

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA** 147A



FROM: TLMA - Transportation Dept.

SUBMITTAL DATE:
December 12, 2005

SUBJECT: River Road Bridge Sand Removal Project

RECOMMENDED MOTION: That the Board of Supervisors APPROVE Amendment No. 1 between the County Transportation Department and KEC Engineering.

BACKGROUND: The current agreement (dated 9/11/01) between the Transportation Department and KEC Engineering allows KEC to work under the environmental permits held by the Transportation Department. By this agreement, KEC is required to remove enough sand from the river bottom to maintain a minimum of three feet of freeboard under the bridge girders. Clearance under the bridge is critical to allowing the storm flows to pass under the bridge. Keeping River Road Bridge undamaged and open is absolutely necessary for emergency access and because closure requires a several mile detour in order to cross the Santa Ana River. Removal of the sand serves as part of the effort to keep the River Road Bridge functional until the bridge can be replaced. The terms of the current agreement are for KEC to remove sand until such time as a replacement to the current River Road Bridge can be constructed.

In 2001, KEC Engineering was the contractor selected in a joint bid process between the

Juan C. Perez
Deputy Director of Transportation

[Signature]
George A. Johnson
Director of Transportation

GAJ:mz
cc: County Counsel, Flood, Regional Parks & Open Space District

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|---------------------------------|-------------------------------|------------|-------------------------|---|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 250,000 | In Current Year Budget: | YES |
| | Current F.Y. Net County Cost: | \$ 0.00 | Budget Adjustment: | NO |
| | Annual Net County Cost: | \$ 0.00 | For Fiscal Year: | 05/06 |
| SOURCE OF FUNDS: Gas Tax | | | | Positions To Be Deleted Per A-30 <input type="checkbox"/> |
| | | | | Requires 4/5 Vote <input type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

[Signature]

Policy Policy

Consent Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref. Sept. 11, 2001: 3.66 | **District:** 2 | **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.40

Departmental Concurrence

Transportation Department and the Orange County Water District (OCWD). Under the current agreement, KEC sells the sand, with truckload fees paid to the OCWD as the landowner, and to Transportation which helps to fund the projects' environmental mitigation. KEC has performed well in removing sand and in cooperating with the OCWD and the Fish & Wildlife Service (this stretch of the Santa Ana River is critical habitat for the least Bell's vireo).

In October of 2004, KEC notified the Transportation Department that they would not continue under the terms of the Agreement in 2005 without supplemental funding. KEC indicated that they had found the project to be financially unfeasible. KEC claimed that the poor quality of the sand (most of it is saleable as fill sand, not as concrete sand), the great variance in amount of sand from month to month and the restrictions that have been imposed on the operation by the Fish & Wildlife Service due to the presence of the Santa Ana Sucker (listed as a threatened species in April 2000 which resulted in modifications to the sand mining operation in 2002), have combined to make sand mining a financially unsustainable operation. KEC is the third contractor hired to remove sand at River Road Bridge since 1997. The previous contractors had also experienced a variance in the quantity of sand and did not work under the Santa Ana Sucker conditions which restrict the replenishment of sand into the excavation areas during the breeding season.

The Transportation Department has concluded that year round sand removal is the best offense in defending the bridge from damage during storm events. Construction of the replacement bridge is scheduled to begin in late 2006; therefore, sand removal will be required for two and perhaps three more storm seasons (it will be necessary to continue the sand removal until the bridge construction is far enough underway that storms will not damage the detour road while the new bridge is under construction). The Transportation Department reluctantly concurs that sand removal cannot be funded by sand sales alone, and finds it necessary to propose payment to a contractor to remove the sand.

The amendment provides for a change in the terms with respect to compensation to the contractor for his services. The terms of the original agreement are that the contractor receives full compensation through the sale of the material excavated. As outlined above, there are documented constraints that do not allow sand removal to be a self-supporting venture. Negotiations with KEC (and the OCWD, as the landowner) have been underway since late 2004, resulting in the attached Amendment No. 1. The agreed upon price of \$3.50 per cubic yard of material removed includes removal from the river and disposal, and is considered fair and reasonable compensation for this important service.

Albeit the terms and conditions of the original agreement are being amended, competitive bidding of this service at this time is not in the best interest of the public for the following reasons:

1. The current contractor was selected through a competitive bid process by the OCWD, the landowner, in 2001.
2. The current contractor is mobilized on-site with equipment and personnel.
3. The current contractor is qualified and experienced in the type of work required (sand removal, river diversion, bridge protection and bridge repair).
4. The 2005/06 rain season has commenced, and it is imperative that the bridge be protected. There is insufficient time available for the public bidding process due to the ongoing risk of the loss of the River Road Bridge.

The Honorable Board of Supervisors
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5. The current contractor is operating on land belonging to the OCWD, which has issued the contractor a permit for the work. The OCWD is satisfied with KEC due to the quality of work that KEC is performing. This includes the contractor's compliance with Santa Ana Sucker requirements and KEC's cooperative effort with OCWD's diversion facility for the OCWD wetland treatment pond, which is immediately adjacent to the downstream sand removal area.

All associated costs for these services will be fully funded by Gas Tax. Thus, no additional Net County Cost would be incurred.

County Counsel has approved the First Amendment as to legal form.