



# Santa Clara Valley Water District

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**File No.:** 21-1235

**Agenda Date:** 1/11/2022

**Item No.:** 3.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Notice of Completion of Contract and Acceptance of Work for the Upper Guadalupe River Reach 6 Aquatic Habitat Improvement Project, Graniterock Company, Contractor, Project No. 26154002, Contract No. C0660 (San Jose) (District 6).

### **RECOMMENDATION:**

- A. Accept the work as complete on the Upper Guadalupe River Reach 6 Aquatic Habitat Improvement Project, Graniterock Company, Contractor, Project No. 26154002, Contract No. C0660; and
- B. Direct the Clerk of the Board to sign the Notice of Completion of Contract and Acceptance of Work and submit for recording to the Santa Clara County Clerk-Recorder.

### **SUMMARY:**

The construction contractor, Graniterock Company, has completed construction for the Upper Guadalupe River Reach 6 Aquatic Habitat Improvement Project (Project). The construction contract was awarded in the amount of \$603,050.00 and the final contract amount is \$574,250.00. Subject to any withholds required by law of the contract, acceptance of the work by the Board will allow for the release of \$28,712.50 in retention to the contractor.

### ***Project Background***

In 2001, Santa Clara Valley Water District (Valley Water) approved the Upper Guadalupe River Flood Protection Project (Upper Guadalupe Project) to provide 100-year flood protection along about 6.4 miles of the Guadalupe River, extending from Interstate 280 to Blossom Hill Road, which forms the upstream limit of the river. The U.S Army Corps of Engineers (USACE) is leading the Upper Guadalupe Project and Valley Water is the non-federal or local sponsor. Due to limited federal funding, Valley Water constructed improvements at Reach 6 in 2010 and 2011 to provide capacity to convey the 100-year flow without overtopping of the banks. The Reach 6 improvements were implemented in conformance with approvals issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB), National Marine Fisheries Service (NMFS), USACE Regulatory Division, California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and City of San Jose.

The RWQCB issued waste discharge requirements and water quality certification (Order R2-2003-0115) for the Upper Guadalupe Project in December 2003. Order R2-2003-0115 requires Valley Water to conduct several design improvements studies, including a “Gravel Augmentation Program Study.” The purpose of the gravel augmentation study was to identify reaches that are scouring due to lack of sediment supply, define the reasons for gravel reduction in the system, and develop protocols for improving existing conditions. As part of the study, Valley Water was required to produce a gravel augmentation plan to address gravel shortages, improve aquatic habitats, and improve channel stability in the Upper Guadalupe Project reaches. Valley Water completed the study in September 2013 and has been working with the regulatory agencies on the final design due to the changing channel conditions from winter flows. Construction was scheduled for the summer of 2020, but the Project was deferred to the summer of 2021 due to the Covid-19 pandemic and the ensuing shelter in place restrictions.

**Previous Board Actions**

On March 23, 2021, the Board adopted the plans and specifications and authorized advertisement for bids to construct the Project.

On June 8, 2021, the Board awarded the subject contract to Graniterock Company in the amount of \$603,050.00 and approved a contingency fund of \$60,305.00. The Board authorized the Chief Executive Officer (CEO) or designee to approve individual change orders up to the total amount of the contingency, with the Engineering Unit Manager to approve individual changes up to the contingency amount.

**Contract Change Order**

One (1) contract change order resulting in a net credit of <\$28,800.00> was executed for this contract for non-implementation of a supplemental bid item, Supplemental Bid Item No. 01 Streambed Fill.

The change included:

- A. <\$28,800.00> credit for non-implementation of a supplemental bid item.

Table 1 presents a summary of the construction contract and contingency amounts.

**TABLE 1. SUMMARY OF CONSTRUCTION CONTRACT AMOUNTS**

	<b>Contract Amount</b>	<b>Contingency Amount</b>
<b>Original Contract</b>	\$603,050.00	\$60,305.00
Change Order No. 01 Final (Staff Approved)	<\$28,800.00>	\$0
<b>Final Contract Amount and Remaining Contingency</b>	<b>\$574,250.00</b>	<b>\$60,305.00</b>

### ***Acceptance of the Work and Recording Notice of Completion of Contract***

The California Civil Code allows an owner or agent to execute a Notice of Completion of Contract after acceptance of the work by the Board. The Notice of Completion of Contract and Acceptance of Work is included in Attachment 1. The Designated Engineer has determined that the work has been completed, to the best of her knowledge, in accordance with the plans and specifications, and recommends acceptance. The Designated Engineer's recommendation of construction contract acceptance is included in Attachment 2. The Project Completion Letter is included as Attachment 3. Photos of the completed Project are included in the Construction Summary as Attachment 4.

### ***Construction Contract Retention***

California law requires Valley Water to release contract retention in accordance with certain time frames, which will commence once the Notice of Completion is recorded with the Santa Clara County Clerk-Recorder. Interest payment on retention due to the contractor may be avoided by meeting the requisite deadlines.

Valley Water is currently withholding retention funds totaling five percent (5%) of the contract amount (\$28,712.50) in accordance with the Public Contract Code. Per the construction Contract Documents, Valley Water is required to release retention funds associated with the contract 35 days after recording the Notice of Completion of Contract and Acceptance of Work, subject to any withholds required by law or the contract.

### ***Total Project Expenditures***

As indicated in the Summary of Construction Contract Amounts (Table 1), the original contract amount of \$603,050.00 has been decreased by \$28,800.00 to \$574,250.00, a decrease of approximately 4.7 percent.

### **ENVIRONMENTAL JUSTICE IMPACT:**

There are no Environmental Justice Impacts associated with this item.

### **FINANCIAL IMPACT:**

The Upper Guadalupe River Reach 6, Project No. 26154002 is included in the Five-Year 2022-26 Capital Improvement Program (CIP) and in the FY2021-22 Adopted Budget. The overall total Project cost remains unchanged. Financial costs are detailed in previous sections of this agenda memorandum. The Project is funded through the Safe, Clean Water and Natural Flood Protection Program Fund (Fund 26). No additional funding is recommended.

### **CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a

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potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

- Attachment 1: NOC Contract and Acceptance of Work
- Attachment 2: Construction Contract Acceptance
- Attachment 3: Project Completion Letter
- Attachment 4: Construction Photographs
- Attachment 5: Project Delivery Process Chart

**UNCLASSIFIED MANAGER:**

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