TAKE another action the City Council deems appropriate and consistent with the requirements of the law.

IV. BACKGROUND

The City of Carson is a member of the South Santa Monica Bay Watershed and the Dominguez Channel Watershed Management Group. The City joining the Dominguez

Channel Enhanced Watershed Management Plan (EWMP) group has benefited the City financially and is a plus because it helps safeguard our waterbodies by capturing polluted stormwater. Under State law and as a member of these groups, the City receives extra time to comply with the MS4 requirements but still must demonstrate to the Regional Water Board its ability and commitment to fund and construct specific stormwater capture projects.

The City had an opportunity to construct a stormwater capture and diversion facility beneath the Carriage Crest Park ball field to reduce stormwater pollution in the Machado Lake Watershed and the Wilmington Drain, which is part of Carson's MS4 permit compliance obligations. The Carriage Crest Park Stormwater Project provides the City credit towards our EWMP obligations and reduces the City's overall obligation by $21 million using grant funds (no City General Fund money was used to construct the project). Capital projects like the Carriage Crest Park vault and tanks under the park safeguard streams, lakes, and other waterbodies by capturing stormwater and sending it to the wastewater treatment plant for processing.

The City was able to secure a $13 million Cooperative Implementation Grant with Caltrans to fund the Project for the design and construction costs of this project. The Caltrans Agreement specified the design and construction of a joint use project to capture stormwater and the City will be responsible for all management, maintenance, and operation costs of the constructed Stormwater Capture Facility.

In February 2018, the City also entered into a Memorandum of Understanding with the County of Los Angeles ("County") to expand the project capacity and to construct, operate and maintain Water Quality Improvements at the Park. Under the County MOU, the County agreed to contribute up to a total amount of $5,720,000 to finance the capital cost of the Project and to provide the ongoing annual funding of 44% of the Operation and Maintenance costs of the Stormwater Capture Facility project including 44% of these startup costs. Per the County MOU, the City is required to prepare an operation and maintenance manual ("O&M Manual") describing in detail the operation and maintenance requirements of various components of the Stormwater Capture Facility project. The City does not have internal expertise to operate this facility or develop a start-up manual. A private contractor will need to be hired for this endeavor once the District completes the start-up period after 5 months. The City is looking for additional grant funds for O&M to further reduce its annual obligation.

On December 7, 2021, the City Council approved the Operations and Maintenance Agreement with the District to support the City in required management and initial start-up for Project No. 1515 - Carson Stormwater Capture Facility at Carriage Crest Park for a not-to-exceed fee of $250,000. The term of the O & M Agreement was set to expire on June 30, 2022 with an option to extend if mutually agreed upon by both the City and the District.

Due to construction challenges, the Project has been significantly delayed. The challenges to construction completion included:

- Rain delays occurring primarily in the winter of 2018/2019;
- Delays associated with the contractor's design and implementation of the

shoring system associated with the main excavation;

- Characterization and management on contaminated soil;
- Water leaking inside the vaults damaging electrical equipment;
- Various contractor-related productivity issues.

These events have resulted in delays in the originally scheduled start-up of the facility which has adversely affected the original timeline to develop the Operations Manual that is required for the City to hire an operator for the facility.

Given the above challenges and delays, it was determined the time needed to complete the start-up and Operations Manual needs to be extended. Staff is requesting the City Council approve Amendment No. 1 to be retroactive to June 30, 2022 to extend the term of the contract through September 30, 2023. No additional funds are being requested for this amendment at this time.

V. FISCAL IMPACT

Funds for these services were included in the FY 2021-22 general fund budget in account number 295-80-820-904-8011. No additional funding is requested as part of this staff report.

VI. EXHIBITS

1. Original - O&M Support Agreement (pgs. 5-106)
2. Amendment No.1 - O&M Support Agreement (pgs. 107-110)

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