



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

FROM: 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: August 5, 2020

SUBJECT: **Agenda Item IX: Consideration of resolution awarding a contract to Metro Builders & Engineering Group for construction of two public beach access stairways at Malibu Pier, City of Malibu.**

Staff Recommendation: That the Governing Board adopt the attached resolution awarding a contract to Metro Builders & Engineering Group for construction of two public beach access stairways at Malibu Pier, City of Malibu, in the amount of \$297,100.

Background: In December 2016, the California Coastal Commission (Commission) approved Consent Cease and Desist Order CCC-16-CD-04 and Consent Administrative Civil Penalty CCC-16-AP-02 (Consent Orders) to Mani MBI DE, LLC (Respondent) for the failure to construct two public access stairways at Malibu Pier as required by Special Condition No. 3(g) of Coastal Development Permit (CDP) No. 5-89-576 and other unauthorized development inconsistent with the CDP. As part of the Consent Order, the Respondent were required to pay the Mountains Recreation and Conservation Authority (MRCA) for the construction and operation of the two public access stairways. The MRCA Governing Board authorized the acceptance of this payment in January 2017. Since then, staff has coordinated with the Commission, California Department of Parks and Recreation, the State Lands Commission, and the County of Los Angeles in order to implement the project.

The project includes construction of one new beach access stairway over the existing rock revetment that spans the southern edge of the Malibu Pier parking lot, and major repair of an existing stairway adjacent to Malibu Pier.

Section 4.1 of the MRCA's Procurement Policy states that all purchases of \$25,000 or more shall be made through a competitive bid process and awarded to the lowest responsive and responsible bidder. The project was put out for public bid on June 16, 2020. Due to the health policies related to the COVID-19 pandemic, a mandatory bid walk was not scheduled. However, all responsive bidders were required to

certify that the bidder conducted a bid walk on their own. Four bids were received on July 21, 2020. The bid from Metro Builders & Engineering Group is attached. Staff reviewed the bid and found Metro Builders & Engineering Group to be the lowest responsive, responsible bidder in accordance with Public Contract Code section 20815 *et seq.* The work is anticipated to be completed during September 2020.

The proposed project is categorically exempt under California Environmental Quality Act Sections 15301(c) and (d), 15302, 15303(e), 15311(b), and 15321(c) as the project consists of repairs to an existing stairway with no expansion of use and rehabilitation of a damaged structure to meet current standards of public health & safety; replacement/reconstruction where the new stairway is in the same site and has the same purpose as the stairway replaced; new construction of a stairway, a small structure that is accessory to the public pier and parking lot; and is part of an enforcement action by a regulatory agency, the Coastal Commission, for compliance with the Coastal Act.

Consideration: Staff recommends the Governing Board authorize awarding a contract to Metro Builders & Engineering Group for construction of two public beach access stairways at Malibu Pier, City of Malibu, in the amount of \$297,100.

Fiscal Impact: The project is funded by the payment made by the Respondent to the MRCA in 2017. The payment will cover the cost of construction and any remaining balance will be used toward operation of the stairways.