



Midpeninsula Regional
Open Space District

R-19-94
Meeting 19-18
July 10, 2019

AGENDA ITEM 5

AGENDA ITEM

Contract Amendment for Environmental Services to Support the Ravenswood Bay Trail Project

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to execute a contract amendment with H.T. Harvey and Associates for additional environmental consulting services to support the Ravenswood Bay Trail Project in an amount of \$385,827 for a period of five years, for a new base contract amount of \$604,027.
2. Authorize a 15% contingency of \$57,874 to cover unforeseen conditions and annual rate increases in the event of Project delay, for a total not-to-exceed contract amount of \$661,901.

SUMMARY

The Ravenswood Bay Trail Project (Project) (MAA 02-002) 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. Environmental consultants are assisting with the preparation of permit applications, as well as consultation and negotiations with regulatory agencies. In September 2017, the Board of Directors (Board) approved a contract to complete this work with H.T. Harvey and Associates for a total not-to-exceed amount of \$66,700 (R-17-111). In November 2018, the Board approved a contract amendment for additional services, including the preparation of a Mitigation and Monitoring Plan (MMP) required by the San Francisco Bay Conservation and Development Commission, for a total not-to-exceed amount of \$218,200 (R-18-138).

The Project is located adjacent to and within the baylands, a sensitive habitat area that is highly regulated. Twelve (12) local, regional, state and federal permits are required for the Project. Obtaining these permits has been a complex process requiring multi-agency coordination. Once all regulatory permits are finalized, satisfying the permit requirements will require biological monitoring during Project construction and periodically for five years after the Project is completed. This includes implementation of a regulatory agency required multi-year Mitigation and Monitoring Plan (MMP). H.T. Harvey and Associates is the consultant most qualified to perform services in the Project's highly regulated habitat. Project construction is expected to begin September 2019 but may be delayed until September 2020, if permits are not obtained in time. This contract amendment would fund permit-required biological services necessary to complete Project construction and subsequent monitoring for a period of five years. A 15% contingency is recommended to cover unforeseen conditions and to offset annual rate increases that may exceed the base price in the event the Project is delayed one year.

DISCUSSION

In November 2016, the Board approved the conceptual trail alignment and certified the Project's Initial Study/Mitigated Negative Declaration (R-16-146). In July 2017, staff issued a Request for Proposals (RFP) for environmental services to assist with the preparation of permit applications as well as consultation and negotiations with regulatory agencies. H.T. Harvey and Associates was selected as the most qualified consultant at a fair and reasonable price. The firm has extensive bayfront experience working on the South Bay Salt Pond Restoration Project and Palo Alto Baylands boardwalks. In November 2018, the Board approved a contract amendment to complete the Project permitting process, including the preparation of the MMP and construction bid documents (R-18-138).

Additional biological monitoring services are necessary to satisfy California Environmental Quality Act (CEQA) and regulatory permit requirements for mitigation measures during Project work and after Project completion. H.T. Harvey regularly provides biological services in San Francisco Bay wetland habitats, including designing protections for two endangered species that occur within the Project area. They have substantial experience designing and permitting revegetation projects, and successfully assisting with the construction of sixty marsh habitat islands in the San Francisco Bay. Throughout the Project, they have maintained strong working relationships with the regulatory agencies. H.T. Harvey is familiar with the project due to their involvement during initial development. They also hold regulatory permits to work with the sensitive species found within the Project area and their hourly staff rates are within the range of other local biological firms who are less experienced in sensitive baylands habitat.

Given H.T. Harvey's extensive experience providing biological services in San Francisco Bay wetland habitats and their involvement in Project planning and permit preparation, the General Manager recommends amending their contract to include biological monitoring and mitigation services for five years for a total not-to-exceed amount of \$661,901. Amending and extending the agreement with H.T. Harvey complies with the Board purchasing policy for sole source contracting, which recognizes that occasionally special circumstances exist in which "supplies, materials, equipment, or services are of a unique type, ..., or are for purposes of maintaining consistency and operational efficiency, so as to be available from only one source."

Midpeninsula Regional Open Space District (District) staff will issue a separate Request for Bids (RFB) in July 2019 for contractor services to construct mitigation elements for the Project, including the following non-monitoring elements of the MMP: construction of marsh habitat islands, enhancement of upland habitat along portions of the levee trail, and planting and seeding. The recommended contract amendment includes the biological oversight of these contractor services required by Project permits.

A scope and fee estimate for additional biological services was provided by H.T. Harvey who assumed work will occur during all days within the Project's allowable work window (September 1 through January 31). H.T. Harvey and District staff will reduce or combine staff costs whenever possible, potentially reducing costs below the contracted amount. The recommended contract amendment includes a 15% contingency to cover unforeseen conditions and a potential annual increase in consultant rates in the event that permits are not secured in time to begin work by September 1, 2019.

A detailed breakdown of H.T. Harvey services and costs is as follows:

Recommended Contract Amendment 2 – Additional Tasks	Year	Amount
Biological Mitigation Support and Reporting	1-5	\$39,352
Biological Construction Monitoring, Rare Plants	1	\$6,998
Biological Construction Monitoring, Wildlife	1	\$184,168
Contractor Bid Support	1	\$6,854
Mitigation and Monitoring Support	1	\$40,634
Year 1 Total		\$238,654
Mitigation and Monitoring Support		
Year 2 Total	2	\$32,772
Year 3 Total	3	\$24,406
Year 4 Total	4	\$24,288
Year 5 Total	5	\$26,355
Project Subtotal		\$385,827
15% Contingency		\$57,874
TOTAL SERVICES		\$443,701

Note: If Project begins September 1, 2019, Year 1 is FY2019-20.

FISCAL IMPACT

The adopted Fiscal Year (FY) 2019-20 budget includes \$1,976,760 for the Ravenswood Bay Trail Project MAA02-002. There are sufficient funds in the project budget to cover the recommended action and expenditures. Year 1 work includes construction support, which is eligible for MAA funding. Years 2-5 include mitigation and monitoring, which is not funded by MAA.

Ravenswood Bay Trail MAA02-002	Prior Year Actuals	FY2019-20 Adopted Budget	FY2020-21 Projected Budget	FY2021-22 Projected Budget	FY2022-23 Projected Budget	Estimated Future Years	Total
District Funded*:	\$313,208	\$551,849	\$828,207	\$43,851	\$43,733	\$45,800	\$1,826,648
Grants and Donations:	\$512,374	\$1,424,911	\$818,043	\$0	\$0	\$0	\$2,755,328
Project #MAA02-002 Budget:	\$825,582	\$1,976,760	\$1,646,250	\$43,851	\$43,733	\$45,800	\$4,581,976
Spent-to-Date (as of 07/02/2019):	(\$825,582)	\$0	\$0	\$0	\$0	\$0	(\$825,582)
Encumbrances (as of 07/02/2019)::	\$0	(\$54,961)	\$0	\$0	\$0	\$0	(\$54,961)
H.T. Harvey and Associates Contract Amendment*:	\$0	(\$246,524)	(\$40,642)	(\$32,276)	(\$32,158)	(\$34,225)	(\$385,827)
10% Contingency*:	\$0	(\$11,575)	(\$11,575)	(\$11,575)	(\$11,575)	(\$11,575)	(\$57,874)
Budget Remaining (Proposed):	\$0	\$1,663,700	\$1,594,033	\$0	\$0	\$0	\$3,257,732

*Year 1 of contract work (FY2019-20) is MAA reimbursable, years 2-5 are not funded by MAA.

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 (through FY2019-20):	\$1,937,285
Life-to-Date Spent (as of 07/02/2019):	(\$1,695,151)
Encumbrances (as of 07/02/2019):	(\$543,522)
Contract Amendment including Contingency* (FY2019-20):	(\$258,099)
Portfolio Balance Remaining (Proposed):	\$4,492,513

*Year 1 of contract work (FY2019-20) is MAA reimbursable, years 2-5 are not funded by MAA.

BOARD COMMITTEE REVIEW

On November 16, 2016, the Board of Directors approved the conceptual trail alignment and certified the Initial Study / Mitigated Negative Declaration (R-16-146).

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 East Palo Alto'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 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 H.T. Harvey and Associates. The Board will consider awarding the construction contract for the Project to construct the boardwalk, bridge, and trail in July 2019. An RFB to solicit bids for construction of the mitigation elements will also be released in July 2019. Once all Project contractors and consultants, including H.T. Harvey, are hired, staff will coordinate to begin construction and biological monitoring in September 2019 contingent on final permitting approvals. Project construction is scheduled to be completed within the regulatory allowable 182 working days. Implementation of the MMP is anticipated to begin in October 2019 and will continue for up to five consecutive years.

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