



Midpeninsula Regional  
Open Space District

R-19-152  
Meeting 19-29  
November 20, 2019

## AGENDA ITEM 2

### AGENDA ITEM

Award of Contract to Ecological Concerns, Inc., for Plant Maintenance at Eleven Project Restoration and Mitigation Sites, and Public Access Areas

### GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to enter into contract with Ecological Concerns, Inc., for a base contract price of \$718,294 to maintain plants at eleven project sites for three years.
2. Authorize an allowance of \$60,000 for additional watering events to be expended only if drought conditions occur.
3. Authorize a 10% contingency of \$71,829 to be expended only if necessary, to cover unforeseen conditions, for a not-to-exceed total contract amount of \$850,123.

### SUMMARY

The Midpeninsula Regional Open Space District (District) installs native plant nursery stock at habitat restoration sites and public use areas to enhance natural resource values and the visitor experience, and mitigation sites to fulfill permit requirements for newly constructed projects. Native plant revegetation is a critical step in reestablishing normal ecological function in areas previously disturbed by former land use practices that occurred prior to District purchase or due to the completion of capital improvement projects, such as new public access trails and parking areas. The recommended contract will authorize Ecological Concerns, Inc., to maintain and monitor approximately 4,135 plants at 11 locations: seven (7) mitigation sites, one (1) restoration site, and three (3) public use areas in District preserves. The scope of work includes watering installed plants, weeding, and maintaining plant protection devices in compliance with project permits, mitigation measures, and project design criteria. Additionally, Ecological Concerns, Inc., will monitor and report annually on the survival of installed nursery plants and success of non-native plant species treatments. When necessary, Ecological Concerns, Inc., will plant additional nursery stock to replace plantings that do not survive to meet the success criteria for each site outlined in Mitigation Monitoring Programs (MMPs) or Vegetation Restoration Plans. This work will be completed for a total base amount of \$718,294. In addition, the General Manager recommends an allowance in the amount of \$60,000 for additional watering in the event of drought and a 10% contingency of \$71,829, for a total not-to-exceed contract amount of \$850,123. The Fiscal Year 2019-20 (FY20) budget includes sufficient funds to cover expenditures through June 30, 2020. Funds to complete the contract work in future years will be proposed as part of the annual Budget process.

## DISCUSSION

Capital and operational projects that affect the natural environment have the potential to impact native species and/or the jurisdictional areas regulated by the California Department of Fish and Wildlife (CDFW) and/or U.S. Army Corps of Engineers (USACE). California Environmental Quality Act (CEQA) mitigation measures and/or regulatory permits often require biological surveys, documentation, and mitigation of potential impacts to natural resources, including native plant restoration to reestablish normal ecological function.

As part of a successful revegetation effort, installed plants require three to five years of maintenance (e.g. watering and weeding) before they are established well enough to survive on their own. The following tasks are included under the recommended three-year agreement to maintain revegetation sites through the plant establishment period:

- Water newly installed native plants;
- Weed plant basins and the surrounding project area;
- Maintain browse protection and tree shelters around plants to discourage browsing by wildlife, or application of browse deterrent product;
- Monitor survival of plants;
- Replace installed plants, if survival rates fall below success criteria, as dictated by permit requirements and the Mitigation Monitoring Program/Vegetation Restoration Plan; and
- Report to the District on an annual basis.

The following projects require installation of native plant nursery stock to be compliant with permit conditions, fulfill mitigation requirements for project impacts, and improve the natural environment and visitor experience (Table 1). These projects are also in accordance with the District's Natural Resource Management policies and practices to restore construction sites or degraded areas to more natural conditions, and to enhance the visitor experience for ecologically sensitive recreation:

**Table 1: Revegetation projects requiring maintenance under this contract**

Project Site #	Site Name	Open Space Preserve	Project Type	Project Site Size	Project Description
1	Mount Umunhum Summit	Sierra Azul	Restoration	2 acres	Restore constructed summit to natural and aesthetic conditions
2	Mount Umunhum Road	Sierra Azul	Mitigation	500 ft <sup>2</sup>	CEQA mitigation for road construction
3	Mount Umunhum Trail	Sierra Azul	Mitigation	8,700 ft <sup>2</sup>	Permit requirements for Mount Umunhum Trail bridges
4	Woods Trail	Sierra Azul	Mitigation	12,000 ft <sup>2</sup>	Permit requirements for Mount Umunhum Trail bridges
5	Bald Mountain Parking Lot	Sierra Azul	Preserve Entrance Improvement	5,000 ft <sup>2</sup>	Originally planted in 2014 during drought, requires additional years of planting and plant establishment
6	Tree Farm	Bear Creek Redwoods	Mitigation	2.32 acres	Permit requirements for the new public access parking lot
7	Mud Lake	Bear Creek Redwoods	Mitigation	1,900 ft <sup>2</sup>	Permit conditions for installation of new culvert
8	Stevens Creek Nature Trail	Monte Bello	Mitigation	1,535 ft <sup>2</sup>	Permit conditions for bridge and trail improvements

Project Site #	Site Name	Open Space Preserve	Project Type	Project Site Size	Project Description
9	Harkins Bridge	Purisima Creek Redwoods	Mitigation	9,000 ft <sup>2</sup>	Permit conditions for new bridge
10	Mindego Gateway and Donor's Circle	Russian Ridge	Preserve Entrance Improvement	16,000 ft <sup>2</sup>	Originally planted in 2013 during drought, requires additional years of planting and plant establishment
11	Sears Ranch	La Honda Creek	Preserve Entrance Improvement	5,000 ft <sup>2</sup>	Planted in 2017 around newly constructed parking lot, requires additional years of planting and plant establishment

Land and Facilities staff are not available to perform this work due to ongoing commitments for both Measure AA projects as well as daily operations and maintenance activities. Although volunteer labor is available to support Natural Resources projects when appropriate, due to the logistics of this project (such as remote site locations) and expertise needed (monitoring reports and application of browse deterrent products), the tasks included in this contract are not suitable for District volunteers.

#### *Contractor Selection*

A Request for Bids (RFB) was sent to contractors, local builders' exchanges, and posted on the District website on September 23, 2019. Six firms attended a mandatory pre-bid tour on October 10, 2019. Two addenda were issued. Three proposals were received with results shown below.

<b>AREA ONE – Sierra Azul OSP Sites #1-5</b>			
<b>Bidder</b>	<b>Location</b>	<b>Total Base Bid</b>	<b>Percent Difference from Cost Estimate of \$488,925</b>
Confluence Restoration <sup>1</sup>	Santa Cruz, CA	\$455,925	-6.75%
Ecological Concerns, Inc.	Santa Cruz, CA	\$457,242	-6.48%
Hanford ARC	Petaluma, CA	\$694,800	+42.1%

<b>AREA TWO – Bear Creek Redwoods OSP Sites #6-7</b>			
<b>Bidder</b>	<b>Location</b>	<b>Total Base Bid</b>	<b>Percent Difference from Cost Estimate of \$115,950</b>
Ecological Concerns, Inc.	Santa Cruz, CA	\$92,413	-20.3%
Confluence Restoration	Santa Cruz, CA	\$100,361	-13.4%
Hanford ARC	Petaluma, CA	\$194,641	+67.8%

<b>AREA THREE – Skyline Area Preserves Sites #8-11</b>			
<b>Bidder</b>	<b>Location</b>	<b>Total Base Bid</b>	<b>Percent Difference from Cost Estimate of \$210,325</b>
Ecological Concerns, Inc.	Santa Cruz, CA	\$168,639	-19.8%
Hanford ARC	Petaluma, CA	\$365,573	+73.8%

<sup>1</sup> The bid provided by Confluence Restoration was deemed by the District as not responsive.

As required by state law, the District awards contracts to the lowest responsible bidder submitting a responsive proposal based on the information contained in the bid. Here, although Confluence Restoration submitted the apparent low bid for Area 1: Sierra Azul Open Space Preserve Sites, several required items were missing from their bid proposal, including a non-collusion affidavit, disclosure form, list of subcontractors, statement of experience, qualifications checklist, and licenses. Consequently, the District deemed the bid provided by Confluence Restoration to be not responsive.

Ecological Concerns, Inc., of Santa Cruz, CA, was determined to be the lowest responsible and responsive bidder. Ecological Concerns, Inc., has experience installing and maintaining revegetation sites in remote natural areas of the San Francisco Bay Area/Santa Cruz Mountains/Central California. The base cost for these services will not exceed \$718,294 over the 3-year period. In addition, the General Manager recommends an allowance in the amount of \$60,000 for additional water events in case of drought and a 10% contingency, if necessary, to cover unforeseen conditions, of \$71,829, for a total not-to-exceed total contract amount of \$850,123. The contingency will only be authorized for additional plantings if sites fall below ecological or regulatory permit success criteria, additional invasive species treatment if target species do not respond as predicted to treatment or environmental factors (e.g. weather conditions that favor invasive species), and/or vandalism to planting areas (e.g. browsing barriers).

## FISCAL IMPACT

There are sufficient funds to cover the recommended action through June 30, 2020. Funds to complete the contract work in future years will be proposed as part of the annual Budget process. The majority of the recommendation (\$692,294 of base costs) will be used for operating projects in FY20 through FY23. A small portion of the recommendation (\$26,000 of base costs) will be applied to three Measure AA projects in FY20 and FY21, summarized in the table below.

Attachment 2 provides a detailed outline of the scope and fiscal impact of the recommendation. The recommendation covers 11 work sites and a blend of operating and capital projects in Fund 10 - General Fund Operating and Fund 30 - Measure AA Capital (Table 2).

**Table 2: Measure AA Funded Projects**

Project Site #	Site Name	Open Space Preserve	Project Type	MAA #	FY20	FY21	Project Total
1	Mount Umunhum Summit	Sierra Azul	Restoration	MAA23-004	\$9,000	\$9,000	\$18,000
7	Mud Lake	Bear Creek Redwoods	Mitigation	MAA21-008	\$1,600	\$0	\$1,600
8	Stevens Creek Nature Trail	Monte Bello	Mitigation	MAA17-004	\$6,400	\$0	\$6,400
	<b>TOTAL</b>				<b>\$17,000</b>	<b>\$9,000</b>	<b>\$26,000</b>

## BOARD COMMITTEE REVIEW

This item was not previously reviewed by a Board committee.

**PUBLIC NOTICE**

Public notice was provided as required by the Brown Act. Public notice was sent to the Resource Management and Invasive Species interested parties lists by postal or electronic mail.

**CEQA COMPLIANCE**

The Environmental Impact Report (EIR) prepared for the District's IPM Program, which the Board of Directors (Board) approved on December 10, 2014 (R-14-148), analyzed the vegetation management activities in the recommended contract. On February 27, 2019, the Board approved an addendum to the Final EIR for the IPM Program (R-19-11). District staff have incorporated the associated mitigation measures and BMPs from the environmental review documents into the project and the contract documents.

**NEXT STEPS**

Upon approval by the Board, the General Manager will execute an agreement with Ecological Concerns, Inc., to maintain the eleven project sites through the plant establishment period over the next 3 years. Some sites may require up to an additional two years to finalize establishment. District staff will report all invasive species work to the Board via the annual Integrated Pest Management Report. Natural Resource staff will continue to work with Engineering and Construction, Land and Facilities, and the Planning Departments to design projects to avoid and/or minimize the impacts of capital and operational projects and reduce the amount of required future mitigation work.

## Attachment

1. Project Locations
2. Summary of scope and fiscal impact for the recommendation

## Responsible Department Head:

Kirk Lenington, Natural Resources Department

## Prepared by:

Amanda Mills, Resource Management Specialist II

Coty Sifuentes-Winter, Senior Resource Management Specialist

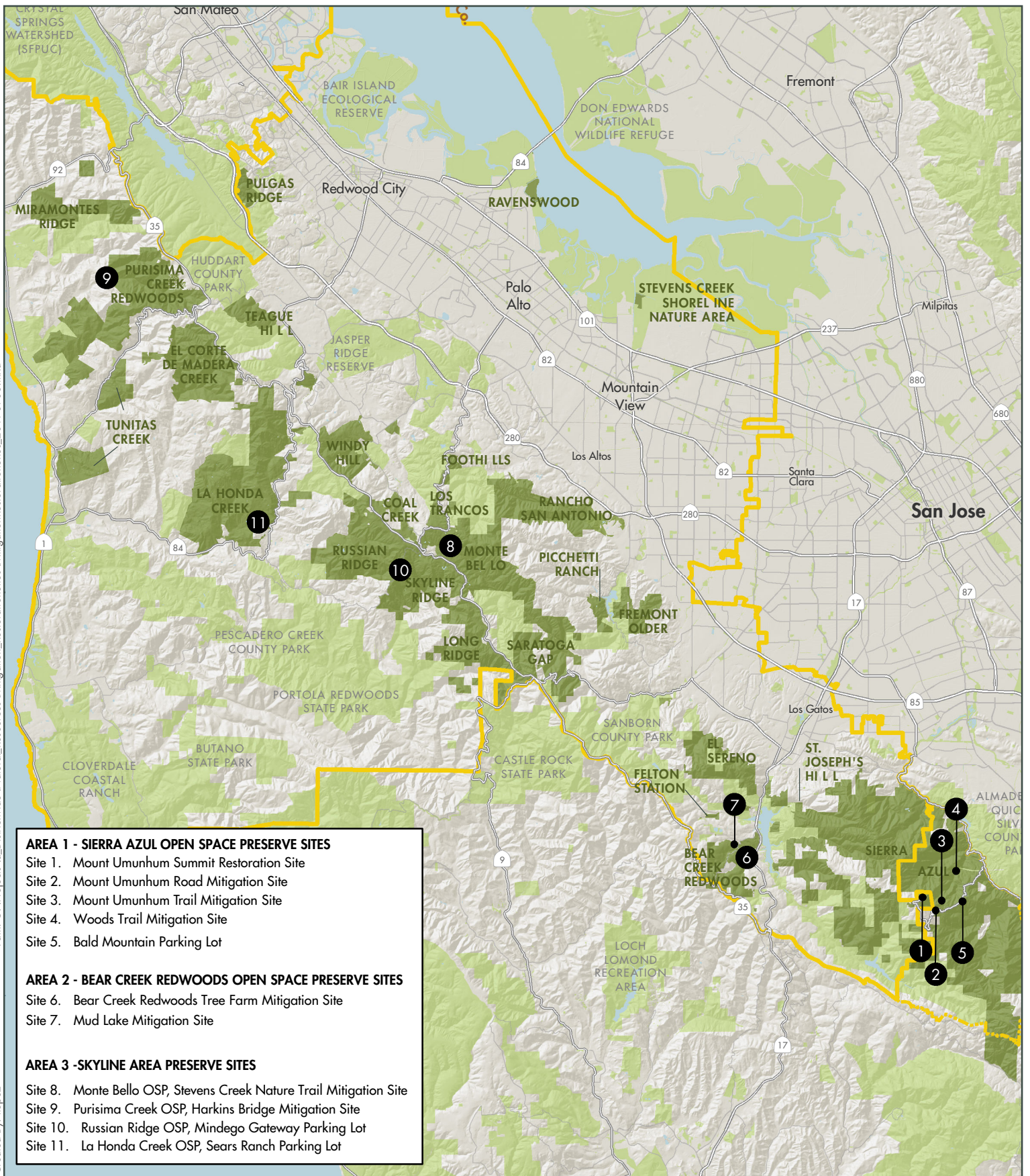
## Contact Person:

Amanda Mills, Resource Management Specialist II

## Graphics prepared by:

Francisco Lopez, GIS Technician

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Created By: Lopez



- AREA 1 - SIERRA AZUL OPEN SPACE PRESERVE SITES**
- Site 1. Mount Umunhum Summit Restoration Site
  - Site 2. Mount Umunhum Road Mitigation Site
  - Site 3. Mount Umunhum Trail Mitigation Site
  - Site 4. Woods Trail Mitigation Site
  - Site 5. Bald Mountain Parking Lot
- AREA 2 - BEAR CREEK REDWOODS OPEN SPACE PRESERVE SITES**
- Site 6. Bear Creek Redwoods Tree Farm Mitigation Site
  - Site 7. Mud Lake Mitigation Site
- AREA 3 - SKYLINE AREA PRESERVE SITES**
- Site 8. Monte Bello OSP, Stevens Creek Nature Trail Mitigation Site
  - Site 9. Purisima Creek OSP, Harkins Bridge Mitigation Site
  - Site 10. Russian Ridge OSP, Mindego Gateway Parking Lot
  - Site 11. La Honda Creek OSP, Sears Ranch Parking Lot

**Attachment 1: Location Map**

MROSD Preserves	District Boundary
Other Protected Lands	Sphere of Influence
Private Property	Mitigation/Restoration Site

Midpeninsula Regional  
Open Space District  
(Midpen)  
11/6/2019

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

Project Site #	Site Name	Open Space Preserve	Project Type	Project Site Size	Project Description	FY20 (Jan-June)	FY21 (July-June)	FY22 (July-June)	FY23 (July-Dec)	Project Total
1	Mount Umunhum Summit	Sierra Azul	Restoration	2 acres	Restore constructed summit to natural and aesthetic conditions <i>Planting (Fund 30 Measure AA Capital)</i>	\$ 56,642	\$ 101,040	\$ 101,040	\$ 44,398	\$ 303,120
						9,000	9,000	-	-	18,000
2	Mount Umunhum Road	Sierra Azul	Mitigation	500 ft <sup>2</sup>	Mitigation requirements for road construction	5,590	11,178	11,178	5,589	33,535
3	Mount Umunhum Trail	Sierra Azul	Mitigation	8,700 ft <sup>2</sup>	Permit requirements for Mount Umunhum Trail bridges	11,299	11,844	11,844	545	35,532
4	Woods Trail	Sierra Azul	Mitigation	12,000 ft <sup>2</sup>	Permit requirements for Mount Umunhum Trail bridges	11,175	14,324	14,324	3,149	42,972
5	Bald Mountain Parking Lot	Sierra Azul	Preserve Entrance Improvement	5,000 ft <sup>2</sup>	Originally planted in 2014 during drought, requires additional years of planting and plant establishment	5,189	9,617	8,569	708	24,083
6	Tree Farm	Bear Creek Redwoods	Mitigation	2.32 acres	Permit requirements for the new parking lot for opening the preserve to the public	9,929	19,773	19,773	9,844	59,319
7	Mud Lake	Bear Creek Redwoods	Mitigation	1,900 ft <sup>2</sup>	Permit conditions for installation of new culvert <i>Planting (Fund 30 Measure AA Capital)</i>	9,643	10,746	10,560	545	31,494
						1,600	-	-	-	1,600
8	Stevens Creek Nature Trail	Monte Bello	Mitigation	1,535 ft <sup>2</sup>	Permit conditions for bridge and trail improvements <i>Planting (Fund 30 Measure AA Capital)</i>	8,853	13,653	13,653	3,808	39,967
						6,400	-	-	-	6,400
9	Harkins Bridge	Purisima Creek Redwoods	Mitigation	9,000 ft <sup>2</sup>	Permit conditions for new bridge	9,643	14,652	11,180	545	36,020
10	Mindego Gateway and Donor's Circle	Russian Ridge	Preserve Entrance Improvement	16,000 ft <sup>2</sup>	Originally planted in 2013 during drought, requires additional years of planting and plant establishment	6,171	32,108	19,532	5,009	62,820
11	Sears Ranch	La Honda Creek	Preserve Entrance Improvement	5,000 ft <sup>2</sup>	Planted in 2017 around newly constructed parking lot, requires additional years of planting and plant establishment	3,188	10,072	7,480	2,692	23,432
Subtotal (Fund 10 General Fund Operating)						\$ 137,322	\$ 249,007	\$ 229,133	\$ 76,832	\$ 692,294
<i>Subtotal (Fund 30 Measure AA Capital)</i>						\$ 17,000	\$ 9,000	\$ -	\$ -	\$ 26,000
<b>Grand Total (excluding contingency and allowance)</b>						<b>\$ 154,322</b>	<b>\$ 258,007</b>	<b>\$ 229,133</b>	<b>\$ 76,832</b>	<b>\$ 718,294</b>

**PROJECT SITE #1**

<b>MAA17-004 Stevens Creek Nature Trail Bridges, Monte Bello</b>	<b>Prior Year Actuals</b>	<b>FY20 Adopted</b>	<b>FY21 Projected</b>	<b>TOTAL</b>
<b>Budget</b>	<b>\$418,641</b>	<b>\$34,401</b>	<b>\$0</b>	<b>\$453,042</b>
Spent-to-Date (as of 11/04/19):	(\$418,641)	(\$16,814)	\$0	(\$435,455)
Encumbrances:	\$0	\$0	\$0	\$0
Ecological Concerns, Inc. Contract:	\$0	(\$6,400)	\$0	(\$6,400)
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$11,187</b>	<b>\$0</b>	<b>\$11,187</b>

<b>MAA17 Regional: Complete Upper Stevens Creek Trail Portfolio Allocation:</b>	<b>\$7,760,000</b>
Life-to-Date Spent (as of 11/04/19):	(\$2,223,886)
Encumbrances:	(\$279,947)
Ecological Concerns, Inc. Contract:	(\$6,400)
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$5,249,767</b>

**PROJECT SITE #7**

<b>MAA21-008 Bear Creek Redwoods - Ponds Restoration and Water Rights</b>	<b>Prior Year Actuals</b>	<b>FY20 Adopted</b>	<b>FY21 Projected</b>	<b>TOTAL</b>
<b>Budget</b>	<b>\$188,877</b>	<b>\$393,393</b>	<b>\$0</b>	<b>\$582,270</b>
Spent-to-Date (as of 11/04/19):	(\$188,877)	(\$30,811)	\$0	(\$219,688)
Encumbrances:	\$0	(\$93,819)	\$0	(\$93,819)
Ecological Concerns, Inc. Contract:	\$0	(\$1,600)	\$0	(\$1,600)
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$267,163</b>	<b>\$0</b>	<b>\$267,163</b>

<b>MAA21 Portfolio Allocation:</b>	<b>\$17,478,000</b>
Life-to-Date Spent (as of 11/04/19):	(\$8,659,875)
Encumbrances:	(\$886,338)
Ecological Concerns, Inc. Contract:	(\$1,600)
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$7,930,187</b>

**PROJECT SITE #8**

<b>MAA23-004 Mt. Umunhum Summit Restoration, Parking &amp; Landing Zone</b>	<b>Prior Year Actuals</b>	<b>FY20 Adopted</b>	<b>FY21 Projected</b>	<b>TOTAL</b>
<b>Budget</b>	<b>(\$10,431,679)</b>	<b>\$35,000</b>	<b>\$30,000</b>	<b>(\$10,366,679)</b>
Spent-to-Date (as of 11/04/19):	\$10,431,679	(\$5,856)	\$0	\$10,425,823
Encumbrances:	\$0	(\$8,860)	\$0	(\$8,860)
Ecological Concerns, Inc. Contract:	\$0	(\$9,000)	(\$9,000)	(\$18,000)
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$11,284</b>	<b>\$21,000</b>	<b>\$32,284</b>

<b>MAA23 Portfolio Allocation:</b>	<b>\$27,972,000</b>
Life-to-Date Spent (as of 11/04/19):	(\$22,989,518)
Encumbrances:	(\$7,074)
Ecological Concerns, Inc. Contract:	(\$9,000)
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$4,966,408</b>