



Midpeninsula Regional
Open Space District

R-23-125
Meeting 23-30
October 25, 2023

AGENDA ITEM 8

AGENDA ITEM

Award of Contract to Confluence Restoration for Plant Installation & Maintenance at Bear Creek Redwoods Open Space Preserve to Address Permit Conditions and Mitigation Requirements for the Phase II Trails Work

GENERAL MANAGER'S RECOMMENDATIONS

1. Award a one-year contract to Confluence Restoration in the amount of \$62,320 for work on the Bear Creek Redwoods Plant Installation & Maintenance Project.
2. Authorize the General Manager to extend the contract for up to four additional one-year terms, based on contractor performance, for a not-to-exceed contract amount of \$268,156 over the five-year term.
3. Authorize a 10% contingency in the amount of \$26,816 over the five-year term to address unforeseen issues, for a not-to-exceed contract amount of \$294,972 over the five-year term.

SUMMARY

The recommended contract with Confluence Restoration will install and maintain 255 nursery plants, 36 direct-seeded tree basins, and 200 willow stakes to revegetate three sites associated with the Phase II Trail Improvements Project in Bear Creek Redwoods Open Space Preserve. The scope of work also includes installation, maintenance, and eventual removal of tree shelters and browse protection devices; installation of certified weed-free straw mulch; watering; weeding and invasive species control; replacement planting as needed; monitoring; and reporting. The proposed contract would complete the first annual installation and maintenance work at a cost of \$62,320. The recommended authorization provides the option, based on contractor performance, to annually extend the agreement for up to four additional years at a not-to-exceed amount of \$268,156 over a five-year term. A 10% contingency in the amount of \$26,816 is recommended (up to ~\$5,363 per year) to address unforeseen issues. The Fiscal Year 2023-24 (FY24) budget includes sufficient funding to cover the recommended actions through the end of the fiscal year. Funding for future years would be requested as part of the annual Budget and Action Plan process.

BACKGROUND

In January 2017, the Board of Directors (Board) approved the Bear Creek Redwoods Preserve Plan and certified the Final Environmental Impact Report ([R-17-15](#), [Meeting Minutes](#)). In May

2019, the Board authorized an Award of Contract to Questa Engineering to design, engineer, and permit the Phase II Trail network ([R-19-14, Meeting Minutes](#)) On March 22, 2023, the Board authorized an Award of Contract with Gordon N. Ball, Inc., to complete a portion of the Phase II Trails improvements, which includes landslide repairs and stabilization, removal and replacement of a trail culvert, creek channel cleanup and restoration, and the installation of two concrete trail bridges ([R-23-31, Minutes](#)). This portion of the trail improvements and repairs is expected to be complete by late fall/early winter.

The Phase II Trails are subject to permits from the US Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), US Fish and Wildlife Service (USFWS), and Regional Water Quality Control Board (RWQCB). As part of the project permitting, mitigation is required to compensate for impacts that occur during construction activities. The recommended contract will complete plant installation and associated maintenance that is required as mitigation and permit conditions for the Phase II Trails work.

DISCUSSION

Landscape planting plans have been prepared for three construction sites at Slide 3, Crossing 4 and Crossing 7 (Attachment 1) to meet required mitigation and permit conditions to compensate for site disturbance impacts.

Slide 3

The planting area is approximately 2,500 square feet where 35 nursery plants, 20 browse protection devices, and 10 direct-seeded tree basins will be installed.

Crossing 4

The planting area is approximately 2,700 square feet where 160 nursery plants, 40 browse protection devices, 200 willow stakes, and 26 direct-seeded tree basins will be installed.

Crossing 7

The planting area is approximately 2,500 square feet where 60 nursery plants, and 60 browse protection devices will be installed.

The tasks under the proposed agreement include:

- Installation of nursery plants, direct seeded-tree basins, and willow stakes;
- Installation of certified weed-free straw around all plant and seeded basins;
- Browse protection device and tree shelter installation, maintenance and eventual removal;
- Hand weeding and invasive species control;
- Watering;
- Replacement planting; and
- Monitoring and reporting.

In order to meet the project permit requirements and revegetation success criterion, installed plants require three to five years of maintenance during the plant establishment period to survive on their own. Adaptive management is often required during the plant establishment period due to many unknown environmental factors that may contribute to the failure of plants, including extended periods of excessive heat. The recommended contract will allow the District to

annually assess the work and exercise the option to extend the agreement one year at a time, for a total of five years, based on contractor performance and the success of plant establishment. This approach will confirm whether the contractor can successfully meet the revegetation goals each year and allow the District to adjust the details of the revegetation work based on how quickly newly planted areas become well established. A 10% contingency is recommended to address unforeseen conditions that may require additional time and materials to meet the planting performance goals.

Contractor Selection

A Request for Bids (RFB) was released on August 24, 2023, via Periscope, and released to five Builders' Exchanges. Legal notices were posted in the San Jose Mercury News and the Los Gatos Weekly Times, and a link to the solicitation was posted on the District website. A mandatory pre-bid site walk was held on September 15, 2023, with three contractor firms in attendance. Staff issued two addenda on September 15 and September 19, clarifying questions on the RFB during the pre-bid site walk and during the request for information period. Two bids were received and opened on October 3, 2023, with the results as follows:

Bidder	Location	Total Annual Base Bid	Percent Difference from Annual Cost Estimate of \$72,849
Confluence Restoration	Santa Cruz, CA	\$62,320	-14.5%
Ecological Concerns	Santa Cruz, CA	\$76,310	+4.8%

Confluence Restoration of Santa Cruz, CA was determined to be the lowest responsive and responsible bidder. Confluence Restoration's bid covers the first year of work at a cost of \$62,320. If the contract is extended for the full five-year period, the total cost would not exceed \$268,156. With a 10% contingency of \$26,816 over the five-year term, the grand total would not exceed \$294,972.

FISCAL IMPACT

This contract includes both Fund 30 Measure AA work (initial plant installation) and Fund 10 operating expenditures (maintenance and replacement).

The adopted FY24 MAA Fund 30 budget includes \$2,788,766 for the Phase 2 Trail Improvements, Bear Creek Redwoods Project MAA21-011. There are sufficient funds in the Fund 30 project budget, inclusive of other encumbrances, to cover eligible MAA costs under the contract through the end of the fiscal year.

There is sufficient funding in the adopted FY24 Fund 10 operating budget to cover operating costs for non-MAA project work through the end of the fiscal year.

The bulk of expenditures in future years under potential contract extensions will be for maintenance work classified as Fund 10 operating expenses. Funding for future years will be recommended as part of the annual budgeting process.

Phase 2 Trail Improvements, Bear Creek Redwoods 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 10/4/23):	(\$1,593,293)	(\$519,978)	\$0	\$0	\$0	(\$2,113,271)
Encumbrances:	\$0	(\$1,591,663)	\$0	\$0	\$0	(\$1,591,663)
Confluence Restoration Contract:	\$0	(\$17,330)	\$0	\$0	\$0	(\$17,330)
10% Contingency:	\$0	(\$1,733)	\$0	\$0	\$0	(\$1,733)
Budget Remaining (Proposed):	\$0	\$658,061	\$681,000	\$2,000	\$0	\$1,341,061

*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 10/4/23):	(\$16,680,990)
Encumbrances:	(\$1,712,143)
Remaining FY24 Project Budgets:	(\$1,169,192)
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

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 an Award of Contract with Gordon N. Ball, Inc., to complete Bear Creek Redwoods Phase II Trails improvements (landslide repairs and stabilization, removal and replacement of a trail culvert, creek channel cleanup and restoration, and the installation of two concrete trail bridges) to open the northern portion of Bear Creek Redwoods Open Space Preserve to public access. ([R-23-31](#), [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 Project were analyzed in the Bear Creek Redwoods Preserve Plan and Environmental Impact Report, which was certified by the Board on January 25, 2017 ([R-17-15](#), [minutes](#)).

NEXT STEPS

Upon Board authorization, the General Manager will execute a contract with Confluence Restoration to complete the plant installation and maintenance work at the Bear Creek Redwoods Phase II Trails sites.

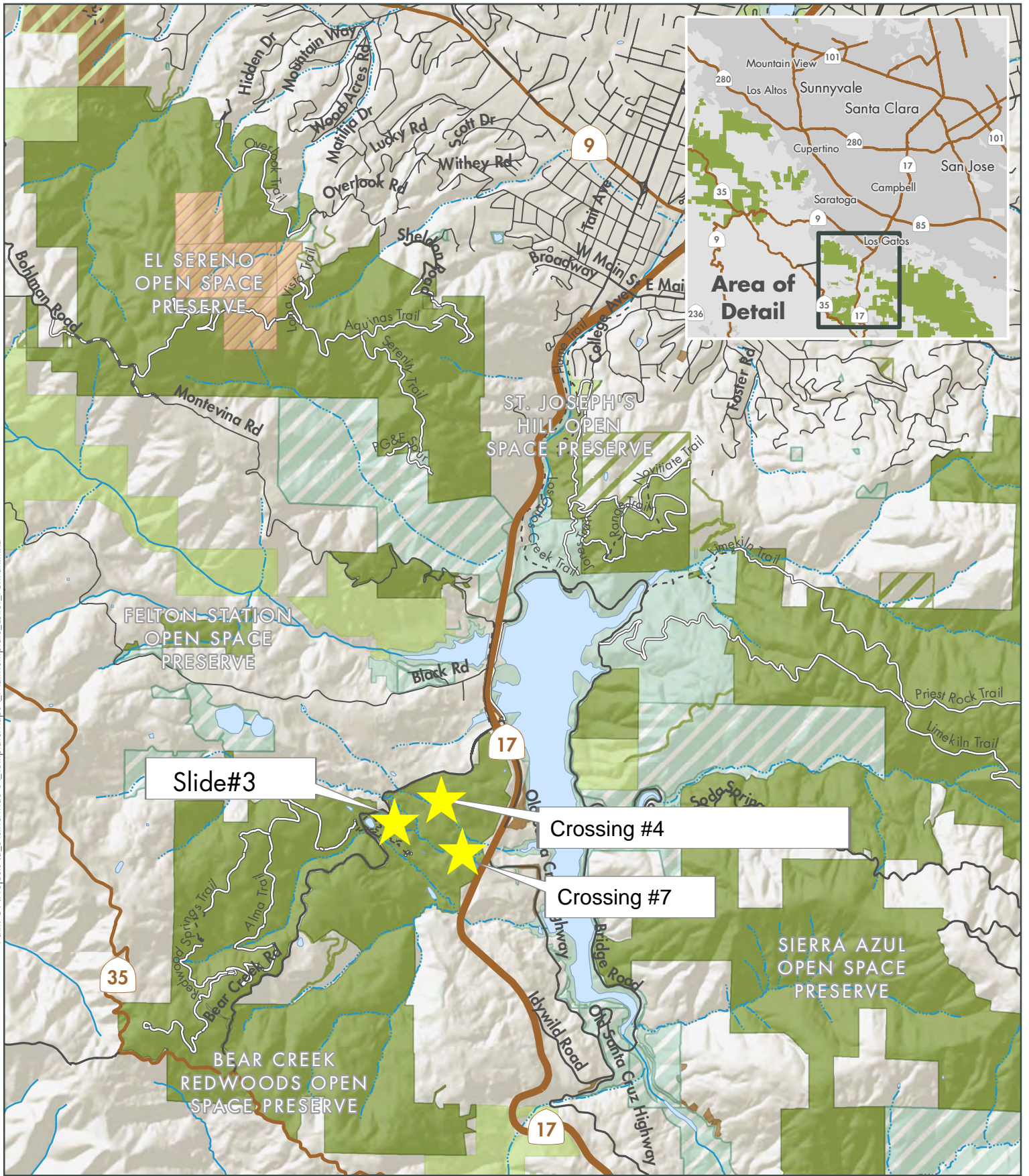
Attachment








1. Project Location Map

Responsible Department Head:
Kirk Lenington, Natural Resources Department Manager

Contact person:
Amanda Mills, Resource Management Specialist II

Path: G:\Projects\va_Districtwide\VA_TemplateMaps\MainTemplate_Letter_Portrait.mxd



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

Midpeninsula Regional
Open Space District
(Midpen)
1/25/2023



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.