



AGENDA STAFF REPORT

Control: 26001572

MEETING DATE: 09/29/2026
LEGAL ENTITY TAKING ACTION: Orange County Flood Control District
BOARD OF SUPERVISORS DISTRICT(S): District 5
SUBMITTING AGENCY/DEPARTMENT: OC Public Works
DEPARTMENT CONTACT PERSON(S): Fiona Man, 714-371-7355
Durand Long, 714-448-7804

SUBJECT: Select Respondent for the Santa Ana River Avio Tide Gates Replacement Project

CEO CONCUR

Concur

COUNTY COUNSEL REVIEW

Approve agreement to form

CLERK OF THE BOARD

DISCUSSION

3 Votes Board Majority

Budgeted: Yes

Current Year Cost: See Financial
Impact Section

Annual Cost: N/A

Staffing Impact: No

Current Fiscal Year

Revenue: N/A

Levine Act Review

Completed? Yes

Funding Source: Fund 401: 100%

Sole Source: No

**County Audit in Last 3
years:** No

Prior Board Action: 5/19/2026 #11, 5/21/2013 #45

RECOMMENDED ACTION(S):

1. Select and approve a Respondent and an alternate from the Solicitation Results in Attachment B resulting from Request for Proposal No. RFP-080-2878902-TV.
2. Approve Model Contract for Construction Manager at Risk Pre-Construction Services for the Santa Ana River (E01) Avio Tide Gates Replacement Project and authorize the Director of OC Public Works or designee to negotiate and execute, upon approval as to form by County Counsel, a contract without substantive changes to the Model Contract, with the selected Respondent, in the corresponding amount identified in Attachment C - Respondent Cost Summary, effective upon execution of all necessary signatures. Should negotiations with selected Respondent fail, authorize the Director of OC Public Works or designee to terminate negotiations with that Respondent and negotiate and execute a contract with the alternate Respondent, in the corresponding amount identified in Attachment C - Respondent Cost Summary.

SUMMARY:

Approval of the Model Contract for the Santa Ana River (E01) Avio Tide Gates Replacement Project and authorization to negotiate and execute a contract with the Respondent selected by the Board of Supervisors

will support the design and planned replacement of two deteriorated tide gates that provide flood protection within the Santa Ana River Marsh.

BACKGROUND INFORMATION:

The Santa Ana River (E01) Avio Tide Gates Replacement Project (Project) is located along the southern bank of the Santa Ana River in the Huntington Beach/ Newport Beach area. The tide gates regulate tidal exchange between the Pacific Ocean and the Santa Ana River Marsh while providing flood protection for the surrounding flood control system. The existing Avio-style level control gates were installed in the early 1990s and have been exposed to a harsh marine environment for approximately 35 years, resulting in corrosion and deterioration of the gate components.

OC Public Works retained Moffatt & Nichol to evaluate the condition of the existing tide gates and develop design recommendations for the Project. As part of the design effort, multiple rehabilitation and replacement alternatives were evaluated, including repair of the existing gates, replacement with coated carbon steel or stainless-steel level control gates and replacement with self-regulating tide gates. The evaluation considered constructability, long-term maintenance requirements, service life, environmental constraints and life-cycle costs. Based on the evaluation, replacement with coated carbon steel level control gates was selected as the preferred project approach.

Due to the complexity of constructing improvements within an active flood control facility and environmentally sensitive coastal habitat, OC Public Works elected to utilize the Construction Manager at Risk (CMAR) project delivery method. CMAR allows the contractor to participate during the design phase by providing constructability reviews, cost estimating, scheduling, value engineering, risk identification and construction sequencing recommendations. Early contractor involvement is expected to improve coordination, reduce construction risks and assist in the development of a Guaranteed Maximum Price (GMP) for a future Construction Phase Services contract.

On May 19, 2026, the Board of Supervisors (Board) approved the Project as part of the OC Public Works 7-year Capital Improvement Program.

On February 26, 2026, OC Public Works issued Request for Proposals (RFP) No. RFP-080-2878902-TV for CMAR Pre-Construction Services (Services) for the Project. The RFP was advertised in several industry publications and on the County of Orange (County) online bidding system. Two proposals were received and deemed responsive. The Orange County Preference Policy (OCPP) was applicable and incorporated into this solicitation; however, no OCPP-qualified proposals were submitted.

The evaluation panel, composed of representatives from OC Public Works and Moffatt & Nichol reviewed and scored the responsive proposals in accordance with the evaluation criteria established in the RFP. The evaluation included written proposals, interviews and objective cost scoring. See Attachment B for the Solicitation Results. The evaluation results are as follows:

Highest Evaluated	Respondent
1	Power Engineering Construction Company
2	Reyes Construction

OC Public Works recommends that the Board select and approve a Respondent and an alternate from Attachment B, approve the Model Contract for Services and authorize the Director of OC Public Works or designee to negotiate and execute the contract with the selected Respondent, or alternate if negotiations with the selected Respondent fail, in the corresponding amount identified in Attachment C, effective upon execution of all necessary signatures.

An analysis was completed to verify the contract provides the County with persons specially trained, experienced, expert and competent to perform the special services in accordance with the law.

OC Public Works has conducted due diligence on the Respondents. Reference checks were satisfactory regarding similar Services and the Respondents' license numbers were verified as current and active through the Contractors State License Board database. Copies of the reference checks and verification are on file.

Upon completion of the Pre-Construction Services and successful negotiation of a GMP, OC Public Works will return to the Board for consideration of a proposed CMAR Construction Phase Services contract for the Project.

Compliance with CEQA: This Project is a necessarily included element of the project considered in Final Initial Study/Mitigated Negative Declaration (IS/MND) No. IP 11-444, approved by the Board of Supervisors on May 21, 2013, for the County-Wide Long-Term Routine Maintenance Permitting Program, which adequately addressed the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when Final IS/MND No. IP 11-444 was approved, has become known; therefore, no further environmental review is required.

FINANCIAL IMPACT:

Appropriations for this contract are included in Fund 401, OC Flood CIP, FY 2026-27 Budget. The current year cost will be based on the Respondent selected by the Board and the corresponding amount identified in Attachment C - Respondent Cost Summary.

The proposed Model Contract is contingent upon funding availability. In the event funding is reduced or terminated, the County may renegotiate the level of services or terminate the contract without penalty.

STAFFING IMPACT:

N/A

REVIEWING AGENCIES/DEPARTMENTS:

N/A

ATTACHMENTS:

Attachment A - Model Contract for Construction Manager at Risk Pre-Construction Services for Santa Ana (E01) Avio Tide Gates Replacement Project
Attachment B - Solicitation Results
Attachment C - Respondent Cost Summary
Attachment D - Project Location Map