



Santa Clara Valley Water District

File No.: 16-0233

Agenda Date: 5/10/2016

Item No.: 3.7.

BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt Plans and Specifications and Authorize Advertisement for Bids for Construction of the Lower Silver Creek (LSC) Flood Protection and Creek Restoration Project at Dobern Bridge Crossing, No. 40264008, Reach 4, Contract No. C0618 (San Jose).

RECOMMENDATION:

- A. Adopt the plans and specifications and authorize advertisement for bids for the construction of the LSC Flood Protection and Creek Restoration Project at Dobern Bridge Crossing (Project) per the Notice to Bidders, Project No. 40264008, Reach 4; and
- B. Authorize the Designated Engineer to issue addenda, as necessary, during bidding.

SUMMARY:

Project Background

The Lower Silver Creek (LSC) Flood Protection Project is divided into Reaches 1 through 6 (see Project Location Map, Attachment 2). Construction of Reaches 1, 2, and 3 from the Coyote Creek confluence to Interstate 680 were completed in 2005.

Since 2010, with its federal agency partner, the Natural Resources Conservation Service (NRCS), the District has implemented the LSC Flood Protection Project in Reaches 4, 5, and 6 by constructing flood protection improvements along approximately 2.3 miles of LSC from Interstate 680 to Cunningham Avenue. When completed, approximately 1,032 parcels in the surrounding area will be provided flood protection from a one-percent (1%) chance flood event.

Construction of Reaches 4, 5, and 6 was divided into three contracts as 4-5B, 5C-6A, and 6B. Construction of Reach 4-5B, (Interstate 680 to Story Road), was completed by ProVen Management, Inc. in December 2013. Construction of Reach 5C-6A (Story Road to Moss Point Drive) flood protection improvements was completed in November 2015 by ProVen Management, Inc. (PMI). The revegetation portion of this phase of construction is expected to begin in Fall 2016. Reach 6B (Moss Point Drive to Cunningham Avenue) is being constructed by Robert A. Bothman, Inc. (RAB), and is anticipated to be complete by December 2016.

There is an existing pedestrian bridge at Dobern Avenue which must be raised 3.9 feet to integrate with the flood protection improvements to Reaches 4-6. Since the bridge is regularly used by students attending an adjacent neighborhood school, it can only be closed when the school is not in session during the summer recess.

The Project recommended for bid advertisement includes work to raise the existing Bridge; re-establish Americans with Disabilities Act- compliant pedestrian access ramps; construction of channel improvements, including the construction of floodwalls for a current 300-foot gap in completed floodwalls. The District has obtained all necessary regulatory permits for the subject Project.

Construction of the Lower Silver Creek Reach 4-5B began in September 2010. During construction, an approximate 300-foot wide section of the floodwall in the vicinity of the Dobern Bridge had to be delayed due to PG&E's work to relocate three high pressure underground gas mains. During this period, the contractor submitted a change order proposal to design and build the improvements necessary to raise the Bridge, however, District staff determined the cost was too high and this scope was not added to that project.

Also during this same timeframe, the City of San Jose (City) requested that the District include space for a future City trail to be constructed underneath the pedestrian bridge and along the District's right-of-way, at the City's expense. City has agreed to reimburse the District for the design and construction costs associated with this City request to accommodate a future trail. The preparation of a District and City cost sharing agreement is currently underway. Approval of this cost sharing agreement will be in accordance with Board Executive Limitations Policy EL-5.3.2 which authorizes a Board Appointed Officer (BAO) to make: "Financial commitments resulting from an agreement with a governmental agency or regulated utility, including revenue and cost sharing agreements as well as grant matching fund commitments."

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.

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 October 27, 2009, the Board approved a budget adjustment for a sum of \$2.5 million from the Watershed and Stream Stewardship Capital Reserve fund to complete the design, prepare construction contract documents, and provide construction support for the LSC Flood Protection Project Reaches 4,5, and 6.

On November 18, 2009, the District entered into an Agreement with RJA (Consultant) for a negotiated fee of \$1,857,098 to complete the Project civil and structural design for creek improvements in Reaches 4, 5, and 6A. There have been five amendments approved to date for a total Not-to-Exceed amount of \$4,171,109 for this Agreement No. A3322A.

Public Outreach

The District will use a variety of outreach tactics to keep the community informed of the project progress and important milestones. Information will be provided in English and Spanish whenever possible. During the project's design phase, outreach tactics included the project website (www.scvwd.org <<http://www.scvwd.org>>), project brochure, direct mail pieces, community meetings, social media channels (such as Next Door), and media relations.

Prior to and during construction, outreach will be targeted to the surrounding neighborhoods, including the nearby schools whose students currently utilize the existing Dobern Pedestrian Bridge, and include additional tactics such as email updates and potentially a ground-breaking event to acknowledge the construction milestone.

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 14, 2016. If a construction contract is awarded, it may create or sustain approximately 50 - 100 jobs in the community. Project Delivery Process Attachment 3 (Project Delivery Process Schematic) highlights the current Project phase and the staff recommendations before the Board.

FINANCIAL IMPACT:

The estimated construction contract cost for the Project is between \$2 million and \$2.5 million. Adequate funds for the award of a construction contract are included in the Board-adopted Fiscal Year 2015-16 Budget and proposed FY17 Budget.

The District applied for, received, and executed a \$25 million Grant Agreement for the LSC Project from the State of California Department of Water Resources, Agreement No. 4600009640 Proposition 1E Round 1 Stormwater Flood Management Grants California Water Code §83002 and Public Resources Code §5096.827 *et seq.*, District Agreement Number A3614R.

The Grant Agreement allows the District to receive reimbursements for construction expenditures Not

-to-Exceed of \$23,725,178 for Reaches 4-6 eligible construction costs and Not-to-Exceed of \$1,274,822 for eligible Lake Cunningham construction costs. District staff is currently compiling the supporting documents for eligible Project construction costs incurred to date in order to submit the District's initial claim for reimbursement of these construction costs to DWR. Amendment No. 1 to A3614R, approved by the District's Acting Chief Executive Officer on February 8, 2016 extended the Agreement term from June 30, 2016 to December 26, 2016 for Lower Silver Creek (Reaches 4-6) and from June 30, 2016 to December 31, 2018 for the Lake Cunningham Project component, thus allowing the District to submit eligible Project costs for reimbursement from DWR accordingly.

CEQA:

On June 17, 2010, the Board adopted a resolution certifying the Environmental Impact Report (EIR) and adopted Findings of Fact and a Statement of Overriding Considerations regarding the EIR for the Project and adopted a Mitigation Monitoring and Reporting Program.

ATTACHMENTS:

Attachment 1: Notice to Bidders

Attachment 2: Project Location Map

Attachment 3: Project Delivery Process Chart

UNCLASSIFIED MANAGER:

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