



Midpeninsula Regional
Open Space District

R-23-113
Meeting 23-29
October 11, 2023

AGENDA ITEM 7

AGENDA ITEM

Contract Amendment with Questa Engineering for Expanded Construction Administration Services for the Bear Creek Redwoods Phase II Trails Project at Bear Creek Redwoods Open Space Preserve

GENERAL MANAGER'S RECOMMENDATIONS

Authorize the General Manager to amend the existing contract with Questa Engineering to increase the compensation by \$60,000, bringing the total not-to-exceed contract amount to \$796,460, to complete construction administration and biological monitoring for the Bear Creek Redwoods Phase II Trails Project.

SUMMARY

The Bear Creek Redwoods Phase II Trails Project (Project) is currently under construction to complete the trail improvements necessary to open the northern portion of Bear Creek Redwoods Open Space Preserve (Preserve) for public access in Spring 2024. On May 22, 2019, the Board of Directors (Board) approved a contract with Questa Engineering (Questa) to complete the first phase of work (Assessment, Schematic Design, Technical Studies for Regulatory Permitting, and Biological/Cultural Services) for the Project. On April 6, 2020, the Board authorized a contract amendment and contingency with Questa to provide design and construction support for the Project, including preparation of construction documents, permitting, construction administration, biological monitoring and reporting, and the development of as-builts, bringing the total not-to-exceed contract amount to \$736,460. On March 22, 2023, the Board approved a contract with Gordon N. Ball, Inc., to complete construction of the Project, which consists of landslide repairs and stabilization, removal and replacement of a trail culvert, creek channel cleanup and restoration, water supply line installation, and two new concrete trail bridges. Local, state, and federal permits for the Project contain biological monitoring conditions that are more restrictive than originally anticipated and require a higher frequency of on-site monitoring than previously scoped. Additionally, saturated soils and landslides due to a heavy winter rainy season have resulted in multiple plan redesigns and more frequent inspections, exhausting the available contract amount.

Execution of a contract amendment to authorize additional funds are needed to cover additional time for construction administration and biological monitoring from Questa and their subconsultant through the end of construction. The General Manager recommends amending the existing contract by \$60,000, bringing the total not-to-exceed contract amount to \$796,460. There is sufficient funding in the adopted Fiscal Year 2023-24 (FY24) budget to cover the recommended action and expenditures. Work is scheduled to be completed by end of Fall 2023.

BACKGROUND

In January 2017, the Board approved the Bear Creek Redwoods Preserve Plan (Preserve Plan) and certified the Environmental Impact Report. The Preserve Plan identifies a phased implementation of the trail network. The Phase II Trails Project includes the construction of new trail alignments, improvements to existing roads and pathways, and new stream crossings within the northern section of the preserve, located between Bear Creek Road, Highway 17, and Alma College. In May 2019, the Midpeninsula Regional Open Space District (District) retained Questa Engineering, along with their subconsultants, to design, engineer, and permit the Phase II Trails network. Implementation of the Phase II Trails has been divided between the Land & Facilities Special Projects crew and the Engineering and Construction (E&C) Department. The Special Projects crew has completed their portion of the trail improvement work. E&C is currently working with a contractor to complete the remaining work, including retaining walls installation, landslide repairs, culvert replacement, stream restoration, and bridge installation.

DISCUSSION

The Bear Creek Redwoods Phase II Trails Project consists of landslide repairs, soldier-pile retaining wall installation, a concrete culvert replacement, creek channel restoration, waterline installation, and two new creek crossings. Completing the Phase II Trails Project will improve drainage, reduce erosion and sedimentation, improve creek channel health, and allow for public access within the northernmost area of the Preserve. The majority of the scope of work occurs within regulated watercourses or riparian habitat, necessitating local, state, and federal permitting coverage. Construction of the project began in June 2023, with Questa and their subconsultants providing construction administration and biological services.

On June 17, 2022, the California Department of Fish and Wildlife (CDFW) issued a Section 1600 Streambed Alteration Agreement for the Project. CDFW determined that the project could substantially adversely affect the existing fish and wildlife resources (seven California State Species of Special Concern, one State Endangered Species, one State Fully Protected Species, and one Federally Threatened Species). In order to protect the identified wildlife resources, the 1600 Agreement outlined 71 biological protection measures during construction. On December 8, 2022, the San Francisco Bay Regional Water Quality Control Board issued a Clean Water Action Section 401 Water Quality Certification and Order for the Project. The Section 401 contains an additional 32 administration, construction, monitoring, reporting, and mitigation conditions required during construction to maintain State water quality standards. On March 2, 2023, the United States Army Corp of Engineers issued a Section 404 of the Clean Water Act, which regulates work within Waters of the United States. The Section 404 stipulated eight special conditions required during construction to comply with the Department of the Army Nationwide Permit 42 for Recreational Facilities.

In total, 111 special conditions are required through construction of the Project. A majority of the special conditions pertain to wildlife monitoring, protection, and reporting. The level of special conditions required exceeded what was anticipated under the original Questa contract. The unanticipated permit conditions include the installment of exclusion fencing with daily fence checks by an approved biologist, a second yellow-legged frog survey, and monitoring of grading work outside of riparian zones. Additionally, pre-construction surveys identified nesting birds within two project sites, requiring multiple rounds of biological clearance surveys and reporting.

The original Questa contract, which was entered into prior to the issuance of permit conditions, did not anticipate such a high level of permit-required special conditions and on-site monitoring requirements.

Furthermore, the District has exhausted the available contingency due to required redesigns and more frequent site inspections. Local permitting conditions have resulted in the need to redesign a soldier-pile retaining wall and two concrete bridges. Additionally, the 2022-23 wet rainy season resulted in saturated soils, landslides, and seasonally dry drainages retaining flows during the summer construction months. The unusual wet site conditions impacted constructability of the Project and required additional on-site inspections and geotechnical testing from Questa than originally anticipated.

Questa’s construction administration and biological service budgets have been spent down due to these conditions. Additional contract funds are required to complete the remaining work through the end of construction, including the remaining construction administration, geotechnical inspections, biological monitoring, as-built plans, and permit closeout reporting services.

FISCAL IMPACT

The FY24 adopted budget includes \$2,788,766. There are sufficient funds in the budget, inclusive of other encumbrances, to cover the recommended contract amendment.

Phase II Trail Improvements, Bear Creek Redwoods OSP MAA21-011	Prior Year Actuals	FY24 Adopted	FY25 Projected	FY26 Projected	Estimated Future Years	TOTAL
District Funded (Fund 30)*:	\$1,593,293	\$1,377,259	(\$378,614)	\$2,000	\$0	\$2,593,938
Grant Amount:	\$0	\$1,411,507	\$1,059,614	\$0	\$0	\$2,471,121
Total Budget:	\$1,593,293	\$2,788,766	\$681,000	\$2,000	\$0	\$5,065,059
Spent-to-Date (as of 09/21/23):	(\$1,593,293)	(\$319,164)	\$0	\$0	\$0	(\$1,912,457)
Encumbrances:	\$0	(\$1,788,613)	\$0	\$0	\$0	(\$1,788,613)
Questa Engineering Contract Amendment:	\$0	(\$60,000)	\$0	\$0	\$0	(\$60,000)
Budget Remaining (Proposed):	\$0	\$620,989	\$681,000	\$2,000	\$0	\$1,303,989

*Amount includes \$1,486,000 in MAA interest earnings allocated to MAA Portfolio #21 approved by the Board at the March 22, 2023, meeting (R-23-09).

The following table outlines the Measure AA Portfolio 21 Bear Creek Redwoods — Public Recreation and Interpretive Projects allocation, costs-to-date, projected future project expenditures and projected portfolio balance remaining.

MAA21 Bear Creek Redwoods — Public Recreation and Interpretive Projects Portfolio Allocation:	\$17,478,000
Grant Income (through FY27):	\$5,018,002
Interest Income Allocation:	\$2,709,530
Fund 40 Allocation:	\$1,750,000

Total Portfolio Allocation:	\$26,955,532
Life-to-Date Spent (as of 09/21/23):	(\$16,479,395)
Encumbrances:	(\$1,909,093)
Remaining FY24 Project Budgets:	(\$1,173,837)
Future MAA21 project costs (projected through FY27):	(\$4,246,149)
Total Portfolio Expenditures:	(\$23,808,474)
Portfolio Balance Remaining (Proposed):	\$3,147,058

The following table outlines the Measure AA Portfolio 21 allocation, projected life of project expenditures and projected portfolio balance remaining.

MAA21 Bear Creek Redwoods — Public Recreation and Interpretive Projects Portfolio Allocation:	\$17,478,000
Grant Income (through FY27):	\$5,018,002
Interest Income Allocation:	\$2,709,530
Fund 40 Allocation:	\$1,750,000
Total Portfolio Allocation:	\$26,955,532
Projected Project Expenditures (life of project):	
21-001 Moody Gulch Fence & Gate Improvements	(\$847)
21-004 Bear Creek Stables Project	(\$3,775,660)
21-005 Bear Creek Redwoods Public Access	(\$5,548,003)
21-006 Bear Creek Redwoods - Alma College Cultural Landscape Rehabilitation	(\$5,674,780)
21-007 Bear Creek Redwoods Preserve Plan Invasive Weed Treatment	(\$2,039,586)
21-008 Bear Creek Redwoods Ponds Restoration and Water Rights	(\$681,517)
21-009 Bear Creek Redwoods Webb Creek Bridge	(\$487,492)
21-010 Bear Creek Redwoods Landfill Characterization and Remediation	(\$444,615)
21-011 Phase II Trail Improvements, Bear Creek Redwoods OSP	(\$5,065,059)
21-012 Bear Creek Redwood Tree Restoration	(\$90,915)
Total Portfolio Expenditures:	(\$23,808,474)
Portfolio Balance Remaining (Proposed):	\$3,147,058

PRIOR BOARD AND COMMITTEE REVIEW

- January 25, 2017:** The Board adopted a resolution approving the Bear Creek Redwoods Preserve Plan and certifying the Final Environmental Impact Report. The Preserve Plan identifies the construction of new trails and stream crossings in the eastern zone of the Preserve as a Phase II Key Action. ([R-17-15](#), [Meeting Minutes](#))
- May 22, 2019:** The Board approved an Award of Contract with Questa Engineering to complete the first phase of work (Assessment, Schematic Design, Technical Studies for Regulatory Permitting, and Biological/Cultural Services) for the Phase II Trail Network at Bear Creek Redwoods Open Space Preserve. ([R-19-14](#), [Meeting Minutes](#))
- April 6, 2020:** The Board approved a contract amendment with Questa Engineering to complete the second phase of the work (Construction Documents, Permitting, Construction Administration, and As-Builts) for the Phase II Trails at Bear Creek Redwoods Open Space Preserve. ([R-20-19](#), [Meeting Minutes](#))

- **March 22, 2023:** The Board approved a contract with Gordon N. Ball, Inc., to construct the Phase II Trails Project at Bear Creek Redwoods Open Space Preserve. ([R-23-9, Meeting Minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Potential environmental impacts of the Bear Creek Redwoods Phase II Trails Project were analyzed as part of the Bear Creek Redwoods Preserve Plan and Environmental Impact Report, which was certified by the Board on January 25, 2017 ([R-17-15](#)).

NEXT STEPS

If approved, the General Manager will direct staff to amend the contract with Questa Engineering to complete the remaining construction administration services required to complete the Project. Work is estimated to be completed by November 2023.

Attachment(s)

1. Project Site 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



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Midpeninsula Regional
Open Space District
(MROSD)
2/9/2023



Data Source(s): Sources: Esri, Airbus DS, USGS, NGA, NASA, CIGAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, BJKwaterstat, GSA, Geoland, FEMA, Intermap and the GIS user community