



Santa Clara Valley Water District

File No.: 20-0906

Agenda Date: 10/13/2020

Item No.: 7.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Amendment No. 4 to Agreement No. A3675A with GEI Consultants, Inc., for Planning and Environmental Consultant Services for Calero and Guadalupe Dams Seismic Retrofits Project, Project No. 91084020 (San Jose) (District 1).

RECOMMENDATION:

Approve Amendment No. 4 to Agreement No. A3675A with GEI Consultants, Inc., for Planning and Environmental Consultant Services for Calero and Guadalupe Dams Seismic Retrofits Project, to increase the not-to-exceed fee by \$2,709,970, resulting in a total not-to-exceed fee of \$8,929,811.

SUMMARY:

Valley Water is undertaking the Calero and Guadalupe Dams Seismic Retrofits Project (Project) to address seismic stability deficiencies, rehabilitate aging appurtenant facilities, and to ensure compliance with current dam safety standards. The staff recommended alternatives have been selected for retrofit of the dams and Project design is underway.

Agreement A3675A with GEI Consultants, Inc. (Consultant) includes scope to complete the environmental analysis and documentation to comply with the California Environmental Quality Act (CEQA) and the acquisition of permits for construction. Approval of Amendment No. 4 is recommended in order to increase the not-to-exceed fee so that the Consultant can perform the remaining services described below.

Amendment No. 4 to this Agreement will increase the not-to-exceed fee by \$2,709,970 for the Consultant to perform:

1. Additional project management services during an extended planning and environmental services term;
2. Additional environmental documentation and permit support necessary to address regulatory agency requirements and comments received by Valley Water in 2018, on the Notices of Preparation (NOPs) of Draft Environmental Impact Reports for the two dam projects.
3. Add funds to the Supplemental Services task as previously budgeted funds were expended to perform various needed investigations and analyses.

Project Background and Previous Board Actions

In August 2009, Valley Water retained URS Corporation to perform a Seismic Stability Study (Study) for Calero and Guadalupe Dams. The Study concluded that during a large earthquake, the foundation of the dam could liquefy and the downstream slope of the Calero Dam embankment could become unstable. Similar evaluation of Guadalupe Dam indicated that the dam embankment could experience large deformations leading to excessive cracking of the dam during a large earthquake. Additionally, the study concluded that such an earthquake would also adversely impact Guadalupe Dam's intake structure.

Since 2005, both dams have been operated under reservoir level restrictions which were reviewed and accepted by the California Department of Water Resources, Division of Safety of Dams (DSOD). The reservoir restrictions have been implemented for these dams as interim risk reduction measures while the seismic retrofit projects are being designed.

On August 27, 2013, the Board approved a consultant agreement with GEI Consultants Inc. to perform Planning and Environmental Services for the Project. The resulting Planning Study Reports for Calero Dam and Guadalupe Dam were provided to the Board via non-Agenda Memoranda in June 2015 and December 2015, respectively.

On October 13, 2015, the Board approved a consultant agreement with HDR Engineering Inc. to perform Design Services for the Calero Dam Seismic Retrofit Project. On March 8, 2016, the Board approved a consultant agreement with GEI Consultants Inc. to perform Design Services for the Guadalupe Dam Seismic Retrofit Project.

Consultant Work Performed to Date

The planning and environmental services Agreement for the Calero and Guadalupe Dams includes the following tasks GEI has been performing:

- Task 1 - Project management
- Task 2 - Planning study (engineering planning)
- Task 3 - Environmental documentation and permit support
- Task 4 - Develop on-site borrow and spoil requirements
- Task 5 - Design support
- Task 6 - Supplemental services

The Agreement's planning phase tasks (Tasks 2 and 4) have been completed within their allocated budgets. The key deliverables from these tasks were two Planning Study Reports (one for each dam), which defined the problems, summarized the development and evaluation of Project alternatives, and documented the staff-recommended Alternatives. The Reports were prepared in 2015; both were provided to the Board.

During the planning phase work, field investigations were conducted as a part of Task 3, to collect baseline environmental data information for the environmental impact analysis. The remainder of Task 3 work is the preparation of an Environmental Impact Report for each dam retrofit project and preparation of permit applications. This work is currently underway in parallel with design phase preparation of plans and specifications.

Expanded Project Scope and Schedule

In responding to Valley Water's Notices of Preparation (NOPs) of Draft Environmental Impact Reports (EIRs) for both dams, regulators have required that the EIRs for the projects address the post-construction operations of both dams and reservoirs. These operations (management of water flows) have been identified under the Fisheries and Aquatic Habitat Collaborative Effort (FAHCE) Agreement as well as other non-water-flow FAHCE measures. The original Agreement No. A3675A assumed the EIR would study the impacts of dam construction only, as retrofitting would allow the facilities to return to their previous operations. Comments on the NOPs also emphasized the need to address the fish populations of the creeks below the dams during operations, particularly fish listed as endangered.

Valley Water is currently in the design phase of retrofitting three dams; Anderson Dam, Calero Dam and Guadalupe Dam. The Anderson Dam Seismic Retrofit Project team has been consulting, and negotiating permitting scenarios, with regulators. During these discussions, it has become clear that more rigorous data-gathering surveys related to fisheries, over a number of seasons, will be required for getting enough data to secure permits for the dam seismic retrofits. Temperature, turbidity and other evaluations are also required. These surveys will occur over next 18-24 months, along with further analysis. An 18-month timeframe is estimated to complete securing the necessary permits.

The additional Consultant work for both dams will increase the work effort and extend the time to complete the design phase and environmental documentation and permit acquisition task (Task 3).

Staff Management of Consultant Agreements

Staff has been actively monitoring and managing the Consultant's performance to ensure quality deliverables are produced on time and within budget. Weekly progress meetings and monthly design meetings are held with the Consultant to assess progress of the projects. As generally required in all District consultant agreements, consultants are required to submit detailed monthly progress / status reports with their invoices. These reports are scrutinized by District staff before approval of any payment to the consultants.

Another general requirement in Valley Water's consultant agreements is the consultant's preparation and implementation of an internal Quality Assurance and Quality Control (QA/QC) Plan for all deliverables transmitted to Valley Water. As part of the deliverable acceptance process, Valley Water also performs QA/QC review of all deliverables received from the Consultant for compliance with project scope, budget, and schedule.

For the subject Agreement, the implementation of both the Consultant's and Valley Water's QA/QC processes has ensured that good quality deliverables acceptable to Valley Water and the DSOD are consistently produced by the Consultant.

Amendment No. 4 to Agreement No. A3675A

Amendment No. 1 revised the Agreement to remove conflict of interest restrictions on the planning services consultant which precluded them from submitting a proposal for the design services for Guadalupe Dam. This amendment had no monetary impact and was approved by the CEO on June 11, 2015.

Amendment No. 2 revised the Agreement to incorporate in the Project scope additional findings of deficiencies at both Calero and Guadalupe Dams and design of a new outlet pipe in a tunnel and new spillways. The amendment extended the term by three years and added a not-to-exceed fee of \$1,316,011 to the Agreement. The amendment was approved by the Board on April 25, 2017.

Amendment No. 3 revised the Agreement to incorporate administrative updates and extended the term by three years to May 31, 2023. A three-year extension was necessary to complete the CEQA documents (estimated to be a two-year process) and for permit acquisition (estimated to be a one-and a half year process, with some overlap with CEQA document preparation activity). This was a "time only amendment" with the budget for the time extension and additional scope of work planned to be incorporated in a future Amendment No. 4 to the Agreement after sequencing of other dam retrofits was confirmed by management.

Staff recommends approval of Amendment No. 4, which will increase the fees for project management, environmental documentation, permit acquisition support, and supplemental services tasks. The total not-to-exceed fee for Amendment No. 4 is \$2,709,970. The tasks and the not-to-exceed additional fees are summarized below:

- Additional project management services for three years to manage the completion of the CEQA documents as well as acquisition of permits. (Task 1: \$368,904)
- As a result of unforeseen changes in Project development during the planning phase, delays in Project design, regulatory agency input, and recent changes to the CEQA guidelines, staff determined that additional environmental document preparation and review cycles were necessary to complete the CEQA process. (Task 3: \$841,066)
- Increase in the Supplemental Services budget to support additional environmental and engineering analysis and documentation that may be necessary to complete the CEQA and permitting process. The original fee for Supplemental Services was expended during the planning phase work to pay for additional investigation and analysis of Calero Pond; Calero Dam flood routing evaluation; preparation of design-level geotechnical investigation work plans for both Calero and Guadalupe Dams; biological and cultural surveys and analyses; Treatment options and other studies and investigations for the Bailey Fellows House historic structure relocation; and Calero Dam Benefit Cost Analysis studies. (Task 6: \$1,500,000)

The current not-to-exceed fee for this Agreement is \$6,219,841. Approval of this proposed amendment would increase the not-to-exceed fee to \$8,929,811. A summary of the tasks and fees for the proposed amendment is presented in Table 3.

Table 3 - Summary of Tasks and Fees for Amendment No.4

| Task | Description | Original NTE* Fee | Amendment No. 1 NTE Fee | Amendment No. 2 NTE Fee | Amendment No. 3 NTE Fee | Amendment No. 4 NTE Fee | Revised NTE Fee |
|----------------------|--|--------------------|-------------------------|-------------------------|-------------------------|-------------------------|--------------------|
| 1 | Project Management | \$559,722 | - | \$420,921 | - | \$368,904 | \$1,349,547 |
| 2 | Planning Study | \$1,642,112 | - | - | - | - | \$1,642,112 |
| 3 | Environmental Documentation and Permit Support | \$1,529,310 | - | \$279,052 | - | \$841,066 | \$2,649,428 |
| 4 | Develop On-Site Borrow and Spoil Requirements | \$360,862 | - | - | - | - | \$360,862 |
| 5 | Design Support | \$120,339 | - | \$16,038 | - | - | \$136,377 |
| 6 | Supplemental Services | \$691,485 | - | \$600,000 | - | \$1,500,000 | \$2,791,485 |
| Total NTE Fee | | \$4,903,830 | \$0 | \$1,316,011 | \$0 | \$2,709,970 | \$8,929,811 |

* Not-to-Exceed

FINANCIAL IMPACT:

The current total Project cost for planning, environmental documentation, design, and construction of both the Calero and Guadalupe Dams is approximately \$260 million. The not-to-exceed fee increase of \$2.7 million for this amendment 4 has been included in the FY2021 - 25 Capital Improvement Program for this Project. There are adequate funds in the Board-adopted FY2020-21 Budget to encumber \$1.35 million for planning and environmental services in the current fiscal year. The remaining amount of \$1.35 million will be budgeted and encumbered in FY2021-22.

CEQA:

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

ATTACHMENTS:

Attachment 1: Amendment No. 4

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UNCLASSIFIED MANAGER:

Christopher Hakes, 408-630-3796