



## Legislation Details (With Text)

**File #:** 2023-0433  
**Type:** Consent Calendar Item      **Status:** Passed  
**File created:** 3/27/2023      **In control:** Sonoma County Water Agency  
**On agenda:** 5/9/2023      **Final action:** 5/9/2023  
**Title:** Dry Creek Ecosystem Restoration Project Phase IV 13B Inlet - Contract Award  
**Sponsors:** Sonoma County Water Agency  
**Indexes:**  
**Attachments:** 1. Summary Report

Date	Ver.	Action By	Action	Result
5/9/2023	1	Board of Supervisors	Approved as recommended	Pass

**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Greg Guensch / 509-521-9155  
**Vote Requirement:** Majority  
**Supervisorial District(s):** Countywide

**Title:**  
Dry Creek Ecosystem Restoration Project Phase IV 13B Inlet - Contract Award

### Recommended Action:

- A) Adopt and approve the Project Manual and Drawings ("plans and specifications") entitled "Dry Creek Ecosystem Restoration Project Phase IV (United States Army Corps of Engineers Phase I) 13B Inlet."
- B) Award the contract to Rege Construction, Inc. (\$260,621.78) for construction of Dry Creek Ecosystem Restoration Project Phase IV and authorize the Chair to execute the contract.
- C) Authorize the General Manager of Sonoma Water to sign Section 00 65 23 (Agreement and Release of Any and All Claims), with County Counsel review, if any unresolved claims are listed by the contractor.
- D) Authorize the General Manager of Sonoma Water to waive the escrow account requirements of Document 00 67 00 (Escrow Bid Documents) of the Project Manual.

### Executive Summary:

This item requests approval of a contract with Rege Construction, Inc. for \$260,621.78 for construction of Dry Creek Ecosystem Restoration Project Phase IV (United States Army Corps of Engineers Phase I) 13B Inlet.

In order to meet the requirements, set forth in the Russian River Biological Opinion, Sonoma Water must construct 6 miles of 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 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 2023 construction season. The Project was put out to public bid and the lowest responsive/responsible bidder is Rege Construction, Inc.

**Discussion:**

**HISTORY OF ITEM/BACKGROUND:**

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 Valley Dams 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 for endangered juvenile coho salmon and threatened steelhead trout that will persist at the Creek flows needed for water delivery. Sonoma Water has constructed the Demonstration Reach (Mile 1), and the Phase II and III sites (miles 2 and 3) to satisfy approximately 3 of the 6-mile requirement.

The United States Army Corps of Engineers (Corps) and Sonoma Water are sharing the cost of Phases IV, V, and VI (miles 4, 5, and 6) of the Dry Creek Ecosystem Restoration Project with the Corps paying 65%. The Dry Creek Ecosystem Restoration Project Phase IV 13B Inlet will complete the Site 13B side channel feature that was partially constructed by the Corps in 2022. The Corps was unable to construct the inlet portion because Sonoma Water only has a 25-year maintenance easement as opposed to the permanent easement required by the Corps. Subsequently, Sonoma Water is bidding and constructing this small portion of the project separately.

The project includes excavation of approximately the upstream 160 ft of the side channel, connection of the channel with the mainstem 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, and isolation of Work areas from the creek. Bidding Documents contain the full description of the Work.

Regulatory permits for the Dry Creek Habitat Enhancement Phase IV consist of a federal Clean Water Act Section 404 permit through the Corps (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 been issued.

The Corps is constructing the remaining Phase IV sites during the 2023 construction season and is also currently advertising for construction of Phase V of the project. Phase V will be constructed during the 2023 and 2024 Construction season. Phase VI is in final design review and tentatively scheduled for construction during the 2024 and 2025 construction seasons.

Construction of habitat modifications along an approximately 100 foot side channel inlet of Dry Creek, and a

riffle and boulder field in the main channel of Dry Creek, located at 8761 Dry Creek Road, in an unincorporated area of Sonoma County, near Healdsburg, California. The Work includes, but is not limited to, excavation of a side channel into a floodplain area 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, and isolation of Work areas from the creek. Work shall be completed within 180 Days from the date when Contract Time commences to run.

The Project was advertised for bids : 2/16/2023

Bids were opened: 3/21/2023

Bids for construction of said Project were received on 3/21/2023, as follows:

Hanford Applied Restoration & Conservation, Petaluma, CA 94954	\$680,578.00
Wylatti Resource Management, Covelo, CA 95428	\$294,757.96
Rege Construction, Inc., Cloverdale, CA 95425	\$260,621.78

The Engineer's Estimate was \$273,696.80

The lowest responsive and responsible bid is from Rege Construction, Inc. and is \$13,075.02 below the Engineer's Estimate. Rege Construction, Inc. is experienced in this type of construction and met the experience requirements.

A contractor must execute a release of claims (Section 00 65 23) 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 Section 00 65 23 prior to General Manager approval.

Section 00 67 00 (Escrow Bid Documents) of the Project Manual requires that the contractor submit bid preparation documents into an escrow account at a mutually agreeable institution. The documents would be available later for review by the Sonoma Water and contractor in case of a dispute. Sonoma Water staff has determined that this procedure is unnecessary for this Project and, after evaluation of the documents, Sonoma Water staff finds nothing out of the ordinary and recommends that the Board authorize the General Manager of Sonoma Water to waive this requirement.

Construction on the Project is scheduled to begin approximately June 12, 2023, with an estimated completion date of September 10, 2023

**ALTERNATIVES:**

None

**Strategic Plan:**

N/A

**Prior Board Actions:**

03/16/2021: Approved Sonoma County Water Agency's General Manager to execute agreements with Austin

Gap Partnership, Falk Forestry Inc., and Parmeter Logging and Excavation, Inc., for the purchase of large woody debris for the Dry Creek Habitat Enhancement Project, Phase IV (total of all agreements not-to-exceed \$2,332,700).

09/17/2015 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 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$260,622		
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$260,622</b>		
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$260,622		
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$260,622</b>		

**Narrative Explanation of Fiscal Impacts:**

Budgeted amount of \$260,622 is available from FY 2022/2023 appropriations for the Water Transmission Watershed Planning Fund (44215). No additional funding 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):**

N/A

**Attachments:**

None

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

Project Manual and Drawings