



## SUMMARY REPORT

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**Agenda Date:** 6/2/2020

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**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Gregory Guensch 547-1972  
**Vote Requirement:** Majority  
**Supervisory District(s):** All

**Title:**

Dry Creek Habitat Enhancement Phase III (Part 3) - Contract Award

**Recommended Action:**

- A) Adopt and approve the Project Manual and Drawings ("plans and specifications") entitled "Dry Creek Habitat Enhancement Phase III (Part 3)."
- B) Award the contract to Hanford Applied Restoration and Conservation for \$3,755,900 for construction of the Dry Creek Habitat Enhancement Phase III (Part 3) and authorize the Chair to execute the contract.
- C) Authorize the General Manager of the Sonoma County Water Agency to sign Document 00650 (Agreement and Release of Any and All Claims), with County Counsel review, if any unresolved claims are listed by the contractor.

**Executive Summary:**

This item requests approval of a contract with Hanford Applied Restoration and Conservation for \$3,755,900.00 for construction of Dry Creek Habitat Enhancement Phase III (Part 3) ("Project"), which constitutes the final part of the third of 6 miles of enhancement required by the Russian River Biological Opinion. The habitat enhancements provide habitat to endangered juvenile salmonids through creation of features such as side channels and backwater ponds, large woody debris structures, pools and riffles. The construction includes, excavation of backwater alcoves and side channels into the lower floodplain areas of Dry Creek, installation of large wood habitat structures composed of logs and boulders, stabilization of banks, planting riparian vegetation and trees, removal of nuisance non-native riparian vegetation, construction of boulder fields and riffles, dewatering during construction, and isolation of work areas from the creek.

All in-stream work must occur between June 15th and October 15th in order to comply with the requirements of the environmental permits, but other work can occur outside of this time. Due to the scale of the Project, beginning construction on time is critical, and the Project will be constructed during the 2020 and 2021 construction seasons. Construction of the Project is required for the Sonoma County Water Agency (Sonoma Water) to meet the requirements set forth in the Russian River Biological Opinion. The Project was put out to public bid and the lowest responsive/responsible bidder was Hanford Applied Restoration and Conservation.

**Discussion:**

In order to continue to use Dry Creek to convey drinking water to the Russian River, Sonoma Water must construct 6 miles of Dry Creek Habitat Enhancement Projects to meet the requirements set forth in the 2008

Russian River Biological Opinion, which concluded that current operations of Warm Springs and Coyote dam jeopardize the recovery of endangered Coho salmon and threatened steelhead by increasing water velocities and decreasing the availability or suitable rearing habitat. The goal of the enhancement projects is to create low-velocity habitat areas that will persist at the creek flows needed for water delivery. Sonoma Water has constructed the Demonstration Reach (Mile 1), the Phase II sites (Mile 2), and nearly all of Phase III to satisfy approximately 3 of the 6-mile requirement.

Dry Creek Habitat Enhancement Phase III (Part 3) includes, but is not limited to, excavation of backwater alcoves and side channels into the floodplain areas of Dry Creek, installation of habitat and stabilization structures composed of logs and boulders, driving logs into the ground to stabilize log structures, stabilization of banks, planting and replanting riparian vegetation and trees, removal of non-native riparian vegetation, construction of in-channel features such as boulder fields and riffles, dewatering during construction, isolation of work areas from the creek, construction of driveway access from West Dry Creek Road, and replacement of storm drain pipe. Work shall be completed within 510 days from the date when contract time commences to run. Bidding documents contain the full description of the work.

Regulatory permits for the Dry Creek Habitat Enhancement Phase III (Part 3) consist of a federal Clean Water Act Section 404 permit through the United States Army Corps of Engineers (404 Permit), a federal Clean Water Act Section 401 permit through the North Coast Regional Water Quality Control Board (401 Permit), and a California Fish and Game Code Section 1600 Streambed Alteration Agreement through the California Department of Fish and Wildlife (1600 Permit). The 404, 401, and the 1600 Permits have not been issued yet; however, the applications have been submitted and Sonoma Water staff are in communications with the North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, and U.S. Army Corps of Engineers staff to track the permit status. It is not expected that the permits will be issued prior to the construction contract award date; however, it is anticipated they will be issued prior to the expected start of construction date. None of the regulatory permits are expected to be substantially different than previous permits issued for earlier phases or parts of the Dry Creek Habitat Enhancement work. Additional Project costs may result for delay-related costs incurred by contractor if the issuance of any of the permits is delayed to the point of affecting the commencement schedule of construction activities.

Sonoma Water was not able to secure right-of-way for the JPMB Properties parcel (089-030-020) immediately north of the Project. The design was thus modified so that the Project can be constructed without access to this property. Sonoma Water Right-of-Way staff are continuing to pursue the right-of-way for this property, however, for the potential benefits it offers to the Project.

Those benefits include:

- 1) Providing direct access from Dry Creek Road to the primary habitat feature on the East side of Dry Creek. The current access route from West Dry Creek Road is narrow and winding and requires crossing the mainstem of Dry Creek, which poses more challenges for the contractor to safely conduct the work and avoid impacts to the creek and adjacent banks.
- 2) Providing a large staging area on the east side of the creek to minimize or eliminate creek crossings and temporarily store equipment, stage materials, and stockpile excavated sediments during construction.
- 3) Allowing the storm drain pipe to be installed along the alignment of the existing storm drain

pipe/property line, which is more conducive to the long-term future maintenance by the property owners.

- 4) Providing for a more suitable access ramp for maintaining the habitat feature on the East Side of Dry Creek and for access to potential future habitat projects planned further upstream. The access ramp would be constructed in 2021 and will require an encroachment permit from Permit Sonoma.

If Sonoma Water staff is ultimately successful in acquiring the additional JPMB Properties right-of-way, the associated inclusion of these changes and benefits into the construction project will require a future contract change order at additional cost.

After completion of Phases II and III, the Russian River Biological Opinion requires creation of 3 additional miles (Phases IV, V and VI) of habitat enhancements to be constructed. The Corps of Engineers (Corp) and Sonoma Water are sharing the cost of these phases, with the Corps paying 65%. These future phases are in the 90% design phase, and Sonoma Water staff are working with design consultants and the Corps on design review, and meeting with participating property owners to explain the project, solicit feedback and advance the process of obtaining the necessary right-of-way to construct the project.

Competitive process, selection & cost detail:

The Project was advertised for bids : 3/6/2020

Bids were opened: 4/7/2020

Bids for construction of said Project were received on Wednesday, April 7, 2020, as follows:

Hanford Applied Restoration & Conservation, Petaluma, CA	\$3,755,900.00
Gordon N. Ball, Inc., Alamo, CA	\$4,748,485.00
McCullough Construction, Inc., Arcata, CA	\$4,327,808.72
Ghilotti Construction Company, Santa Rosa, CA	\$5,194,737.50

The Engineer's Estimate was \$5,349,683.20.

The lowest responsive and responsible bid is from Hanford Applied Restoration and Conservation and is \$1,593,783 below the Engineer's Estimate. Hanford Applied Restoration and Conservation is experienced in this type of construction and met the experience requirements.

A contractor must execute a release of claims (Document 00650) before final payment but may except any unresolved claims from the release. The requested action authorizes the General Manager to approve the release unless the contractor lists unresolved claims. In that case, County Counsel must review Document 00650 prior to General Manager approval.

Construction on the Project is scheduled to begin approximately July 06, 2020, with an estimated completion date of November 29, 2021.

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**ALTERNATIVES:**

NONE

**Prior Board Actions:**

09/17/15 Board Action adopting resolutions certifying and approving Final Environmental Impact Report for Dry Creek Habitat Enhancement Project Mile 2 - 6, and providing Notice of Determination for the Project in accordance with the California Environmental Quality Act.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses	\$3,755,900		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$3,755,900</b>		
<b>Funding Sources</b>			
General Fund/WA GF	\$3,755,900		
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$3,755,900</b>		

**Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$3,755,900 is available from FY 2019/2020 appropriations for the Warm Springs Dam Fund. No additional appropriation is required.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

None

**Related Items "On File" with the Clerk of the Board:**

Project Manual and Drawings Vol1 and Vol2