



Agenda Item No. (4)

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 PROFESSIONAL SERVICES
AGREEMENT (PSA) NO. 2014-FT-13, WETLAND RESTORATION DESIGN
AND PERMITTING SUPPORT SERVICES PROJECT, WITH WRA, INC.**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve actions relative to Professional Services Agreement (PSA) No. 2014-FT-13, *Wetland Restoration Design and Permitting Support Services Project*, with WRA, Inc. (WRA), as follows:

1. Authorize the execution of the Fourth Amendment to PSA No. 2014-FT-13, in an amount not to exceed \$550,000, for engineering support services during construction of the Corte Madera 4 Acre Tidal Marsh Restoration Project (Project #2041) and during the post construction monitoring period; and,
2. Authorize a contingency fund for this amendment, in the amount of \$82,500, equal to 15% of the amendment 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 action.

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, to develop marsh restoration design alternatives, to perform site investigations and technical studies, to investigate and determine the effects of the selected design alternative on the environment through the California Environmental Quality Act (CEQA) process, to prepare design plans and specifications and construction documents and to assist the District with securing all necessary permits for construction.

Consistent with established engineering practice, the administration and management of the Corte Madera Tidal Marsh Restoration Project construction will require that WRA provide engineering support services during construction of the Project. Such services will consist of: (1) reviewing and recommending approval of Contractor's technical submittals, working drawings, and requests for substitutions; (2) preparing written responses to Contractor's requests for information regarding the design; (3) providing recommendations for the resolution of different site condition issues during construction; (4) preparing plans and specifications for construction contract change orders covering changes to the wetland construction details; (5) providing biological monitoring of the site during construction; and, (6) performing site surveys to confirm the tidal channels and wetland function as designed.

In addition, WRA's engineering support services will be required during the five year post construction monitoring period, as mandated by the environmental permits. The services include: (1) tidal and seasonal wetland vegetation monitoring to determine whether the marsh is functioning as designed; (2) surveying the natural plant establishment; (3) watering and maintenance of the plants installed as part of the construction; (4) maintenance of the temporary irrigation system; (5) weed control; (6) tidal hydrology monitoring; (7) sediment monitoring; (8) unmanned aerial flight photogrammetry; (9) annual reports and submissions to regulatory agencies; and, (10) wetland delineation. WRA, as the consultant responsible for the design, is uniquely qualified and capable to perform the design engineering support services during construction.

Engineering staff has negotiated with WRA a not-to-exceed price of \$550,000, consisting of \$150,000 to be paid for the engineering support services during the construction period and \$400,000, to be paid for the engineering support services during the five year post construction monitoring period. Staff has determined that this not to-exceed price is reasonable based on the scope of work and cost data for engineering support services provided by consultants for other similar District projects. WRA will be compensated for actual time expended and expenses incurred plus a fixed fee, up to the authorized not to exceed amount.

Staff recommends that the Building and Operating Committee recommend that the Board of Directors authorize the execution of the Fourth Amendment to PSA No. 2014-FT-13 as presented in this report, which award is conditioned upon the award of construction Contract No. 2020-F-035 for the Corte Madera 4 Acre Tidal Marsh Restoration Project.

Staff also recommends that a contingency for this PSA amendment in the amount of \$82,500, or 15% of the amendment amount, be established to provide a budget for any additional or changed work scope that may develop while work progresses. A 15% contingency is recommended due to the uncertainty involved with restoration work and environmental compliance.

At this time, the Disadvantaged Business Enterprise (DBE) Program Administrator has determined DBE or Small Business Enterprise (SBE) subconsultants will not perform work associated with this Amendment.

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 \$550,000 Fourth Amendment amount to PSA No. 2014-FT-13, and the \$82,500 amendment contingency amount as recommended in this report.

As reported in a separate staff report presented at this Committee meeting, the proposed budget for Project #2041 is as follows:

<u>PROJECT #2041 BUDGET ITEM</u>	<u>COST</u>
Construction	
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
TOTAL BUDGET	\$3,040,000

The history of PSA No. 2014-FT-13 is as follows:

ACTION	AMOUNT	FINANCING SOURCE
Award PSA No. 2014-FT-03, Wetland Restoration Design and Permitting Support Services; Resolution No. 2014-025	\$1,096,395.30	100% District
First Amendment, additional services, no cost time extension	0	
Second Amendment, no cost time extension	0	
Third Amendment- additional design and permitting services	\$ 72,579.69 (from contingency)	100% District
Proposed Fourth Amendment, engineering support and environmental monitoring services for the Corte Madera Marsh Restoration Project construction	\$ 550,000.00	100% District
PROPOSED TOTAL PSA AMOUNT	\$1,718,974.99	100% District

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