



Midpeninsula Regional
Open Space District

R-23-95
Meeting 23-22
August 23, 2023

AGENDA ITEM 4

AGENDA ITEM

Award of Contract for Construction of the Lower Turtle Pond Spillway Enhancement Project at La Honda Creek Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS

1. Authorize the General Manager to award a contract to Old La Honda General Engineering, of La Honda, California, for a not-to-exceed base contract amount of \$128,008.
2. Authorize a 15% contingency in the amount of \$19,201 to be reserved for unanticipated issues, bringing the total not-to-exceed contract amount to \$147,209.

SUMMARY

The Lower Turtle Pond Spillway Enhancement Project (Project) will complete improvements to the spillway and earthen berm of Lower Turtle Pond, located within La Honda Creek Open Space Preserve (Preserve). The scope of work consists of grading and reshaping the pond's existing earthen spillway, and the placement of geotextile fabric, Caltrans Class I Rock Slope Protection, and two-foot boulders to form an armored spillway. An armored spillway will help to reduce erosion and degradation of the earthen berm and decrease sedimentation within the San Gregorio Creek Watershed.

The Midpeninsula Regional Open Space District (District) issued a Request for Bids (RFB) on July 3, 2023, and received seven (7) bid proposals on August 3, 2023. Old La Honda General Engineering (Old La Honda) of La Honda, California, was identified as the apparent low bidder. Subsequently, Gradetech Inc., (Gradetech), the second low bidder, protested that the Old La Honda bid proposal contained errors and that the District should reject it as nonresponsive. Upon reviewing the Bid Proposals and following the Bid Protest procedures set forth in the District's Instructions to Bidders, the CFO/Director of Administrative Services, as designee of the Assistant General Manager, determined that Old La Honda's bid proposal was responsive and rejected Gradetech's protest. In summary, the procedures set forth in the Instructions to Bidders provides that the District may waive informalities, minor technical defects and irregularities in bids. Old La Honda's bid promises to do what the Bid Package requires; any errors or omissions are minor technical defects or irregularities and may be waived by the District. Therefore, the General Manager recommends awarding the contract to Old La Honda General Engineering for \$128,008. As the construction site is located within and adjacent to sensitive habitat with challenging access constraints and high risk of erosion, the General Manager also recommends authorizing a 15% contingency in the amount of \$19,201 to cover unanticipated construction issues, bringing the total not-to-exceed contract amount to \$147,209.

The adopted Fiscal Year 2023-24 (FY24) budget includes \$205,915 for the implementation and construction of the project. The project is scheduled to be completed by end of Fall 2023.

BACKGROUND

Lower Turtle Pond supports populations of federally threatened California red-legged frog (*Rana draytonii*; CRLF) and western pond turtle (*Actinemys marmorata*), a California state species of special concern. The pond provides potential habitat for federally endangered San Francisco garter snake (*Thamnophis sirtalis tetrataenia*). It also enables conservation grazing by supplying stock water at Driscoll Ranch. The shallow outlet through which Lower Turtle Pond currently spills exposes the earthen berm to flooding and erosion. Lower Turtle Pond's position in the tributary drainage of San Gregorio Creek, which is 303(d) listed for sediment impairment by the San Francisco Bay Regional Water Quality Control Board, approximately one-half mile to the southwest, indicates that a berm or spillway failure could negatively impact downstream water quality in addition to the direct loss of habitat for special status species and water supply for grazing on the property. The spillway must be improved to avoid these potential impacts to the natural resources and the conservation grazing program.

DISCUSSION

The Project consists of grading, reshaping, and improving the pond's existing earthen spillway to form an armored spillway that is rightsized for runoff from the pond. The spillway improvements consist of the excavation and removal of the existing undersized five-foot wide earthen spillway and grading to widen and elongate the spillway channel to 20 feet wide by 135 feet long. The base of the new spillway channel will be compacted, geotextile fabric will be installed, and California Class I Rock Slope Protection rocking will be placed, forming the new armored spillway. Boulder check-dam sills consisting of stacked two-foot boulders will be installed to help anchor the new spillway and provide energy dissipation of outflowing water. The spillway improvements will help to reduce erosion of the berm and potential sedimentation within the watershed.

A 2020 geotechnical investigation determined that the earthen berm maintains a high level of structural integrity, and the superficial cracking and voids observed on the top and face of the berm are likely caused by expansive clays in the berm fill. Excess soils generated by the spillway grading work will be utilized to fill in these cracks, holes, and voids, which will reduce further erosion and degradation of the berm.

The Project scope of work and grading activities are covered under a Grading Exemption from the San Mateo County Resource Conservation District and the Midpeninsula Regional Open Space District's Open Space Maintenance and Restoration Program (OSMRP). The OSMRP provides California Environmental Quality Act (CEQA) coverage under the Board adopted Initial Study/Mitigated Negative Declaration, and regulatory permitting coverage under:

- California Department of Fish & Wildlife Section 1600 & 1602 Lake and Streambed Alteration Permit
- Regional Water Quality Control Board Section 401
- United States Army Corp of Engineers Section 404

Due to the Project's proximity to riparian habitat, regulatory permitting requirements and conditions will be followed and adhered to at all times throughout the duration work, including biological awareness training, inspections, and monitoring.

Contractor Selection

A Request for Bids (RFB) was issued on July 3, 2023 via BidSync and released to five builders' exchanges. Legal notices were posted in the San Jose Mercury News and San Mateo County Times, and a link to the solicitation was posted on the District website. Two mandatory pre-bid site walks were held on July 13 and July 20, 2023 with nine contractors in attendance.

The District publicly opened the following bids on August 3, 2023:

Bidder	Location	Total Base Bid	Engineer's Estimate (\$150,000)
1. Old La Honda General Engineering	La Honda, CA	\$128,008.00	-14.7%
2. GradeTech Inc.	San Ramon, CA	\$129,585.30	-13.6%
3. TKO General Engineering	Redwood City, CA	\$134,466.75	-10.4%
4. D-Line Construction Inc.	Oakland, CA	\$149,543.00	-0.3%
5. Storesund Construction	Kensington, CA	\$155,709.00	3.8%
6. RX Lodge	San Ramon, CA	\$155,927.00	4%
7. Irish Excavation	Morgan Hill, CA	\$163,486.00	9%

Following the bid opening, Old La Honda was announced as the apparent low bidder. Gradetech submitted a bid protest on August 4, 2023, stating that due to irregularities in the Old La Honda bid, it should be rejected as nonresponsive and the Project should be awarded to Gradetech. The District issued a protest notice to Old La Honda on August 7, 2023, and received Old La Honda's response to the protest the same day.

After the District's careful review of Old La Honda's bid proposal, the CFO/Director of Administrative Services, as designee of the Assistant General Manager, determined that it was responsive to the District's call for bids. While Old La Honda's bid did contain errors or irregularities, they all were minor and inconsequential and did not provide Old La Honda with a competitive advantage or affect its bid price. Therefore, the District could waive them and accept the bid.

Upon review of the bid proposals and confirmation of the contractors' qualifications, in accordance with state law and current Board purchasing policy, the General Manager recommends awarding the contract to Old La Honda General Engineering as the lowest responsive and responsible bidder.

Proposed Contingency Amount

The Project site is located within and adjacent to the riparian zone of Lower Turtle Pond, which provides habitat to several sensitive species. The proximity to riparian habitat can result in potential delays (and added costs) if sensitive species are encountered during construction. Furthermore, due to the steep topography, soil type, and amount of water received in this

watershed, the project site has been susceptible to erosion and sedimentation throughout the years. Unsuitable subgrade soils are possible and may require additional repairs or stabilization beyond the scope of work. The requested contingency would be used to address these issues, as well as other unforeseen issues that might arise during the course of the Project.

FISCAL IMPACT

The FY24 adopted budget includes \$205,915 for the Lower Turtle Pond Repair project MAA07-008. There are sufficient funds in the project budget to cover the recommended action and expenditures through the end of the fiscal year. The project is scheduled to be completed by end of Fall 2023.

Lower Turtle Pond Repair MAA07-008	Prior Year Actuals	FY24 Adopted	FY25 Projected	FY26 Projected	Estimated Future Years	TOTAL
Total Budget:	\$46,402	\$205,915	\$116,858	\$0	\$0	\$369,175
Spent-to-Date (as of 08/02/23):	(\$46,402)	\$0	\$0	\$0	\$0	(\$46,402)
Encumbrances:	\$0	\$0	\$0	\$0	\$0	\$0
Old La Honda Engineering Contract:	\$0	(\$128,008)	\$0	\$0	\$0	(\$128,008)
15% Contingency:	\$0	(\$19,201)	\$0	\$0	\$0	(\$19,201)
Budget Remaining (Proposed):	\$0	\$58,706	\$116,858	\$0	\$0	\$175,564

The following table outlines the Measure AA Portfolio 07 La Honda Creek — Driscoll Ranch Public Access, Endangered Wildlife Protection and Conservation Grazing allocation, costs-to-date, projected future project expenditures and projected portfolio balance remaining.

MAA07 La Honda Creek — Driscoll Ranch Public Access, Endangered Wildlife Protection and Conservation Grazing Portfolio Allocation:	\$14,825,000
Grant Income (through FY27):	\$230,970
Total Portfolio Allocation:	\$15,055,970
Life-to-Date Spent (as of 08/02/23):	(\$12,659,427)
Encumbrances:	\$0
Remaining FY24 Project Budgets:	(\$202,765)
Future MAA07 project costs (projected through FY27):	(\$116,859)
Total Portfolio Expenditures:	(\$12,979,051)
Portfolio Balance Remaining (Proposed):	\$2,076,919

The following table outlines the Measure AA Portfolio 07 allocation, projected life of project expenditures and projected portfolio balance remaining.

MAA07 La Honda Creek — Driscoll Ranch Public Access, Endangered Wildlife Protection and Conservation Grazing Portfolio Allocation:	\$14,825,000
Grant Income (through FY27):	\$230,970
Total Portfolio Allocation:	\$15,055,970
Projected Project Expenditures (life of project):	
07-001 Event Center and Apple Orchard Purchase	(\$6,007,601)
07-002 Fisheries Restoration, Design and Permitting	(\$727,716)
07-003 Fisheries Enhancement, Apple Orchard	(\$16,152)

07-004 Fisheries Enhancement, Event Center	(\$50,000)
07-005 Grazing and Water Systems Infrastructure	(\$189,422)
07-006 Cunha Land Purchase	(\$3,080,705)
07-007 Demolitions, Wool Ranch House/Sears Ranch Rd	(\$357,803)
07-008 Lower Turtle Pond Repair	(\$369,175)
07-009 Sears Ranch Parking Areas	(\$1,147,555)
07-010 Sears Ranch Road Repair	(\$557,044)
07-011 La Honda Creek Loop Trails	(\$475,878)
Total Portfolio Expenditures:	(\$12,979,051)
Portfolio Balance Remaining (Proposed):	\$2,076,919

PRIOR BOARD AND COMMITTEE REVIEW

None

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

The potential environmental impacts for the proposed work of the Project were evaluated in the Initial Study / Mitigated Negative Declaration (IS/MND) for the Open Space Maintenance and Restoration Program (OSMRP) prepared under the California Environmental Quality Act (CEQA), which was certified by the Board on September 22, 2021 ([R-21-126](#)).

NEXT STEPS

If approved, the General Manager will enter into a contract with Old La Honda General Engineering. Final contract signature is subject to meeting all District requirements, such as having all required insurance and bonding in place. Work is estimated to commence in October 2023 and will be completed by November 2023.

Attachment(s)

1. Project Site Map
2. Project Location Map

Responsible Department Head:

Jason Lin, PE, Engineering and Construction Department Manager

Prepared by / Contact person:

Zachary Alexander, Capital Project Manager III, Engineering and Construction Department

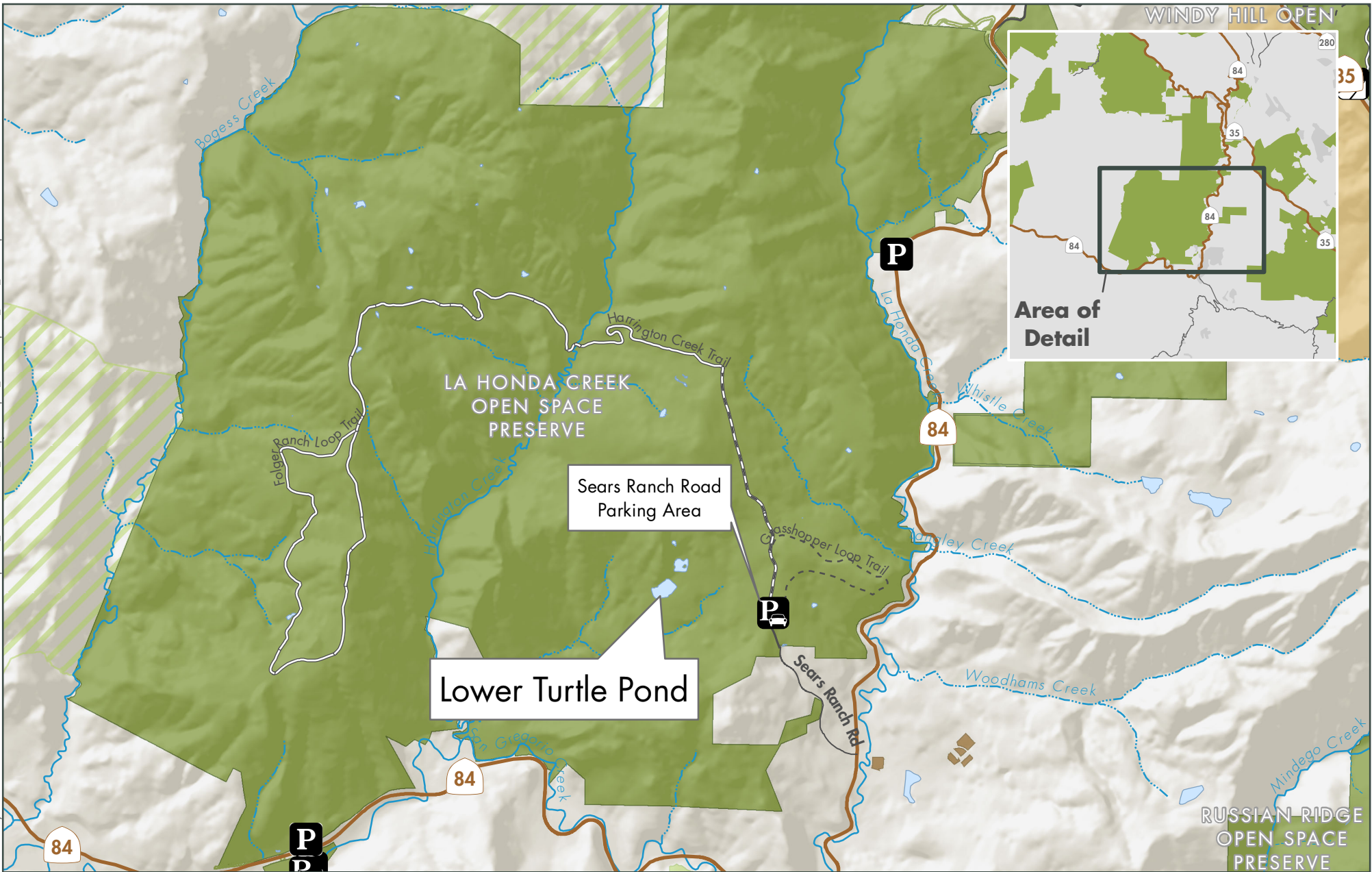


Lower and Upper Turtle Ponds, La Honda Creek Open Space Preserve







Midpeninsula Regional
 Open Space District
 (MROSD)
 3/2/2021



Data Source(s): Source: Esri, Airbus DS, USGS, NGA, NASA, CCGAR, N Robinson, NCEAS, NIS, OS, NMA, GeoDatabase, Rikawa, Watson, GSA, GeoBond, FEMA, Intermap and the GIS user community, Golden Gate National Parks, Conservancy, and San Mateo County



Lower Turtle Pond Spillway Enhancement Project

- | | | | |
|---|-----------------------|---|---------------------|
|  | MROSD Preserves |  | Watershed Land |
|  | Other Protected Lands |  | Land Trust |
|  | Private Property |  | Other Public Agency |

ATTACHMENT 2

Midpeninsula Regional
Open Space District
(Midpen)
8/22/2023

