



Agenda Item No. (3)

To: Building and Operating Committee/Committee of the Whole  
Meeting of September 24, 2020

From: John R. Eberle, Deputy District Engineer  
Ewa Z. Bauer-Furbush, District Engineer  
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO AWARD OF CONTRACT NO. 2020-F-035, CORTE MADERA 4 ACRE TIDAL MARSH RESTORATION PROJECT, TO HANFORD APPLIED RESTORATION & CONSERVATION**

**Recommendation**

The Building and Operating Committee recommends that the Board of Directors approve the following actions relative to award of Contract No. 2020-F-035, *Corte Madera 4 Acre Tidal Marsh Restoration Project*, as follows:

1. Authorize award of Contract No. 2020-F-035, to Hanford Applied Restoration & Conservation (Hanford ARC), Petaluma, CA, in the amount of \$988,142.00; and,
2. Establish a construction contingency for Contract No. 2020-F-035 in the amount of \$148,221, equal to 15% of the contract award amount,

with the understanding that sufficient funds are available in the FY 20/21 Ferry Division Capital Budget for the Corte Madera Marsh Restoration Construction project (Project #2041) to finance these actions.

This matter will be presented to the Board of Directors at the September 25, 2020 meeting for appropriate actions.

**Summary**

The Golden Gate Bridge, Highway and Transportation District (District) owns a 72-acre parcel located adjacent to the Corte Madera Ecological Reserve (CMER) and the former Muzzi Marsh in Corte Madera, Marin County. The *Corte Madera 4 Acre Tidal Marsh Restoration Project* will satisfy conditions of a U.S. Army Corps of Engineers (USACE) dredging permit and a negotiated settlement associated with the District's ferry operations at Larkspur. The District's obligation is to restore 4 acres of tidal marsh wetland habitat suitable for an endangered species of bird, the California Ridgeway's rail.

On April 25, 2014, by Resolution No. 2014-025, the Board of Directors authorized the award of Professional Services Agreement, PSA No. 2014-FT-3, *Wetland Restoration Design and Permitting Support Services Project*, to WRA, Inc., to develop marsh restoration design alternatives. The services also included performing site investigations and technical studies, investigating and determining the effects of the selected design alternative on the environment through the California Environmental Quality Act (CEQA) process, final design and construction permitting. WRA, Inc. performed the site investigations and completed the technical studies and investigated the effects of the different proposed restoration design alternatives on the environment.

After consultations with the various regulatory agencies with jurisdiction over the project, including the US Army Corps of Engineers, the US Fish and Wildlife Service, the National Marine Fisheries Service, the California Department of Fish and Wildlife Service, the San Francisco Bay Water Quality Control Board, the Environmental Protection Agency, the San Francisco Bay Conservation and Development Commission, as well as the Town of Corte Madera, the Marin Audubon Society and the Marin Baylands Advocates, the District determined that the 4 acre alternative should be implemented. On July 26, 2019, the Board of Directors, by Resolution 2019-049, approved the adoption of a mitigated negative declaration and approved actions relative to the 4 acre Corte Madera Tidal Marsh Restoration Project. On July 26, 2019, the District filed a Notice of Determination with the County Clerk of Marin County and the State CEQA Clearinghouse. The District and WRA, Inc. completed the design work, prepared construction documents and applied for and received all the necessary permits for construction.

The construction contract, Contract No. 2020-F-035, *Corte Madera 4 Acre Tidal Marsh Restoration Project*, involves the following work:

- instituting County Health Official and OSHA guidelines for construction work during the COVID-19 epidemic;
- removing debris, pampas grass, shrubs and non-native trees from the 14 acre project limits;
- installing a temporary perimeter exclusion fence around the 14 acre project limits to keep endangered mice from entering the construction area;
- establishing the boundaries of the new 4 acre marsh, excavating of 28,000 cubic yards of soil to the required elevations of the new marsh surface, and grading the surface;
- excavating new tidal channels within the marsh surface;
- reusing the excavated soils on site to construct a berm along the east and south boundaries of the new marsh;
- breaching the northern perimeter berm to allow tidal water from the adjacent drainage channel to inundate the new marsh surface;
- planting the new marsh surface with selected plants;
- hydroseeding the slopes of the new berms to minimize erosion;
- creating 0.3 acres of seasonal wetlands adjacent to the restored area to replace the seasonal wetlands that are located within the new tidal wetlands;

- constructing a public access trail on top of the new berms and installing fencing on both sides of the trail to keep pedestrians and their pets from entering into the restored marsh;
- furnishing and installing benches, signs, interpretive panels and trash bins on the public access trail.

The environmental permits and permit conditions require that the construction activities take place between September 1 and January 31, in order to avoid the nesting season of the endangered Ridgway's rail. The majority of the perimeter trail will remain open during construction but there will be temporary impacts where access along a portion of the northern berm will be restricted. Signage will be placed to notify the public of the temporary closures. After the construction has been completed, access around the entire parcel will be restored.

The construction contract, Contract No. 2020-F-035, was advertised for bids on July 23, 2020. The project advertisement was posted three times in two newspaper(s), three times on the builder's exchange, and was emailed to 240 Small Business Enterprise (SBE) firms. Forty-eight firms downloaded the bid package from the District's procurement portal. On August 25, 2020, the following bids were received, opened and publicly read:

	<b><u>COMPANY</u></b>	<b><u>TOTAL BID PRICE</u></b>
1.	Hanford ARC Petaluma, CA	\$ 988,142.00
2.	Maggiora Ghilotti San Rafael, CA	\$1,427,427.00
3.	Gordon Ball Alamo, CA	\$1,459,496.00
4.	Michael Paul Co. Petaluma, CA	\$1,795,965.00
5.	Team Ghilotti Petaluma, CA	\$2,117,141.07

The Engineering staff, Disadvantaged Business Enterprise (DBE) Program Administrator and Attorney have evaluated the five bids.

Engineering staff reviewed the bid proposals for completeness and conformance with the bid solicitation requirements and determined that Hanford ARC's proposal complies with the requirements. Engineering staff performed a cost analysis of the bid, comparing the pricing to staff's estimate and to previous projects with similar work. Staff and WRA, Inc. have determined that Hanford ARC's pricing for the work is fair and reasonable.

A Small Business Enterprise (SBE) goal of 3.8% was established for this contract. Bidders were required to document their activities in the solicitation and selection process of subcontractors, subconsultants, and suppliers to ensure that this process was carried out in a nondiscriminatory

manner. The DBE Program Administrator has determined that Hanford ARC has complied with the DBE/SBE Program requirements applicable to this contract. Hanford ARC is an SBE and will subcontract to other SBE firms, one of which is a DBE. At this time, SBE participation of approximately 97% including 2.4% DBE participation, is anticipated during the performance of this contract.

The Engineering staff and Attorney determined that Hanford ARC, with a bid price of \$988,142.00, is the lowest responsive and responsible bidder and recommends award of Contract 2020-F-035 to Hanford ARC.

It is recommended that a contingency in an amount of \$148,221, or 15% of the construction contract total price, be established for Contract No. 2020-F-035 in the event of unforeseen circumstances arising during construction.

### **Fiscal Impact**

Project #2041, Corte Madera Marsh Restoration Construction, is included in the FY 20/21 Ferry Transit Division Capital Budget in the amount of \$3,040,000 and is 100% District funded. There are sufficient funds in Project #2041 to finance the project construction.

It is recommended that the proposed budget for Project #2041 be established as follows:

<b><u>PROJECT #2041 BUDGET ITEM</u></b>	<b><u>COST</u></b>
<b>Construction</b>	
Construction Contract No. 2020-BT-011	\$988,142
Construction Contract Contingency (15%)	148,221
Construction Support Services and Testing (Consultants)	690,000
Construction Administration – District Staff Burdened Labor	490,000
Indirect Costs (ICAP) on District Staff Burdened Labor - Estimated	313,000
General Project Expenditures (District furnished plants and materials)	250,637
Environmental Compliance and Permits	160,000
<b>TOTAL BUDGET</b>	<b>\$3,040,000</b>