



DATE: February 23, 2022

MEMO TO: Board of Directors

THROUGH: Ana Ruiz, General Manager *AR*

FROM: Stefan Jaskulak, Chief Financial Officer

SUBJECT: Review Use of Contingency Funds – FY21

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This memo provides an overview of the contingency amounts approved and spent during the fiscal year ending June 30, 2021 (FY21), running from July 1, 2020 through June 30, 2021, as requested annually by the Board to understand how much of the authorized contingencies are used as part of the Midpeninsula Regional Open Space District's (District) contracting work.

**Policy:**

Contracts over \$50,000 are approved by the Board and subsequently executed by the General Manager. These contracts may or may not have a contingency awarded. Typically, contingencies range between 5% and 15% per Board Policy 3.03:

*Public Contract Bidding, Vendor and Professional Consultant Selection, and Purchasing Policy 1.C. Contract Change Orders -- Staff may issue change orders to a contract, provided that the aggregate of all change orders to that contract does not exceed fifteen percent (15%) of the original contract price. A larger contingency may be authorized, based on unusual circumstances. Change orders shall not exceed the total contract amount approved by the Board, General Manager or other District employee as authorized by this Policy, including any contingency amount. Any expenditure beyond the originally approved contract and contingency amount shall be approved by the party authorized at that expenditure level under this Policy.*

**Contingency Process:**

Purchase orders are generated against the approved base contract amount. Once contingency spending is deemed necessary, the project manager requests approval from their respective Assistant General Manager or the Chief Financial Officer. This additional approval step was added in October 2019 as an extra level of review to ensure that the use of contingencies are within the scope of the project and/or critical to the successful completion of the contract/project. A separate contingency purchase order is then generated in the accounting system (NWS) to record contingency spending. Any additional amount beyond the Board-approved not-to-exceed contract amount requires additional Board approval.

**Review Process:**

Contracts may span multiple fiscal years, either because of the multi-year scope of the project or contract, or because it is initiated partway through a fiscal year and carries over into the next. For

this FY21 Contingency Review memo, staff pulled all contracts that were in effect during any part of FY21. Since there is no automated method to aggregate the contingencies awarded per contract, staff implemented a contingency purchase order approval process as of October 2019 to keep track of actual contingency spending in New World System (the District's enterprise resource planning/financial system).

**Findings:**

Staff reviewed 84 new and existing contracts over \$50,000 that were approved by the Board and in effect during FY21. Some of these contracts were new, some were ongoing, and some were closed sometime during that fiscal year. Staff also gathered data on the original amount of the contract and on the amended amount, as contracts amounts may increase over time. The statistics are as follows:

Contracts Reviewed:	84
Total Original Contract Amount:	\$47,571,342.35
Total Amended Contract Amount:	\$59,371,535.87

Board Authorized Contingency:	\$5,670,545.00
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30 of the 84 contracts included a Board approved contingency. The total contingency amount approved for these 30 contracts equates to 11.92% of the original contract amount and 9.55% of the amended contract amount.

Contingency Expended:	\$1,233,930.61
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21.84% of the Board-approved contingency was used in FY21, equating to 2.6% of the original contract amount and 2.08% of the amended contract amount.

Based on the findings above, 21.84% of the Board approved contingency amount was expensed in FY21, which equates to just over 2% of the amended total Board-approved contract amount. Compared to FY20, use of the Board-approved contingency amount in FY21 was notably lower (see chart).

**Next Step:**

Staff will continue to report the above-mentioned statistics in the Annual Year-End report of the Capital Improvement and Action Plan.

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CONTINGENCY USAGE REPORT

Status	Contract	Vendor	Original Contract Amount (Column D)	Revised Contract Amount (Column E)	Board Authorized Contingency	Contingency Expensed on PO
Closed/Complete	2020-0000070 - South Area Field Office Renovation Project	Agbayani Construction Corporation	\$3,604,000.00	\$4,028,146.74	\$529,350.00	\$ 395,778.99
Closed/Complete	2021-0000037 - ADA Barrier Removal Project	Andreini Brothers Inc	\$429,504.00	\$453,207.07	\$55,836.00	\$ 23,703.07
Closed/Complete	2020-0000046 - Bergman Residences Reconstruction Phase III	Belz Construction	\$238,000.00	\$264,796.64	\$35,700.00	\$ 26,796.64
Closed/Complete	2016-0000117 - Ravenswood Bay Trail Connection Design & Construction Mgmt	Callander Associates	\$398,870.00	\$448,040.00	\$52,026.00	\$ 34,869.17
Closed/Complete	2019-0000004 - Saratoga to the Sea	City of Saratoga	\$265,000.00	\$1,365,000.00	\$ -	\$ -
Closed/Complete	2020-0000122 - ADA Barrier Removal Project CXT Vault Restrooms	CXT Incorporated	\$153,061.00	\$153,061.00	\$13,915.00	\$ -
Closed/Complete	2021-0000036 - Upper La Honda Grazing Infrastructure (P3 Spring Dev)	ECAST Engineering Inc.	\$96,434.00	\$96,434.00	\$8,767.00	\$ -
Closed/Complete	2016-0000107 - Invasive Species Management - District-wide	Ecological Concerns, Inc.	\$373,483.00	\$1,176,966.00	\$ -	\$ -
Closed/Complete	2017-0000035 - IPM Implementation - Roads and Trails BCR	Ecological Concerns, Inc.	\$148,000.00	\$148,000.00	\$ -	\$ -
Closed/Complete	2021-0000048 - Madonna Creek Ranch Remediation Project	Engineering Remediation Resources Group Inc	\$106,625.65	\$290,609.00	\$15,994.00	\$ 15,851.76
Closed/Complete	2020-0000018 - Ravenswood Bay Trail Connection Project	Granite Rock Company	\$3,555,356.00	\$4,034,842.01	\$525,800.00	\$ 263,418.01
Closed/Complete	2021-0000038 - Purisima Creek Redwoods Fencing Project	Hammer Fences	\$96,110.00	\$96,110.00	\$8,735.00	\$ -
Closed/Complete	2019-0000039 - Mindego Ranch Ponds Enhancement Project	Hanford Applied Restoration & Conservation	\$466,119.00	\$466,119.00	\$60,798.00	\$ -
Closed/Complete	2020-0000056 - Rancho San Antonio Multimodal Access Study	IBI Group	\$61,600.00	\$61,600.00	\$5,600.00	\$ 2,300.00
Closed/Complete	2016-0000011 - Human Resources - Legal Consultation	Liebert Cassidy Whitmore	\$80,000.00	\$180,000.00	\$ -	\$ -
Closed/Complete	2018-0000041 - District-wide ADA Self Evaluation & Transition Plan Update	Mig, Inc.	\$205,000.00	\$205,000.00	\$25,667.00	\$ 5,418.75
Closed/Complete	2021-0000065 - Coal Creek Fuel Management	Overstory Land Stewardship	\$68,890.00	\$68,890.00	\$6,263.00	\$ 5,703.04
Closed/Complete	2020-0000113 - Alma College Cultural Landscape Rehabilitation Plan	PGA Design, Inc.	\$75,778.00	\$75,778.00	\$89,996.00	\$ -
Closed/Complete	2020-0000110 - Madonna Creek Ranch Remediation	Rincon Consultants, Inc.	\$69,702.00	\$69,702.00	\$6,337.00	\$ 6,288.78
Closed/Complete	2020-0000020 - Santa Cruz Mountains Climate Resilience Project	San Mateo County Resource Conserv. Dist.	\$49,999.00	\$50,999.00	\$ -	\$ -
Closed/Complete	2018-0000167 - Los Trancos Eucalyptus Removal	Santa Clara County FireSafe Council	\$275,000.00	\$275,000.00	\$25,000.00	\$ 17,024.91
Closed/Complete	2021-0000059 - DHF White Barn Structural Stabilization Project	Shellco General Contractor Inc	\$235,551.00	\$254,262.06	\$35,333.00	\$ 18,711.06
Closed/Complete	2020-0000081 - SAO Special Inspection Services	Signet Testing Laboratories, Inc.	\$34,265.00	\$52,265.00	\$5,500.00	\$ 5,396.46
Closed/Complete	2018-0000108 - New South Area Field Office Facility, Campbell	Terry J Martin Associates	\$307,450.00	\$307,450.00	\$40,100.00	\$ 8,456.00
Closed/Complete	2018-0000087 - Work Order and Asset Mgmt Software Implementation/Consulting	Timmons Group Inc	\$137,000.00	\$179,450.00	\$4,520.00	\$ 4,520.00
Closed/Complete	2020-0000115 - South Area Field Office Underground Fuel Storage Tank Removal	Top Line Engineers, Inc.	\$46,650.00	\$107,830.00	\$16,175.00	\$ -
Closed/Complete	2019-0000189 - Deer Hollow Farm White Barn Structural Stabilization	Wiss, Janney, Elstner Associates, Inc.	\$171,350.00	\$171,350.00	\$22,350.00	\$ 2,599.65
Open	2020-0000119 - Hwy 17 Wildlife & Regional Trail Crossing & Trail Connections	Aecom Technical Services Inc	\$1,580,000.00	\$2,499,700.00	\$182,500.00	\$ -
Open	2021-0000086 - CEQA Services for LHC Red Cabin Demo& White Barn Structure Rehab	Ascent Environmental Inc	\$238,184.00	\$238,184.00	\$21,653.00	\$ 17,596.64
Open	2021-0000093 - Administrative Office Renovation Project	BHM Construction, Inc.	\$19,984,221.00	\$21,575,069.80	\$2,158,422.00	\$ 63,406.00
Open	2021-0000068 - Purisima Upland Oil Well Decommissioning Project	Bonkowski and Associates, Inc.	\$68,230.00	\$68,230.00	\$8,900.00	\$ -
Open	2020-0000067 - Audit of Financial Statements and Major Pgm Compliance FY 18-21	Chavan & Associates, LLP	\$70,500.00	\$70,500.00	\$ -	\$ -
Open	2019-0000030 - Provision of Emergency and Non Emergency Communication Services	City of Mountain View - Finance	\$1,193,401.00	\$1,193,401.00	\$ -	\$ -
Open	2020-0000101 - Alma Demolition and Abatement Project	Coastwide Environmental Technologies, Inc.	\$402,000.00	\$549,300.00	\$60,300.00	\$ 24,000.00
Open	2019-0000065 - Bear Creek Redwoods Plant Installation and Maintenance	Confluence Restoration	\$109,868.00	\$109,868.00	\$14,331.00	\$ -
Open	2020-0000062 - IPM: Revitalize Stream, Upland, and Wetland Habitats	Ecological Concerns, Inc.	\$132,990.00	\$398,970.00	\$ -	\$ -
Open	2020-0000078 - Plant Install. & Maint. of Multiple Mitigation Sites, 2019-2022	Ecological Concerns, Inc.	\$850,123.00	\$850,123.00	\$71,829.00	\$ 48,607.20
Open	2021-0000146 - Electronic Doc Management Implementation and Scanning Services	ECS Imaging, Inc.	\$168,044.00	\$168,044.00	\$ -	\$ -
Open	2021-0000089 - AO Interpretive Planning and Design	Edquist Davis Exhibits	\$78,000.00	\$112,150.00	\$2,250.00	\$ -

**CONTINGENCY USAGE REPORT**

Status	Contract	Vendor	Original Contract Amount (Column D)	Revised Contract Amount (Column E)	Board Authorized Contingency	Contingency Expensed on PO
Open	2021-0000074 - Legislative Consulting and Lobbying Services	Environmental & Energy Consulting	\$79,070.00	\$316,280.00	\$6,200.00	\$ -
Open	2020-0000087 - GIS Software Enterprise License Agreement	Environmental Systems Research Institute, Inc.	\$137,500.00	\$137,500.00	\$ -	\$ -
Open	2021-0000127 - Mount Umunhum Radar Tower Repair Project	George Bianchi Construction Inc	\$1,986,539.20	\$2,189,301.88	\$238,385.00	\$ -
Open	2019-0000130 - San Mateo Countywide Fine Scale Vegetation map	Golden Gate National Parks Conservancy	\$168,000.00	\$168,000.00	\$18,000.00	\$ -
Open	2017-0000025 - Cooley Landing Native Planting and Interpretive Project	Grassroots Ecology	\$90,000.00	\$180,470.00	\$ -	\$ -
Open	2018-0000001 - Hendrys Creek Restoration Project	Grassroots Ecology	\$165,000.00	\$279,027.36	\$25,000.00	\$ 25,000.00
Open	2020-0000084 - Service-Learning on District Preserves	Grassroots Ecology	\$295,417.00	\$295,417.00	\$ -	\$ -
Open	2020-0000112 - Native Plant Production and Propagule Collection, 2020-2024	Grassroots Ecology	\$160,000.00	\$160,000.00	\$ -	\$ -
Open	2018-0000058 - Alma College Bat Relocation & Habitat Replacement - HT Harvey	H.T. Harvey & Associates	\$80,905.00	\$80,905.00	\$9,473.00	\$ -
Open	2018-0000084 - Ravenswood Bay Trail	H.T. Harvey & Associates	\$55,672.00	\$701,605.00	\$91,628.00	\$ 31,427.49
Open	2020-0000042 - Ravenswood Revegetation and Plant Maintenance	Hanford Applied Restoration & Conservation	\$386,290.00	\$501,830.00	\$55,729.00	\$ 22,350.00
Open	2021-0000092 - DistrictWide Habitat Enhance. through Invasive Species Treatment	Hanford Applied Restoration & Conservation	\$275,000.00	\$550,000.00	\$ -	\$ -
Open	2019-0000015 - Programmatic Environmental Permitting	Horizon Water and Environment, LLC	\$99,734.00	\$799,563.00	\$81,507.00	\$ -
Open	2020-0000111 - Bear Creek Stables Improvements (Water System Design)	Hydroscience Engineers	\$87,190.00	\$87,190.00	\$20,756.00	\$ -
Open	2017-0000099 - Bear Creek Stables Improvements Design Development	John Northmore Roberts & Associates	\$833,423.00	\$888,270.69	\$77,017.00	\$ 77,017.00
Open	2019-0000157 - Alpine Rd. CEQA/Permit Support and LHC Loop Trail Permit Support	LSA Associates, Inc.	\$188,140.00	\$188,140.00	\$24,540.00	\$ 13,497.75
Open	2020-0000045 - Beatty Parking Area and Trail Connections	LSA Associates, Inc.	\$183,000.00	\$183,000.00	\$23,876.00	\$ -
Open	2021-0000072 - Beatty House Removal and Site Restoratoin	LSA Associates, Inc.	\$83,775.00	\$83,775.00	\$3,989.00	\$ -
Open	2019-0000051 - New Administration Offices (AO) Facility	Noll & Tam Architects	\$386,951.00	\$1,969,141.00	\$256,845.00	\$ 30,495.50
Open	2021-0000064 - Admin Office Renovation Project Construction Mgmt & Peer Review	Nova Partners, Inc.	\$546,823.00	\$546,823.00	\$71,325.00	\$ -
Open	2019-0000088 - CEQA: Prescribed Fire Program Development	Panorama Environmental, Inc.	\$341,914.00	\$734,473.00	\$115,334.00	\$ -
Open	2021-0000047 - Alma Cultural Landscape Rehabilitation Plan	PGA Design, Inc.	\$201,116.00	\$201,116.00	\$26,250.00	\$ -
Open	2019-0000184 - BCR Phase 2 Trail Design and Permitting	Questa Engineering Corp.	\$258,750.00	\$702,710.00	\$62,310.00	\$ 12,500.00
Open	2020-0000055 - Budget Management Software	Questica Ltd.	\$127,250.00	\$171,933.00	\$ -	\$ -
Open	2021-0000046 - Human-Mountain Lion Interaction Study	Regents of the University of California	\$500,000.00	\$500,000.00	\$ -	\$ -
Open	2020-0000118 - Web Design and Development	Rootid, LLC	\$86,378.00	\$86,378.00	\$7,853.00	\$ -
Open	2020-0000139 - Web Maintenance and Strategic Support	Rootid, LLC	\$51,840.00	\$51,840.00	\$ -	\$ -
Open	2019-0000103 - American Badger and Burrowing Owl Habitat Suitability Study	San Francisco Bay Bird Observatory	\$235,675.00	\$251,425.00	\$21,425.00	\$ 7,497.24
Open	2020-0000063 - Science Advisory Panel	San Francisco Estuary Institute	\$100,000.00	\$219,000.00	\$ -	\$ -
Open	2021-0000014 - S.Clara, S.Cruz Countywide Fine Scale Veg Map & Related Products	San Mateo County Resource Conserv. Dist.	\$224,000.00	\$224,000.00	\$24,000.00	\$ -
Open	2021-0000152 - SFO Solar Panel Installation	Sandbar	\$151,533.00	\$166,354.12	\$15,153.00	\$ -
Open	2019-0000008 - Costsharing Agreement for Guadalupe River Coordinated Monitoring	Santa Clara Valley Water District	\$60,630.00	\$60,630.00	\$ -	\$ -
Open	2018-0000157 - La Honda Creek Loop Trail Design	Sherwood Design Engineers	\$169,728.00	\$169,728.00	\$22,138.00	\$ -
Open	2020-0000008 - La Honda Forest Management Plan	Sicular Environmental Consulting	\$91,993.00	\$107,293.00	\$12,000.00	\$ -
Open	2021-0000122 - AO Special Inspection Services	Signet Testing Laboratories, Inc.	\$113,129.50	\$135,682.50	\$12,540.00	\$ -
Open	2019-0000037 - Fire Ecology Services: Prescribed Fire Program	Spatial Informatics Group LLC	\$116,438.00	\$340,405.00	\$59,588.00	\$ -
Open	2021-0000079 - Purisima-to-the-Sea Trail and Parking Feasibility Study	SWCA Environmental Consultants	\$287,000.00	\$287,000.00	\$26,000.00	\$ 1,158.50
Open	2021-0000101 - Tyler Munis ERP Migration	Tyler Technologies Inc	\$497,289.00	\$497,289.00	\$19,800.00	\$ -
Open	2021-0000043 - Mitigation Monitoring and Reporting, 8 Sites for 5 yrs, 2020-24	Vollmar Natural Lands Consulting, Inc	\$109,422.00	\$109,422.00	\$8,130.00	\$ -

**CONTINGENCY USAGE REPORT**

Status	Contract	Vendor	Original Contract Amount (Column D)	Revised Contract Amount (Column E)	Board Authorized Contingency	Contingency Expensed on PO
Open	2021-00000154 - Botanical Services at Cloverdale Ranch	Vollmar Natural Lands Consulting, Inc	\$130,805.00	\$130,805.00	\$ -	\$ -
Open	2020-00000031 - Water Rights Services	Wagner & Bonsignore	\$100,000.00	\$100,000.00	\$ -	\$ -
Open	2019-00000090 - Alpine Road Trail Improvements- Design & Engineering	Waterways Consulting	\$302,429.00	\$302,429.00	\$34,882.00	\$ 1,779.50
Open	2019-00000125 - Mount Umunhum Radar Tower Assessment Project	Wiss, Janney, Elstner Associates, Inc.	\$123,855.00	\$213,830.00	\$16,155.00	\$ -
Open	2021-00000088 - Sierra Azul New Ranger Housing	Wiss, Janney, Elstner Associates, Inc.	\$74,250.00	\$74,250.00	\$6,750.00	\$ -
Open	2019-00000181 - Structure Stabilization at Multiple Preserves	ZFA Structural Engineers	\$203,130.00	\$312,857.00	\$66,020.00	\$ 25,281.50

<b>TOTAL</b>	<b>\$47,571,342.35</b>	<b>\$59,371,535.87</b>	<b>\$5,670,545.00</b>	<b>\$ 1,238,450.61</b>
Percentage based on Original Amount (Column D)			11.92%	2.60%
Percentage based on Revised Amount (Column E)			9.55%	2.09%