



## Legislation Text

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**File #:** 2021-0538, **Version:** 1

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**To:** Board of Directors of the Sonoma County Agricultural Preservation and Open Space District  
**Department or Agency Name(s):** Sonoma County Agricultural Preservation and Open Space District  
**Staff Name and Phone Number:** Monica Delmartini, 565-7360  
**Vote Requirement:** Majority  
**Supervisory District(s):** Third District

**Title:**

Oken Property Riparian Restoration - Contract Award

**Recommended Action:**

- A) Approve the Project Manual and Drawings ("plans and specifications") entitled "Oken Property Riparian Restoration."
- B) Award the contract to Hanford Applied Restoration & Conservation for construction of Oken Property Riparian Restoration and authorize the Chair to execute the contract in the amount of \$531,750.00.
- C) Authorize General Manager of Ag + Open Space to execute change orders within specified limits, including a construction cost reduction incentive change order, provided it results in additional savings to Ag + Open Space.
- D) Authorize the General Manager of Ag + Open Space or her designee to approve design changes to the Project as may be necessary or appropriate, subject to specified limits.
- E) Authorize the General Manager of Ag + Open Space 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.

(Third District)

**Executive Summary:**

The Oken Property is a 76-acre property purchased by the Sonoma County Agricultural Preservation and Open Space District (Ag + Open Space) in 1998 to preserve a portion of the working agricultural lands that make up the community separator between the cities of Rohnert Park and Santa Rosa. [Bratton -attach map showing the property and location.]The property is located along Petaluma Hill Road at the northeastern edge of Rohnert Park, and contains portions of three seasonal drainages. The property is grazed by cattle under a lease agreement with Tom Crane, whose family has grazed the property since before it was acquired by Ag + Open Space.

Ag + Open Space has worked with an ecological consulting firm to prepare a riparian habitat restoration plan for the property, which includes erosion repairs. The construction contract for these repairs was put out to bid on March 11, 2021 in accordance with Ag + Open Space procurement protocols for public works contracts. This item requests approval of a contract with Hanford Applied Restoration & Conservation for \$531,750.00

for construction of the Oken Property Riparian Restoration Project.

**Discussion:**

With the exception of a patch of mature native willow trees near the southern Oken Property ("Property") boundary, the Property's three seasonal drainages are vegetated only by non-native annual grasses and weeds that do not provide any stability for the drainage banks. The Property is subject to flashy, high-volume runoff during rain events, which has created several head cuts - areas along the drainages where erosion is rapidly moving upstream. Year-round access by cattle has also caused significant trampling damage to the drainage banks and prevented the establishment of native woody species that would help to stabilize the soil. The Oken Property Riparian Restoration Project ("Project") is intended to repair and stabilize the head cut areas and revegetate the drainage banks and margins with an appropriate mix of native trees, shrubs, and wetland plants. The Project will reduce sediment transport off the Property, improve the health of the Property's wetlands, protect the Property's agricultural uses, and enhance the Property's habitat functionality.

The Project includes headcut and erosion repairs, including slope recontouring, rock work, and bioengineering repairs, to stop advancing erosion and to reduce the sediment movement on the property, consistent with the plans and specifications on file with the Clerk. The Project will be conducted under permits from State of California Fish and Wildlife, the U.S. Army Corps of Engineers, and the State Water Board. This work was competitively bid in accordance with state law, with assistance from the Sonoma County Water Agency under a professional services agreement for administration of the bidding process and management of the contract. Construction work shall be completed within 80 Days from the date when Contract Time commences to run.

**Competitive process, selection & cost detail**

Project was advertised for bids 03/11/2021

Bids were opened 04/13/2021

Bids for construction of said Project were received on April 13, 2021, as follows:

Hanford Applied Restoration & Conservation; \$531,750

The Engineer's Estimate was; \$250,000

Only one bid was received. The project was advertised in compliance with the CA Public Contract Code. The project manual is provided to builders exchanges and an ad is placed in the Press Democrat. It was also posted on Sonoma Water's website and Ag + Open Space's website. The lowest responsive and responsible bid is from Hanford Applied Restoration & Conservation and is \$281,750.00 above the Engineer's Estimate. Hanford Applied Restoration & Conservation is experienced in this type of construction and met the experience requirements. The Engineer's Estimate was developed in 2018. Since that time, regional contractor rates and materials costs have risen due to a number of factors, including impacts from the 2019 and 2020 wildfires and the Covid-19 pandemic. There would be significant additional administrative costs associated with re-bidding

the project, as well as a risk of a higher bid if put out to bid a second time. Re-bidding the project would also result in delaying implementation until 2022, which would delay and perhaps prevent the concurrent, grant-funded revegetation project being undertaken on the site by the STRAW program. For these reasons, the General Manager recommends awarding the contract to the low bidder and proceeding with construction in summer 2021 as originally planned.

### **Change Orders**

To reduce Project costs, staff recommend that the Board authorize the General Manager to negotiate and execute a no-cost change order providing for a construction cost reduction incentive, which would allow the contractor to propose modifications to the contract that could reduce the total cost of construction. Accepted changes would be implemented via a change order, and would reduce the contractor's price by 50 percent of the net construction cost savings of any change. The General Manager would be the sole judge of the acceptability of a change and of the estimated net savings in construction costs from the adoption of all or any part of such change, and decisions as to acceptance of any such proposal shall be final and shall not be subject to the claim or dispute resolution procedures of the contract.

Staff also request the Board authorize the General Manager to approve change orders to the contract of up to \$50,000 each, including changes to the approved project design, provided (1) the change order doesn't affect the material character of the work and the need for the change order results from unforeseen matters which are discovered after the contract was awarded, (2) such modifications are necessary or advisable to complete the project in a timely and efficient manner and (3) all change orders are in a form approved by County Counsel. In the unlikely event that significant design-related changes are necessary to complete the Project, staff will return to the Board to approve such changes. However, staff request that the Board authorize the General Manager or designee to approve design changes as may be necessary or appropriate in connection with change orders within her authority.

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.

Construction on the Project is scheduled to begin approximately July 19, 2021, with an estimated completion date of October 6, 2021.

We are requesting that the Board take the following actions:

- A) Approve the Project Manual and Drawings ("plans and specifications") entitled "Oken Property Riparian Restoration."
- B) Award the contract to Hanford Applied Restoration & Conservation for construction of Oken Property Riparian Restoration and authorize the Chair to execute the contract in the amount of \$531,750.00.
- C) Authorize General Manager of Ag + Open Space to execute change orders within specified limits,

including a construction cost reduction incentive change order, provided it results in additional savings to Ag + Open Space.

- D) Authorize the General Manager of Ag + Open Space or her designee to approve design changes to the Project as may be necessary or appropriate, subject to specified limits.
- E) Authorize the General Manager of Ag + Open Space 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.

#### Prior Board Actions:

February 4, 2020: Summary Item No. 2, Services Agreement with Sonoma County Water Agency for Public Works Contracting

November 5, 2019: Board Action No. 1, Award of Contract for Construction of Oken Riparian Fencing in the amount of \$82,880 to the Lowest Responsible Bidder, CR Fence Company, Inc.

February 24, 1998: Resolution No. 98-0219, accepting a grant deed for the purchase of approximately 75.8 acres located at 5057 Petaluma Hill Road, Rohnert Park (now known as the Oken Property)

#### FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY 21-22 Projected	FY 22-23 Projected
Budgeted Expenses		486,750	45,000
Additional Appropriation Requested			
<b>Total Expenditures</b>		<b>486,750</b>	<b>45,000</b>
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other		486,750	45,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>		<b>486,750</b>	<b>45,000</b>

#### Narrative Explanation of Fiscal Impacts:

Adequate appropriations are in the FY 21-22 recommended budget and will be included in the FY 22-23 budget.

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


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

N/A

**Attachments:**

1. Oken Riparian Restoration Project Area Map

**Related Items “On File” with the Clerk of the Board:**

1. Project Manual (including agreement) and Drawings