

SAN ELIJO JOINT POWERS AUTHORITY
MINUTES OF THE SPECIAL BOARD MEETING
HELD ON APRIL 21, 2017
AT THE
SAN ELIJO WATER RECLAMATION FACILITY

Ginger Marshall, Chair

Tasha Boerner Horvath, Vice Chair

A special meeting of the Board of Directors of the San Elijo Joint Powers Authority (SEJPA) was held Friday, April 21, 2017, at 7:00 a.m., at the San Elijo Water Reclamation Facility at 2695 Manchester Avenue, Cardiff by the Sea, California.

1. CALL TO ORDER

Chair Marshall called the meeting to order at 7:00 a.m.

2. ROLL CALL

Directors Present:

Ginger Marshall
Tasha Boerner Horvath
David Zito
Joe Mosca

Directors Absent:

None

Others Present:

General Manager
Director of Operations
Director of Finance & Administration
Associate Engineer

Michael Thornton
Christopher Trees
Paul Kinkel
Mike Konicke

SEJPA Counsel:

Procopio, Cory, Hargreaves & Savitch

Adriana Ochoa

J.R. Filanc Construction Company, Inc.

Mark Filanc
Bob Zaiser

3. PLEDGE OF ALLEGIANCE

Chair Marshall led the Pledge of Allegiance.

4. AWARD CONSTRUCTION CONTRACT AND DESIGN SUPPORT SERVICES FOR THE SAN ELIJO LAND OUTFALL REPLACEMENT PROJECT

General Manager Thornton gave a brief history of the aging San Elijo land outfall pipeline. It was constructed in 1965 and due to its age and the surrounding soil type, the pipeline is estimated to be at the end of its useful life. The 2015 Facility Plan identified the land outfall replacement as the highest priority project based on environmental, financial, and social considerations. The project was advertised for construction; four construction bids were received and publicly opened on March 28, 2017.

The General Manager stated that bids were promptly reviewed by Staff, legal counsel, and the project engineer of record, Kennedy/Jenks Consultants (Kennedy/Jenks) for responsiveness to bid requirements. The bid review team determined that the apparent low bidder did not meet the minimum work experience required in the bid specifications and recommended the bid be rejected as non-responsive. Staff and Kennedy/Jenks then evaluated the apparent second lowest bidder, J.R. Filanc Construction Company (Filanc). It was determined that Filanc is a responsible bidder and the bid was responsive.

Mr. Thornton stated that the lowest responsive bid price is \$8,553,000. As part of construction, the Project will require construction management, environmental compliance monitoring and reporting, and engineering support during construction. The estimated cost for these items is \$718,000 or 8.4% of construction cost. Staff also recommends including a contingency fund of \$428,000 or 5% of construction cost, to address unanticipated conditions encountered during construction resulting in a total cost of \$9,699,000.

The General Manager requested that the Board approve an amendment to the professional services agreement with Kennedy/Jenks Consultants for engineering services during construction of the Project. The engineering services are considered vital tasks that include providing final contract documents, responding to design questions, participating in construction meetings, performing material and equipment submittal review and approval, and preparing the final record drawings.

Moved by Member Zito and seconded by Chair Marshall to:

1. Authorize the General Manager to reject the non-responsive apparent low bid from Palm Engineering for the San Elijo Land Outfall Replacement Project;
2. Authorize the General Manager to waive minor bid irregularities and award construction of the San Elijo Land Outfall Replacement project to the lowest responsive and responsible bidder, J.R. Filanc Construction Company, Inc., for an amount not to exceed \$8,553,000 and issue a Notice to Proceed at the time the General Manager deems appropriate; and
3. *Subject to legal review*, authorize the General Manager to amend the professional services agreement, with Kennedy/Jenks Consultants for

construction design support services for the San Elijo Land Outfall Replacement Project for an amount not to exceed \$102,545.

Motion carried with unanimous vote of approval.

5. ADJOURNMENT

The meeting adjourned at 7:40 a.m. The next Board of Directors meeting will be held on May 8, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Thornton", is written over a horizontal line.

Michael T. Thornton, P.E.
General Manager