



Midpeninsula Regional
Open Space District

R-16-131
Meeting 16-26
October 26, 2016

AGENDA ITEM 5

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Contract Amendment for Water Engineering and Consulting Services

GENERAL MANAGER'S RECOMMENDATION

1. Authorize the General Manager to execute a contract amendment with Wagner & Bonsignore Engineers for additional services related to water systems and water rights in the amount of \$45,000 in Fiscal Year 2016-17.
2. Authorize the General Manager to extend the above contract in the amount not to exceed \$40,000 in Fiscal Year 2017-18 to provide additional services related to water systems and water rights if the Board approves this funding in the FY2017-18 budget.

SUMMARY

In 2014, the District entered into a contract with Wagner & Bonsignore Engineers (WBE) for a not-to-exceed amount of \$75,000 to assess District water uses and rights and develop a list of priority work areas. This prior contract work with WBE identified a number of areas that require additional work. Water rights in the State of California is a highly technical and heavily regulated subject area and failure to adequately address the District's interests could result in administrative penalty liabilities, and/or restriction or loss of those rights. The General Manager recommends amending the contract to Wagner & Bonsignore Engineers (WBE) for an amount of \$85,000 to a total amount not-to-exceed amount of \$160,000 to provide the professional services needed to identify, maintain, and monitor District water rights.

DISCUSSION

The District holds various rights to use the water from creeks, springs, and ponds that are associated with District property. Certain water uses are required to be reported to the State Water Resources Control Board (SWRCB) in order to preserve these rights. Additionally, District staff is required to report water use and/or respond to inquiries from a state-appointed Watermaster in adjudicated watersheds (i.e., San Gregorio, Purisima, and Soquel Creeks). The focus of this amendment work is on Bear Creek Redwoods Open Space Preserve, San Gregorio Creek Watershed Open Space Preserves (including La Honda Open Space Preserve), and annual monitoring and reporting across all District lands.

In May and June of 2014, a request for proposals and qualifications (RFPQ) was circulated for water rights services. Proposals from WBE (Sacramento), Stetson Engineers (Marin), and BSK Associates (Fresno) were received. WBE was selected as the most qualified consultant to serve

the District's water resource consulting needs as described above, at a fair and reasonable price. WBE's work to date has been critical to maintaining the District's water rights and has identified a number of areas that require additional work. The term for the existing contract with WBE is through March, 2017.

While other firms could perform the proposed scope of work, it would require significant duplication of WBE's work to date, resulting in inefficiencies, costing the District more in both time and money. Given the importance of water to District operations, the General Manager recommends continuing this work with WBE specifically for the San Gregorio watershed, Bear Creek Redwoods OSP, other 'in process' water rights, and the associated annual monitoring and reporting process. New water issues that are outside of the scope of work described above and that require more than a cursory amount of outside consultant services shall be awarded through a competitive proposal process. The pre-qualification for professional water resources services will expire in June, 2018. Any work awarded after that date will require a new RFPQ.

FISCAL IMPACT

The Natural Resources Department FY2016-17 Budget and Action Plan includes \$150,000 for work related to water rights tasks (including 50,000 for the San Gregorio Adjudication, \$50,000 for annual monitoring and reporting, and \$50,000 for Bear Creek OSP Water Rights). This contract amendment is estimated to cost \$45,000 in FY2016-17 and \$40,000 in FY17-18. The contract with Wagner and Bonsignore Engineers is a multi-year contract, and will extend into FY2017-18. The proposed FY2017-18 budget will include additional funds for the remaining scope of services associated with this multi-year contract.

This contract is not associated with an MAA Project. Though some of the water bodies and water rights being evaluated may occur in preserves that have been identified as MAA Portfolio Projects, this work is more related to ongoing work with the District's water rights management and not capital project work.

BOARD COMMITTEE REVIEW

This contract amendment does not require Committee review. The current contract was awarded by the Board of Directors on October 22nd, 2014.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Retention of professional services to conduct evaluations, prepare documents, and assist with long-range planning and compliance with state water resources laws and regulations does not constitute a project under CEQA as it will not result in a direct physical change in the environment [CEQA Guidelines Section 15060(c)(2)].

NEXT STEPS

Upon approval by the Board of Directors, the General Manager will be authorized to amend the contract with WBE for services in FY2016-17 and will extend the contract for the second year's work subject to Board approval of the budget for that year. Annual filing and reporting to the SWRCB will occur in April through June of 2017.

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