



# Santa Clara Valley Water District

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**File No.:** 17-0751

**Agenda Date:** 3/13/2018

**Item No.:** 5.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Amendment No. 3 to Agreement No. A3639A with URS Corporation, a Nevada Corporation dba URS Corporation Americas, for Planning, Environmental, and Design Consultant Services for a Not-to-Exceed Fee of \$3,000,000, Resulting in a Total Not-to-Exceed Fee of \$9,419,000 for the Almaden Dam Improvements Project, Project No. 91854001 (San Jose) (District 1).

### **RECOMMENDATION:**

Approve Amendment No. 3 to Agreement No. A3639A with URS Corporation for Planning, Environmental, and Design Consultant Services for the Almaden Dam Improvements Project for a not-to-exceed fee of \$3,000,000, resulting in a total not-to-exceed fee of \$9,419,000 and to extend the Agreement term.

### **SUMMARY:**

The purpose of the Almaden Dam Improvements Project (Project) is to construct improvements to both the Almaden Dam and the Almaden-Calero Canal (Canal). The improvements for Almaden Dam are currently in the design phase and the planning phase for Canal improvements has recently been completed. The recommended Amendment No. 3 to Agreement A3639A (Agreement) with URS Corporation (Consultant) will extend the term of the Agreement and increase the not-to-exceed fee limit to allow sufficient time and provide additional compensation for the firm to perform additional services as follows:

1. Design of the recommended Canal improvements;
2. Design of potential fish passage at the dam as part of the Almaden Dam improvements; and
3. Expanding environmental assessment and documentation for these added Project components. In addition, to comply with the Santa Clara Valley Habitat Agency (SCVHA) permitting requirements, a reservoir dewatering analysis and monitoring plan will have to be added to the environmental assessment and documentation.

### ***Project Background***

The Almaden Dam and Canal were both constructed in 1935. The Almaden Dam inlet structure has experienced sediment accumulation problems for many years because it was built at the lowest point

in the reservoir. The Almaden Dam's spillway capacity is insufficient to convey the Probable Maximum Flood, and its outlet pipe requires rehabilitation. The District has water rights to annually convey up to 6,000 acre-feet of water from Almaden Reservoir via the Canal to Calero Reservoir to maximize the storage of runoff from the Almaden Watershed. The Canal also exhibits deficiencies of aging infrastructure, including slope instability, accumulated sedimentation, deterioration of the canal lining, and insufficient freeboard.

Capital improvement projects to address operational improvements of Almaden Dam and the Canal were initiated in the early 2000s. These projects were suspended in 2005 when the District established the Dam Safety Program and began assessing seismic stability of all the District's dams. The Seismic Stability Evaluation for Almaden Dam, prepared in 2012, determined that the dam embankment is seismically stable and no seismic remediation work is necessary. The capital improvement efforts to address the above-described deficiencies were re-initiated after this determination.

The Canal improvements were added to the Project because the two facilities are physically interconnected and considered a single entity by environmental regulators. To maximize coordination efforts and minimize time and cost to complete the Project, one consultant was hired to provide planning, design, and environmental assessment and documentation services for this Project.

A fish passage feasibility study was performed in 2016 to support regulatory permitting analyses and to address elements of the 2003 draft initialed settlement agreement for the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE). The study indicated that fish passage improvements may be feasible at Almaden Dam. As Project work progresses, additional geotechnical, design, and environmental analysis would be necessary to address potential fish passage options.

The Santa Clara Valley Habitat Agency (SCVHA) was formed in 2016 to protect various biological species in the region. The agency requires a reservoir dewatering report and three-year monitoring plan to capture the potential impacts to various biological species within the area of potential creek dry-back during construction of the dam improvements. This change will require additional environmental analysis.

### ***Previous Board Actions***

On May 13, 2013, the Board approved Agreement A3639A (Agreement) with the Consultant for a not-to-exceed fee of \$1,654,000 for Almaden Dam planning, environmental assessment and documentation, as well as a preliminary assessment of the Canal's condition and operations.

On July 22, 2014, the Board approved Amendment No.1, which expanded the Agreement scope to include design services for Almaden Dam for an additional not-to-exceed fee of \$2,365,000.

On December 8, 2015, the Board approved Amendment No. 2, which expanded the Agreement scope for planning and environmental assessment and documentation for the Canal for an additional not-to-exceed fee of \$2,400,000. At the time this Amendment was approved, the planning analysis for

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the potential of fish passage and reservoir dewatering had not been completed.

***Consultant Work Performed to Date***

The planning, environmental, and design services Agreement with the Consultant for the Project include the following tasks:

Task 100 - Project Management Services  
Task 200 - Planning Services  
Task 300 - Environmental and Permitting Services  
Task 400 - Design Services  
Task 500 - Supplementary Services

To date, the Consultant has performed the following services:

1. **Almaden Dam:** Completed the dam planning phase work to develop and evaluate alternatives for defining the recommended project; completed fish passage analysis at Almaden Reservoir; drafted a biological study report and initiated preparation of the environmental document; performed two geotechnical design investigation; and drafted design technical memoranda for the preparation of the basis of design report.
2. **Almaden-Calero Canal:** Completed the Canal planning phase work to develop and evaluate alternatives for defining the recommended project.

***Recommended Amendment No. 3 to Agreement No. A3639A***

Staff recommends approval of Amendment No. 3, which will extend the term of the Agreement and increase the not-to-exceed fee limit to allow sufficient time and provide additional compensation for the firm to perform additional services as follows:

1. Design of the recommended Canal improvements;
2. Design of potential fish passage at the dam as part of the Almaden Dam improvements; and
3. Expanding environmental assessment and documentation for these added Project components. In addition, to comply with the Santa Clara Valley Habitat Agency (SCVHA) permitting requirements, a reservoir dewatering analysis and monitoring plan will have to be added to the environmental assessment and documentation.

The current not-to-exceed fee for this Agreement is \$6,419,000. Approval of this proposed Amendment No. 3 would increase the total not-to-exceed fee by \$3,000,000 to a total fee of \$9,419,000. A summary of the tasks and budget from previous amendments and the recommended Amendment No. 3 is presented in Table 1.

**Table 1. Summary of Original Agreement**

**Through Amendment No. 3 Proposed Fees**

Task	Description	Original NTE Fee*	Amendment No. 1 NTE Fee*	Amendment No. 2 NTE Fee*	Amendment No. 3 NTE Fee*	Revised Total Fixed NTE Fee*
100	Project Management Services	\$173,465	\$105,000	\$77,461	\$250,144	\$606,070
200	Planning Services	\$293,321	N/A	\$276,347	N/A	\$569,668
300	Environmental & Permitting Services	\$859,095	N/A	\$820,914	\$629,384	\$2,309,393
400	Design Services	N/A	\$2,260,000	\$461,461	\$1,738,278	\$4,459,739
500	Supplementary Services	\$328,119	N/A	\$763,817	\$382,194	\$1,474,130
<b>Total NTE Amount</b>		<b>\$1,654,000</b>	<b>\$2,365,000</b>	<b>\$2,400,000</b>	<b>\$3,000,000</b>	<b>\$9,419,000</b>

\*NTE = Not-to-Exceed

**Staff Management of Consultant Agreements**

Staff has been monitoring and managing the Consultant's performance to meet the goals and terms of the Agreement. Bi-monthly progress meetings are held with the Consultant to assess progress of the Project. The Consultant is also required to submit detailed monthly progress/status reports with their invoices. District staff reviews and analyzes these reports before approval of any payment to the Consultant.

Additionally, another general requirement of the Consultant per the Agreement is the preparation and implementation of an internal Quality Assurance and Quality Control (QA/QC) Plan for all deliverables transmitted to the District. As part of the deliverable acceptance process, District staff also performs QA/QC reviews of all deliverables received from the Consultant for compliance with Project scope, budget, and schedule.

For this Agreement, key consultant deliverables are subject to additional technical review by the California State Department of Water Resources, Division of Safety of Dams (DSOD) staff.

**Next Steps**

The Project work to be performed in the next several months includes:

1. Complete Phase 3 Geotechnical Investigation for the Canal and fish passage components - April 2018;
2. Complete the Basis of Design - July 2018; and
3. Complete 50% Design - December 2018.

**FINANCIAL IMPACT:**

Amendment No. 3 to Agreement A3639A with URS Corporation for Planning, Environmental, and Design Services for the Almaden Dam Improvements Project will add a not-to-exceed fee of \$3,000,000, resulting in a total not-to-exceed fee of \$9,419,000. The additional fees for this Amendment will be included in the FY 2019 budget process and will be encumbered in FY2019.

**CEQA:**

The recommended action does not constitute a project under the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment. Once project development is complete, a CEQA environmental analysis will be provided for the Board to consider as part of its Project approval process.

**ATTACHMENTS:**

Attachment 1: Amendment No. 3

**UNCLASSIFIED MANAGER:**

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