

This Calendar Item No. C36 was approved as Minute Item No. 310 by the California State Lands Commission by a vote of 3 to 0 at its 12-09-03 meeting.

**CALENDAR ITEM
C36**

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Statewide

12/09/03

Bid Log 2003-17

PRC 8486; RA# 10701

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D. Brown, A. Cueva, J. Brown

**REQUEST AUTHORITY FOR EXECUTIVE OFFICER
TO SOLICIT PROPOSALS FOR CONSULTANT SERVICES, NEGOTIATE FAIR AND
REASONABLE PRICE, AWARD AND EXECUTE AGREEMENT FOR
ENVIRONMENTAL MONITORING FOR THE PROPOSED CONSTRUCTION OF A
PETROLEUM PRODUCTS PIPELINE EXTENDING FROM CONCORD IN CONTRA
COSTA COUNTY TO WEST SACRAMENTO IN YOLO COUNTY, CALIFORNIA**

PARTY:

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

BACKGROUND:

The proposed project involves the construction and operation of a 20-inch steel petroleum products pipeline extending 69 miles from the existing SFPP Concord station in Contra Costa County to the existing SFPP Sacramento station in the city of West Sacramento. This pipeline will replace an existing 40-year-old, 14-inch diameter petroleum products pipeline that will be cleaned and prepared for unspecified alternative uses other than for petroleum products. The proposed 20-inch pipeline would provide the needed capacity to meet the growing demand for gasoline, diesel and jet fuel to the Sacramento area.

PROPOSED ACTIVITY:

The proposed pipeline route will cross five waterways under the jurisdiction of the CSLC. Most of the crossings will utilize the horizontal directional drilling method of crossing underneath the waterway.

The Commission certified the EIR for this project on November 13, 2003. A consultant will be selected to monitor the impacts and mitigation measures identified in the EIR document under the direction of Commission staff.

The Executive Officer requests delegation of authority to engage a consultant for this proposal. Consultant selection will be conducted consistent with procedures as specified in CSLC Regulations and in the State Contracting Manual on the

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basis of demonstrated competence and qualifications for the types of services to be performed and at a fair and reasonable price. All costs will be recovered from the 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 the 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 CONSULTANT 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, LAND SURVEYING OR CONSTRUCTION PROJECT MANAGEMENT SERVICES WILL BE CONSISTENT WITH PROCEDURES AND POLICIES ADOPTED BY THE

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- 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 ALL STATE COSTS INCURRED IN THE CONSIDERATION OF THIS PROJECT.

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