



# Santa Clara Valley Water District

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**File No.:** 18-0097

**Agenda Date:** 4/10/2018

**Item No.:** 3.3.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Cunningham Flood Detention Facility Certification Project, Project No. 40264011, Contract No. C0641 (San Jose) (District 1).

### **RECOMMENDATION:**

- A. Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Cunningham Flood Detention Facility Certification Project per the Notice to Bidders; and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during the bidding process.

### **SUMMARY:**

#### ***Project Background***

The Cunningham Flood Detention Facility Certification Project (Project) is situated within Lake Cunningham Regional Park in the southeast section of San Jose and is just upstream of the District's Lower Silver Creek Flood Protection Project. The park was designed and constructed in accordance with the park's Master Plan originally developed in 1976 by the City of San Jose (City) to function dually as a recreational and flood detention facility. Lower Silver, Flint, and Ruby Creeks flow along the perimeter of the park (Project Location Map, Attachment 2). In 1978, the District entered into a Joint Use Agreement with the City to develop a joint recreational-flood detention facility at the park site.

The park area functions as a detention basin and attenuates the 100-year flood peak flow from upstream. However, the detention facility does not have sufficient freeboard for it to be certified by the Federal Emergency Management Agency (FEMA). In order to meet this objective, the District is proposing to raise the existing levee ranging from 0 to 4 feet high along Capitol Expressway and Cunningham Avenue and adjacent to Lower Silver Creek, and to construct a floodwall ranging from 2 to 4 feet in height along Cunningham Avenue and Flint Creek. These improvements are necessary to satisfy FEMA freeboard requirements for flood protection facilities. Other project elements include in-kind replacement of the existing chain-link fence along Cunningham Avenue park frontage, relocation of an existing trash compactor and greenwaste collection area; removal of concrete slabs at the existing trash compactor and greenwaste collection area, construction of a new pedestrian path, and

regrading of approximately 70 feet of trails near the Lake Cunningham shoreline.

Once completed with these improvements, the District and the City will apply to FEMA to certify the levee and floodwall that would remove about 3,200 parcels from the flood hazard area, eliminating the requirement to purchase flood insurance.

### ***Rights of Way***

The District entered into a Joint Use Agreement in 1978 with the City to develop a joint recreational-flood detention facility at Lake Cunningham Park. The City holds fee title to all the park lands and the District is responsible for maintaining the flood protection infrastructure which includes creeks, levees, and overflow weirs. The City granted the District an easement to all park lands in October 1980. The easement included language that allows the District to take any necessary flood protection measures provided they are compatible with the park uses.

### ***Board Adoption of Plans and Specifications and Addenda Authorization***

Board adoption of plans and specifications and Board authorization to advertise is recommended in order to proceed to bid the Project for construction. Authorizing the Designated Engineer to issue addenda during the bidding allows for modifications to the construction contract documents, if necessary, during the bidding period and before the contract is awarded.

### ***Relevant Prior Board Action(s)***

On January 9, 2018, the Board adopted a resolution adopting the Final IS/MND and Mitigation Monitoring and Reporting Program (MMRP) and approved the Project.

On February 27, 2018 the Board took action to authorize the Chief Executive Officer (CEO) to execute and submit a grant application, including the Supplemental Watershed Agreement No. 3, a component of the application, to the Natural Resources Conservation Service (NRCS). The Board also authorized the CEO, if the NRCS grant is awarded, to accept and execute the grant agreement; sign and submit invoices and requests to NRCS for grant fund disbursements; and to delegate such other authority as is needed to provide management and support services required for performance of the work and administration pursuant to the grant agreement, as deemed necessary and appropriate.

### ***Grant from the United States Natural Resources Conservation Service (NRCS)***

According to the Watershed Protection and Flood Prevention Act (Public Law 83-566) passed in 1954, the United States Department of Agriculture's (USDA) Secretary of Agriculture is authorized to provide financial assistance to state and local governments for projects that protect and restore watersheds up to 250,000 acres. On October 4, 2017, it was announced that the USDA agency, NRCS, would invest \$150 million in 48 new projects.

The District submitted an application for the NRCS grant and will be awarded a total grant amount of

\$4,243,516. The original Watershed Agreement for the Lower Silver Creek Watershed, signed by the District and NRCS, was executed on September 23, 1983 and modified by Watershed Agreements numbered 1 and 2, dated September 27, 1991 and April 16, 2001. The Supplemental Watershed Agreement No. 3, now required with the grant application, is required to document that the Cunningham Flood Detention Certification Project is included in the scope of the Watershed Agreement.

### ***Outreach to Bidders***

As part of the District's customary small and local business outreach, the following routine steps will be taken: the Notice to Bidders (Attachment 1) will be sent to 20 minority business Chambers of Commerce and small business groups. In addition, the Notice will be sent to certified small business contractors and local and regional firms that have the appropriate license for this type of work. The Notice will also be provided to the Santa Clara and San Benito Counties Building and Construction Trades Council, which maintains contacts with at least 500 contractors and 70 union representatives, for distribution to their members.

### ***Next Steps***

If the Board approves the recommendations, staff will proceed to advertise for bids for Project construction. The next Board action is award of the construction contract, tentatively scheduled for June 5, 2018. Project Delivery Process (Attachment 3) highlights the current Project phase and the staff recommendations before the Board.

### **FINANCIAL IMPACT:**

The estimated construction contract cost of the Project is approximately \$4.7 million to \$6 million. As previously stated, the District submitted an application for the NRCS grant and will be awarded a total grant amount of \$4,243,516 towards Project completion. Even without the NRCS grant funds, the Project has adequate funding in the FY18 adjusted budget.

### **CEQA:**

The District is the lead agency under the California Environmental Quality Act for the implementation of the Project. On January 9, 2018, the Board adopted a resolution adopting the Final IS/MND and Mitigation Monitoring and Reporting Program (MMRP) and approved the Project.

Prior to awarding the construction contract, the District will obtain the 401 Water Quality Certification from the San Francisco Regional Water Quality Control Board and a 1600 Streambed Alteration Agreement from the State Department of Fish and Wildlife.

### **ATTACHMENTS:**

Attachment 1: Notice to Bidders  
Attachment 2: Map

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Attachment 3: Project Delivery Process Chart

**UNCLASSIFIED MANAGER:**  
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