

## **2.20 Actions Related to the 10430 – Small Trash Capture Device Installation Phase I.**

### **Recommendation:**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10430 – Small Trash Capture Device Installation Phase I project to the lowest responsive, responsible bidder in an amount not to exceed \$3,500,000;
- (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

CEQA: Categorically Exempt, File No. ER24-110, CEQA Guidelines Section 15301, Existing Facilities. (Public Works)



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Loesch

**SUBJECT:** SEE BELOW

**DATE:** May 20, 2024

Approved

Date

5/29/24

**SUBJECT: ACTIONS RELATED TO THE 10430 – SMALL TRASH CAPTURE  
DEVICE INSTALLATION PHASE I**

## **RECOMMENDATION**

Adopt a resolution authorizing the Director of Public Works to:

- (a) Award and execute a contract for the construction of the 10430 – Small Trash Capture Device Installation Phase I project to the lowest responsive, responsible bidder in an amount not to exceed \$3,500,000.
- (b) Decide any timely bid protest(s) and make the City's final determination as to the lowest responsive bidder that is responsible as needed to award the contract; and
- (c) Approve a contingency in the amount of 10% of the contract amount.

## **SUMMARY AND OUTCOME**

Approval of the resolution authorizing the Director of Public Works to award and execute a contract will expedite the contract award process and construction start for the 10430 – Small Trash Capture Device Installation Phase I Project (Project). With the expedited process, staff anticipates construction to start in September 2024 and reach beneficial use by June 30, 2025 in order to meet the Municipal Regional Stormwater Permit requirement.

Approval of the 10% contingency will provide funding for any unanticipated work necessary for the proper completion or construction of the Project.

## **BACKGROUND**

On July 1, 2022, the San Francisco Bay Regional Water Quality Control Board issued the Municipal Regional Stormwater Permit. Provision C.10 of the Municipal Regional Stormwater Permit requires all permittees, including the City of San José, to reduce the amount of trash discharging from the storm drain system by 100% by June 30, 2025. Under these regulatory mandates and conditions, the City is required to implement measures to prevent or capture trash that enters the stormwater system prior to discharging to any waterways.

To date, the City has installed and operated a total of 106 inlet based small trash capture devices to collect trash from very high, high, and moderate trash generating areas.

This Project will install approximately 508 additional new small trash capture devices throughout the City (**Attachment A** - Location Map - 10430 – Small Trash Capture Device Installation Phase I).

Installing these additional new devices will help meet the Municipal Regional Stormwater Permit Provision C.10 requirements that mandates the City to meet the 100% trash load reduction target by June 30, 2025. These devices will be installed within existing catch basins and storm inlets throughout the City to capture and remove trash prior to entering the local waterway. All devices installed must be selected from the San Francisco Bay Regional Water Quality Control Board's pre-approved manufacturers list as posted on its website. In addition, as mandated by the Municipal Regional Stormwater Permit, the Project must meet the stringent deadline where all units must be installed and fully functional by June 30, 2025.

## **ANALYSIS**

Bids will be opened on June 20, 2024. With the bid opening taking place after the last City Council meeting of the fiscal year, authorizing the Director of Public Works to award and execute the contract will reduce the Project schedule by approximately six to eight weeks by facilitating this work to occur prior to City Council's return from recess in August. The early award of the Project will also provide the necessary flexibility for staff to manage potential delays due to inclement weather, unforeseen site conditions, and long lead time for fabrication of the trash capture devices while still meeting the Municipal Regional Stormwater Permit deadline.

### *Contingency*

San José Municipal Code Section 27.04.050 provides for standard contingency of 10% on all public works contracts except those involving the renovation of building or buildings. The standard 10% contingency is appropriate for this Project.

### *Wage Theft Prevention Policy Check*

The Office of Equality Assurance will review bidders for compliance with the City's Wage Theft Prevention Policy before awarding the project.

*Project Labor Agreement Applicability*

The City’s Project Labor Agreement is applicable to this Project because the Engineer’s Estimate is over \$1.22 million.

**EVALUATION AND FOLLOW-UP**

No additional follow-up action with City Council is expected at this time.

**COST SUMMARY/IMPLICATIONS**

The costs to operate and maintain the small trash capture devices for this Project by staff in the Department of Transportation are allocated its Operating Budget. The source of funding for this Project is the Storm Sewer Capital Fund.

1. ESTIMATED COST OF PROJECT:

Project Delivery*	\$805,623
Construction (Engineer’s Estimate)	1,980,765
Contingency (if applicable)	198,077
<b>TOTAL PROJECT COSTS</b>	<b>\$2,984,465</b>

\*Project delivery includes \$125,555 for design services and \$680,068 for construction management, inspection services, survey, materials lab services, utilities, and project closeout costs.

2. COST ELEMENTS OF ENGINEER’S ESTIMATE:

Mobilization	\$279,493
Traffic Control	50,000
Small Trash Capture Device Installation	1,320,800
Other Construction Costs	330,472
<b>TOTAL ENGINEER’S ESTIMATE</b>	<b>\$1,980,765</b>

**BUDGET REFERENCE**

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum and remaining Project costs, including project delivery, construction, and contingency costs.

Fund #	Appn #	Appn. Name	Total Appn	Amt. for Contract	2023-2024 Adopted Capital Budget Page	Last Budget Action (Date, Ord. No.)
469	4245	Outfall Rehabilitation - Capital	\$6,000,000	\$1,980,765	240	10/17/2023 Ord. No. 30966

**COORDINATION**

This memorandum has been coordinated with the City Attorney’s Office, the City Manager’s Budget Office, and the Departments of Planning, Building, and Code Enforcement and Transportation.

**PUBLIC OUTREACH**

This memorandum will be posted on the City’s Council Agenda website for the June 11, 2024 City Council meeting.

**COMMISSION RECOMMENDATION AND INPUT**

No commission recommendation or input is associated with this action.

**CEQA**

Categorically Exempt, File No. ER24-110, CEQA Guidelines Section 15301, Existing Facilities, adopted on April 26, 2024. (**Attachment B** - Statement of Exemption, ER24-110)

**PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City’s Open Government Resolution.

/s/  
MATT LOESCH  
Director of Public Works

For questions, please contact Mathew Nguyen, Public Works Deputy Director, at Mathew.Nguyen@sanjoseca.gov or (408) 535-8300.

**ATTACHMENTS:**

Attachment A – Location Map – 10430 – Small Trash Capture Device Installation Phase I

Attachment B – Statement of Exemption, ER24-110



*Planning, Building and Code Enforcement*  
CHRISTOPHER BURTON, DIRECTOR

## STATEMENT OF EXEMPTION

<b>FILE NO.</b>	ER24-110
<b>LOCATION OF PROPERTY</b>	Citywide
<b>PROJECT DESCRIPTION</b>	Exemption for the installation and maintenance of Small Trash Capture (STC) devices in existing storm inlets citywide.

### CERTIFICATION

Under the provisions of Sections 15301(c) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

### 15301. EXISTING FACILITIES

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).

### ENVIRONMENTAL ANALYSIS

The project involves the installation and maintenance of Small Trash Capture (STC) devices made of stainless-steel mesh screens with removable mounting frames in existing storm inlets. The STC devices serve to reduce trash from entering creeks and the San Francisco Bay. The installation and maintenance of the STC devices would occur within public right-of-way throughout the City of San José, in locations that are already disturbed by existing development. No work will be performed within 100 feet of the top of bank and/or edge of riparian vegetation of any creek. No trees will be removed or disturbed by the project. Consistent with CEQA Statute and Guidelines Section 15301(c), the project would consist of minor alterations of an existing facility with little to no expansion of use. The installation of STC devices would involve negligible or no expansion of existing storm inlets citywide. Therefore, the project qualifies for CEQA Guidelines Section 15301(c) Existing Facilities.

#### *Exceptions:*

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the

projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.

- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Section 15300.2(a) does not apply to the Class Category 1 of exemptions. Regardless, the project would not impact an environmental resource of hazardous or critical concern.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project involves the installation of stainless-steel mesh screens in existing storm inlets. The project would not occur within 100 feet of the top of bank and/or edge of riparian vegetation of any creek or include any tree removals. Therefore, the project will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore, the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. There are no historical resources located on the project site; therefore, Section 15300.2(f) does not apply.

Nhu Nguyen  
Environmental Project Manager

Christopher Burton, Director  
Planning, Building and Code Enforcement

Date 4/26/24

  
\_\_\_\_\_  
Deputy

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO: (A) AWARD AND EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE 10430 – SMALL TRASH CAPTURE DEVICE INSTALLATION PHASE I PROJECT TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER IN AN AMOUNT NOT TO EXCEED \$3,500,000; (B) DECIDE ANY TIMELY BID PROTEST(S) AND MAKE THE CITY’S FINAL DETERMINATION AS TO THE LOWEST RESPONSIVE BIDDER THAT IS RESPONSIBLE AS NEEDED TO AWARD THE CONTRACT; (C) APPROVE A CONTINGENCY IN THE AMOUNT OF TEN PERCENT OF THE CONTRACT AMOUNT**

**WHEREAS**, the City of San José (“City”) City Council desires to adopt this resolution for the reasons set forth in the memorandum, dated May 20, 2024, from the Director of Public Works Matt Loesch for the June 11, 2024 City Council meeting (“Memorandum”);

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Public Works is hereby authorized to:

- (a) Award and execute a contract for the construction of the 10430 – Small Trash Capture Device Installation Phase I project to the lowest responsive, responsible bidder in an amount not to exceed \$3,500,000;
- (b) Decide any timely bid protest(s) and make the City’s final determination as to the lowest responsive bidder that is responsible as needed to award the contract;  
and
- (c) Approve a contingency in the amount of 10% of the contract amount.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk