



Midpeninsula Regional
Open Space District

R-13-14
Meeting 13-61
June 26, 2013

AGENDA ITEM 8

Authorization to Award a Stand-By Contract to Balance Hydrologics, Inc. (Balance) for Corrective Engineering and Design Services for the El Corte de Madera Creek Staging Area Project at El Corte de Madera Creek Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

A handwritten signature in black ink, appearing to be "G. G.", is placed to the right of the "GENERAL MANAGER'S RECOMMENDATION" heading.

Authorize the General Manager to award a stand-by contract to Balance Hydrologics, Inc. (Balance) for a not-to-exceed amount of \$55,000 (which includes the base contract amount of \$45,582 and a 20% contingency amount of \$9,418) for corrective engineering design, and oversight of the resulting additional work, on the drainage system of the staging area at El Corte de Madera Creek Open Space Preserve.

SUMMARY

The Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve was constructed in the summer and fall of 2012. Subsequent rains, three storm events over the weekend of December 1, 2012 and a storm event over December 24, overwhelmed the new storm water retention basins and required emergency repair and action to manage the overflows from the basins. Staff has been working with ARCADIS, the current project engineer, and Balance, the peer reviewer engineer, to resolve the situation. However, if an acceptable final corrective design is not received from ARCADIS by the end of June, staff recommends that a stand-by contract be awarded to Balance to assume the project engineering services and complete the design work and any needed permitting coordination in order to complete construction before October 1st, the deadline set by San Mateo County to finish all work requiring ground disturbance.

DISCUSSION

The Staging Area and Connector Trail Project at El Corte de Madera Creek Open Space Preserve was constructed in the summer and fall of 2012. Three storms that occurred over the weekend of December 1, 2012 and a subsequent storm on December 24, 2012 overwhelmed the new storm water retention basins and required emergency repair work to manage the overflows from the basins.

Staff worked with ARCADIS, the current project engineer, and Balance, the peer reviewer engineer, to further analyze the situation. This subsequent evaluation of the existing drainage system and the repairs made to date has determined that further long term changes to the

drainage system are still needed. Staff is currently working with ARCADIS, with Balance peer reviewing and providing comment, to obtain an adequate correction to the failures of the drainage system.

However, if an acceptable corrective design is not received from ARCADIS by June 28, staff requests that a stand-by contract be awarded to Balance to assume the project engineering services and complete the design work and any needed permitting coordination in July to ensure that construction can be completed before October 1st, the deadline set by San Mateo County to finish all ground disturbance work. The requested contract would cover the costs incurred by Balance to prepare revised construction plans reflecting the changes to the drainage system needed to resolve the drainage issue and protect the downslope neighbor. The contract would also cover Balance's work to oversee construction and to prepare any further documentation needed to final the permit.

Based on Administrative Policy 04-04 "Administrative Policy: Public Contract Bidding, Vendor, Professional Consultant Selection and Purchasing," and the Board's "Public Contract Bidding, Vendor, and Professional Consultant Selection, and Purchasing Policy", staff is proposing that this be a sole source contract with Balance due to the peer reviewer's extensive knowledge and experience of the issues with the drainage system. The District has invested at least \$21,000 in Balance's services on this project to date. Due to their intimate knowledge of the project, proven level of engineering hydrology expertise, and the time-sensitive need to resolve the performance of the basins prior to the onset of the next rainy season to protect the downslope neighbor, the General Manager recommends continuing with Balance to complete the project.

Below is an excerpt from Administrative Policy 04-04:

"III.B. Limited Availability/Sole Source

Occasionally, ... supplies, material, equipment, or services are of a unique type, are of a proprietary nature, or are otherwise of such a specific design... or are specifically necessary for purposes of maintaining cost effective system consistency, so as to be available from only one source. The Department Manager may dispense with the requirement of competitive bids ... if, after reasonable efforts by District staff to find alternative supplies, there exists only a single source."

Further, the "Public Contract Bidding, Vendor, and Professional Consultant Selection, and Purchasing Policy" provides, under section III "Exceptions to Standard Purchasing Procedures," part D "Professional Services," that the selection of professional consultants such as this one "should be individually selected for a specific project or problem with the objective of selecting the most qualified consultant at a price that is fair and reasonable."

At this juncture, staff believes that Balance is the most qualified consultant for this project and is available at a price that is fair and reasonable. Staff will pursue recoup of these costs.

FISCAL IMPACT

The FY2013-14 budget contains sufficient funds to cover the costs associated with this work, including the additional \$55,000 for the stand-by contract.

BOARD COMMITTEE REVIEW

No committee review is required.

PUBLIC NOTICE

Public notice of this Agenda Item was provided per the Brown Act. No additional notice is required.

CEQA COMPLIANCE

Staff completed a Mitigated Negative Declaration for the Project, which the District Board of Directors adopted on February 10, 2010. A Notice of Determination was filed with the San Mateo County Clerk Recorder on February 16, 2010. The District Board of Directors adopted an Addendum to the Mitigated Negative Declaration on March 14, 2012.

Staff does not anticipate changes in the analysis or finding of that document as a result of this corrective work, based on current information.

NEXT STEPS

Upon approval by the Board of Directors, the General Manager would be authorized to a stand-by contract with Balance to cover corrective engineering services to make long-term changes to the drainage system the Staging Area and Connector Trail Project. These funds will only be used as needed.

Responsible Department Manager:
Tina Hugg, Acting Planning Manager

Prepared by:
Tina Hugg, Acting Planning Manager

Contact person:
Same as above