



# Santa Clara Valley Water District

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**File No.:** 18-0325

**Agenda Date:** 6/12/2018

**Item No.:** 6.1.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Consultant Services Agreement with Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year) (San Jose) (District 2, 3, 4, and 6).

### **RECOMMENDATION:**

Approve the Consultant Services Agreement with Stillwater Sciences, Inc., for Two Years Mitigation Monitoring, Reporting, and Adaptive Management Team Facilitation, for the Downtown and Upper Guadalupe River Projects, Project No. 30151026, for a Not-to-Exceed Amount of \$738,648 (\$369,324 Per Year).

### **SUMMARY:**

#### **Background**

The District and U. S. Army Corps of Engineers (Corps) constructed the downtown and upper Guadalupe River flood projects to provide flood protection in the City of San Jose (not all reaches for the upper project have been constructed). In addition, mitigation for the downtown project was constructed on Guadalupe Creek from Almaden Expressway to Masson Dam. The mitigation monitoring program, required by the projects' regulatory permits, was developed to assess success of the District's mitigation efforts and requires performing monitoring and data analysis for fisheries, vegetation, geomorphology, and water temperature.

Mitigation monitoring and reporting is based on water year (WY): WY 2018 began October 1, 2017 and ends September 30, 2018; WY 2019 will begin October 1, 2018 and end September 30, 2019. The Consultant Agreement schedule will allow for field preparation time prior to the end of WY 2018 (when most monitoring must be completed), annual reporting for both WYs, and the adaptive management team (AMT) meeting after the end of WY 2019.

A mitigation monitoring report (MMR) is prepared annually and submitted to the projects' AMT by March 30 of each year for review. The AMT comprises the District and resource agencies including

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the Corps (District's project partner and co-permittee), US Fish and Wildlife Service, National Marine Fisheries Service, San Francisco Bay Regional Water Quality Control Board, California Department of Fish and Wildlife, City of San Jose, and environmental organizations represented by the Water and Power Law Group. The AMT reviews and comments on the MMR and discusses and votes on recommendations and remedial actions at an annual meeting. Since the projects are adaptively managed by the AMT, decisions are made based on each year's monitoring results then changes to the permit-specified monitoring protocols can occur.

### **Consultant Selection Process**

On January 31, 2018 staff published a Request for Proposals (RFP) for the services and distributed to the District's self-registered list of firms with expertise in Environmental Planning and Management (expertise code "EVII"). The RFP was posted on the District's Contract Administration System internet portal. During the three-week advertisement period, staff issued two addendums to clarify details in the RFP and to respond to questions received from interested consultants. Two proposals were received by the proposal submittal deadline of February 22, 2018.

A Consultant Review Board (CRB), consisting of three District subject matter experts with experience on the Guadalupe River Project's mitigation monitoring program and AMT, evaluated and ranked the two written proposals and conducted an oral interview of the two consultant teams on March 28, 2018. Based on the combined (written and oral) rating scores, the CRB recommended that staff undertake contract negotiations with Stillwater Sciences, the highest rated firm.

On March 29, 2018 staff initiated contract negotiations with Stillwater Sciences.

### **Consultant Agreement and Scope of Services**

Under the Consultant Agreement, Stillwater Sciences will assist with mitigation monitoring for the downtown and upper Guadalupe River flood projects (two projects), and conduct associated support tasks, for WY 2018 and 2019. They will perform fisheries, vegetation, and channel morphology monitoring field work; analyze fisheries, vegetation, channel morphology, and water temperature monitoring results; prepare the annual draft and final MMRs for WY 2018 and 2019; attend and facilitate the annual AMT meetings; quantitatively assess fish passage at a weir that has been hypothesized to limit steelhead and Chinook salmon migration; and support optional MMR and AMT related tasks. Required tasks (Tasks No. 1-7 for both WYs) involve conducting field monitoring, data analysis, reporting, facilitating and presenting results at an annual meeting.

The scope of services of the Consultant Agreement includes several optional tasks in anticipation of AMT decisions at the annual AMT meetings. The need for most of the optional monitoring tasks (Tasks 8-12 for both WYs) depends on AMT voting to end or continue particular monitoring efforts. Other optional tasks are included to facilitate the successful completion of certain monitoring requirements and streamline future monitoring (Tasks 13-14) for both WYs). District approval must be obtained prior to any work on these tasks, and some may ultimately be unnecessary.

Table 1 summarizes the costs for the required and optional tasks in WY 2018 and WY 2019.

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**Table 1. Cost Breakdown for Stillwater Sciences Consultant Agreement**

WY 2018 Required Tasks 1-7	\$256,130
WY 2018 Optional Tasks 8-14	\$113,194
WY 2019 Required Tasks 1-7	\$203,934
<u>WY 2019 Optional Tasks 8-14</u>	<u>\$165,390</u>
Total (Not to Exceed)	\$738,648

**FINANCIAL IMPACT:**

Funding for the Consultant Agreement with Stillwater Sciences is included in the Fiscal Years 2018 and 2019 budgets for the Guadalupe River Mitigation Monitoring Program, Project Number 30151026.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have the potential to result in direct or reasonably foreseeable indirect physical change in the environment.

**ATTACHMENTS:**

Attachment 1: Consultant Agreement

**UNCLASSIFIED MANAGER:**

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