



Midpeninsula Regional
Open Space District

R-19-60
Meeting 19-13
May 15, 2019

AGENDA ITEM 5

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Contract Amendment with Callander Associates for additional Design, Engineering, Permit Assistance, and Construction Administration for the Ravenswood Bay Trail Project at Ravenswood Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manger to execute a contract amendment with Callander Associates for additional design, engineering, permit assistance, and construction administration to support the Ravenswood Bay Trail Project in the amount of \$70,170, for an amended total contract amount of \$517,453.
2. Authorize a 15% contingency of \$10,526 for additional unanticipated project support through end of construction, raising the total contract amount to \$527,979.
3. Authorize an allowance of \$38,499 in the event the project is postponed by a year, for a total contract amount not-to-exceed \$566,478.

SUMMARY

The Ravenswood Bay Trail Project (Project) will close a 0.6-mile gap in the San Francisco Bay Trail, linking Ravenswood Open Space Preserve (Preserve) with University Avenue in East Palo Alto and Menlo Park. In 2010, the Midpeninsula Regional Open Space District (District) began working with Callander Associates Landscape Architecture, Inc., (Callander) on feasibility studies (R-10-134). The District Board of Directors (Board) approved a Callander contract in 2016 for Planning, Design, Engineering and Permitting services (R-16-56).

The Project is located adjacent to and within the baylands in a highly regulated area, necessitating twelve (12) local, regional, state and federal permits. Obtaining these permits has been a complex process, requiring multi-agency coordination and numerous design revisions to address regulatory agency requests, requiring additional work from Callandar beyond the current contract scope of work to keep the project moving forward. Several of the permits and agreements are still outstanding. The recommended contract amendment would replenish the contract to ensure sufficient funding is available for construction administration. Additional funds are also recommended in the event project construction is delayed to 2020, should all required permits not be secured by early June. Funding for the recommended contract amendment is available from budget savings in other projects that are experiencing permitting delays this fiscal year.

DISCUSSION

On July 14, 2010, the Board approved an exchange agreement with the City and County of San Francisco (City) whereby (1) the District would grant to the City a subsurface tunnel easement underneath the Preserve to accommodate a new water pipeline spanning San Francisco Bay and (2) in exchange the City would grant to the District an open space easement across a portion of the adjacent City lands with the intention of converting this open space easement into a public trail easement in the future (R-10-65). The trail easement allows for connection of the Bay Trail in the Preserve to University Avenue, closing a critical 0.6-mile gap in the Bay Trail.

In 2016, the District entered into contract with Callander (R-16-56) for Planning, Design, Engineering and Permitting Services for a total contract amount not-to-exceed \$398,870. Amid jurisdictional complexities, the District has achieved many project accomplishments since 2016:

- Certification of the Initial Study / Mitigated Negative Declaration (IS/MND);
- Approval of the Trail Project and associated Comprehensive Use and Management Plan;
- Recordation of the San Francisco Public Utilities Commission (SFPUC) Public Trail Easement;
- Completion of the Geotechnical Investigation;
- 100% Construction plans;
- Entered into a Memorandum of Understanding (MOU) with East Palo Alto;
- Consideration of a Joint Permitting Agreement to streamline City permitting. Menlo Park City Council approved the Agreement on January 15, 2019 and EPA City Council approved the Agreement on April 2, 2019. The District's Board will consider approval of the agreement on May 15, 2019 (R-19-61);
- Submitted the San Francisco Bay Area Joint Aquatic Resource Permit Application (JARPA) to resource agencies; submitted the Caltrans Encroachment Permit;
- Submitted City Building and Encroachment Permits;
- Completion of an Arborist Report;
- Completion of a Habitat Mitigation and Monitoring Plan; and
- Completion of Soil sampling for Contaminants of Concern (COC's).

Through the design and permitting process, contingency funds were used for the following unanticipated project requirements:

- *California Environmental Quality Act (CEQA) support*
Callander assisted with reporting updates to reflect modified project information.
- *Additional property rights acquisition support*
A portion of the Ravenswood Bay Trail will cross through SFPUC property under a Public Trail Easement from the City. Through the establishment of the easement, multiple design iterations were evaluated to consider proximity and screening for adjacent private properties, site security, site fencing, and vehicular gates. Callander provided design input, plan revisions, and visual simulations to facilitate the review process.
- *Additional permitting support*
A Joint Aquatic Resource Permit Application (JARPA) is required to construct the Ravenswood Bay Trail Project. On April 11, 2018, staff submitted a JARPA to the San Francisco Bay Regional Water Quality Control Board, US Army Corps of

Engineers, US Fish and Wildlife Service, National Marine Fisheries Service, and Bay Conservation & Development Commission (BCDC). Comments from that submission required technical support from Callander, including updated drawings, spatial analyses, and option comparisons. Callander also incurred coordination, meeting, and illustrative graphic preparation time to assist the District and the Environmental Permitting Consultant in responding to permit comments. Unanticipated permitting support associated with the geotechnical investigation was also required.

- *Expanded project scope*

In the spirit of the Cooley Landing Partnership Agreement with the City of East Palo Alto, the Board considered a possible MOU on the operation of the Ravenswood Bay Trail between the District and City of East Palo Alto (R-16-146). The MOU will address Patrol and Emergency Response, Site Security, Future Community Trail Access, and Assignment or Transfer of the Trail. Through the MOU negotiation process, the District agreed to sidewalk improvements along University Avenue. Callander used contingency funds to study the engineering feasibility of this addition.

Additional funds are required to complete the following tasks:

- Complete construction documents, specifications, cost estimates, bid support, and construction administration for the University Avenue sidewalk connection.
- Provide additional design and plan revisions associated with the following outstanding permits and agreements:
 - Resource agency permit negotiations and revisions
 - PG&E plan comments and revisions
 - SamTrans negotiations and design revisions
 - SFPUC fence and gate alignment revisions
 - Technical analysis to support the development of the Cultural Survey Report required by the US Army Corps of Engineers

The project has a seasonal restriction, requiring construction activities within 700 feet of the Preserve to occur between September 1 and January 31. There are several agreements and resource agency permits still pending. Therefore, the recommended contract amendment includes an allowance in the event all agreements and permits are not fully secured in time to begin construction by September 1, 2019.

The detailed breakdown of costs is as follows:

Recommended Contract Amendment – Additional Tasks	Amount
1. Design, Engineering, Permit Assistance, Construction Administration	
• Permit assistance during 65% and 90% construction doc submittals.	\$30,670
• Design revisions and scope expansion, including full construction documents and construction administration for right of way improvements along University Avenue	\$13,000
• Revisions and coordination for outstanding permits and agreements	\$25,000
• Reimbursable Expenses	\$1,500
2. 15% Contingency	\$10,526
3. Allowance for a potential 1-yr project delay	\$38,499
Total	\$119,195

FISCAL IMPACT

The fiscal year (FY) 2018-19 budget includes \$402,038 for the Ravenswood Bay Trail Project MAA02-002. There are sufficient funds in the project budget to cover the recommended action and expenditures in the current fiscal year. Additional funds will be requested in the proposed FY2019-20 budget to complete the contracted work.

Ravenswood Bay Trail MAA02-002	Prior Year Actuals	FY2018-19 Amended Budget	FY2019-20 Projected Budget	Estimated Future Years	Total
District Funded (Fund 30):	\$232,253	\$119,285	\$551,849	\$828,207	\$1,731,594
Grants and Donations Awarded:	\$229,621	\$282,753	\$1,424,911	\$818,043	\$2,755,328
Project #MAA02-002 Budget:	\$461,874	\$402,038	\$1,976,760	\$1,646,250	\$4,486,922
Spent-to-Date (as of 04/17/2019):	(\$461,874)	(\$158,542)	\$0	\$0	(\$620,416)
Encumbrances:	\$0	(\$157,781)	\$0	\$0	(\$157,781)
Callander Associates Contract Amendment:	\$0	(\$50,170)	(\$20,000)	\$0	(\$70,170)
<i>15% Contingency:</i>	\$0	(\$7,526)	(\$3,000)	\$0	(\$10,526)
<i>Allowance</i>	\$0	\$0	(\$38,499)	\$0	(\$38,499)
Budget Remaining (Proposed):	\$0	\$28,020	\$1,915,261	\$1,646,250	\$3,589,531

The following table outlines the Measure AA Portfolio 02 allocation, costs-to-date, and the fiscal impact related to the Ravenswood Bay Trail project (MAA02-002).

MAA02 Portfolio Allocation:	\$5,052,000
Grants and Donations Awarded (as of 04/17/2019):	\$2,755,328
Lifetime Spent-to-Date (as of 04/17/2019):	(\$1,489,985)
Encumbrances (as of 04/17/2019):	(\$626,387)
Contract Amendment including Contingency and Allowance:	(\$119,195)
Portfolio Balance Remaining (Proposed):	\$5,571,761

BOARD COMMITTEE REVIEW

The Real Property Committee held a meeting on February 16, 2016 in the City of East Palo Alto to provide committee members and the public with a status update on the Project and trail easement acquisition from the SFPUC to close the Bay Trail gap. On November 16, 2016, the Board approved the conceptual trail alignment and certified the IS/MND.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Approval of the recommended contract amendment does not constitute a project under the CEQA. The Board certified a Mitigated Negative Declaration and Initial Study for the Ravenswood Bay Trail Connection Project on November 16, 2016 (R-16-146). As part of EPA's permitting process, the City Council made a finding that the project is consistent with the Mitigated Negative Declaration previously adopted for the Trail project by the Midpeninsula Open Space District in 2016 and that the associated sidewalk project is consistent with the City's previously adopted Ravenswood/Four Corners Transit Oriented Development (TOD) Specific Plan EIR.

NEXT STEPS

Following Board approval, the General Manager will direct staff to amend the contract with Callander to provide additional design and permit support for the Project. If the District is able to secure all permits this year, construction will begin in September 2019. If the permits are delayed, construction will begin in September 2020.

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