

This Calendar Item No. C54 was approved as Minute Item No. 54 by the California State Lands Commission by a vote of 3 to 4 at its 10/20/03 meeting.

**CALENDAR ITEM  
C54**

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10/20/03

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PRC 3453; W30068.17, and PRC 3454; W30068.19

D. Brown, A. Cueva, V. Van Way

**REQUEST AUTHORITY FOR EXECUTIVE OFFICER  
TO SOLICIT PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE FAIR AND  
REASONABLE PRICE, AWARD AND EXECUTE NECESSARY AGREEMENTS FOR  
THE PREPARATION OF ENVIRONMENTAL DOCUMENTATION FOR FUTURE  
CONSIDERATION OF A LEASE FOR THE EXISTING AMORCO AND AVON MARINE  
OIL TERMINALS, BY TESORO REFINING AND MARKETING COMPANY,  
CONTRA COSTA COUNTY**

**PARTY:**

California State Lands Commission  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

**BACKGROUND:**

Tesoro Refining and Marketing Company (Tesoro), operates two marine oil terminals located on the south side of Carquinez Strait: Amorco, immediately west of the Benicia-Martinez Bridge near the city of Martinez, and Avon, approximately 3 miles east of the Benicia-Martinez Bridge, both in Contra Costa County.

The Amorco and Avon terminals have leased approximately 10½ and 6 acres, respectively, of sovereign land for barge and tanker loading/unloading, transferring crude oil and petroleum products primarily between the refinery operations located on privately owned upland property immediately south of the Avon terminal. The leases have been amended and renewed several times and assigned to various entities with the concurrence of the CSLC.

**PROPOSED ACTIVITY:**

Tesoro has requested that the CSLC consider a new lease to allow operations at these terminals. Consideration of such an action will require environmental documentation, including monitoring. The CSLC, pursuant to the California Environmental Quality Act (CEQA), will be the State lead agency. The Executive Officer requests delegation of authority to engage a consultant for this purpose.

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Consultant selection shall be conducted consistent with procedures as specified in CSLC Regulations and in the State Contracting Manual on the basis of demonstrated competence and qualifications for the types of services to be performed and at a fair and reasonable price. All costs shall be recovered from project applicant.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, Section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, Sections 15060(c)(3) and 15378.

2. Approval of this item by the Commission does not constitute approval of the proposed lease; it only authorizes consultant contracts for environmental review.

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code Section 6106 (Delegation to execute written instruments)
- B. State Contracts Manual Section 11.00 (A & E method)
- C. Public Contract Code Section 6106
- D. Government Code Section 4526
- E. California Administrative Code Title 2 Article 13 Section 2980.0 - 2990.0

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THESE ACTIVITIES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CAL CODE REGS. 15060(c)(3) BECAUSE THESE ACTIVITIES ARE NOT PROJECTS AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND 14 CAL CODE REGS. 15378.
2. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS DOES NOT AFFECT SMALL BUSINESSES AS DEFINED IN GOVERNMENT CODE SECTION 11342, SUB. (H), BECAUSE THEY WILL BE ACCORDED EQUAL OPPORTUNITY TO SUBMIT STATEMENTS OF QUALIFICATIONS AND PERFORMANCE DATA.
3. FIND THAT THE SELECTION OF CONSULTANTS UNDER THIS PROCESS FOR PROFESSIONAL SERVICES OF ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL,

CALENDAR ITEM NO. C54 (CONT'D)

LAND SURVEYING OR CONSTRUCTION PROJECT MANAGEMENT SERVICES WILL BE CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED BY THE COMMISSION AS SPECIFIED IN GOVERNMENT CODE SECTION 4526 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS 2980 –2980.9.

4. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO SOLICIT PROPOSALS, NEGOTIATE FAIR AND REASONABLE PRICE, AWARD AND EXECUTE CONTRACT IN ACCORDANCE WITH STATE POLICIES AND PROCEDURES.
5. AUTHORIZE THE EXECUTIVE OFFICER OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH PROJECT APPLICANT TO RECOVER COSTS INCURRED IN THE CONSIDERATION OF THIS PROJECT.