



Legislation Details (With Board Report)

File #: A 20-494 **Name:** a. Approve Amendment No. 5 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration

Type: BoS Agreement **Status:** Passed - RMA Administration

File created: 11/18/2020 **In control:** Board of Supervisors

On agenda: 12/1/2020 **Final action:** 12/1/2020

Title: a. Approve Amendment No. 5 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$29,000, for a total amount not to exceed \$1,683,896, with no extension to the term from April 13, 2016 to December 31, 2022; and
 b. Authorize the Director of Housing and Community Development to execute Amendment No. 5 and up to two (2) future amendments where the amendments do not significantly alter the scope of work or increase the approved Agreement amount, subject to the review and approval of the Office of County Counsel as to form.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Summary of PSA-reh102920, 3. Attachment B-Summary of PSA Annual Expenditures, 4. Attachment C-Amendment No. 5 to PSA, 5. Attachment D-Amendment No. 4 to PSA, 6. Attachment E-Amendment No. 3 to PSA, 7. Attachment F-Amendment No. 2 to PSA, 8. Attachment G-Amendment No. 1 to PSA, 9. Attachment H-PSA, 10. Item No. 42 Completed Board Order

Date	Ver.	Action By	Action	Result
12/1/2020	1	Board of Supervisors		

a. Approve Amendment No. 5 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$29,000, for a total amount not to exceed \$1,683,896, with no extension to the term from April 13, 2016 to December 31, 2022; and
 b. Authorize the Director of Housing and Community Development to execute Amendment No. 5 and up to two (2) future amendments where the amendments do not significantly alter the scope of work or increase the approved Agreement amount, subject to the review and approval of the Office of County Counsel as to form.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve Amendment No. 5 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to include additional services associated with the completion of the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project, to increase the not-to-exceed amount by \$29,000, for a total amount not to exceed \$1,683,896 ,with no extension to the term from April 13, 2016 to December 31, 2022; and

b. Authorize the Director of Housing and Community Development to execute Amendment No. 5 and up to two (2) future amendments where the amendments do not significantly alter the scope of work or increase the approved Agreement amount, subject to the review and approval of the Office of the County Counsel as to form.

SUMMARY/DISCUSSION:

The Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project (Project) is a comprehensive effort to improve flood control and restore native riparian habitat, floodplain habitat, and hydrologic function to a portion of the lower floodplain along the Carmel River. Key aspects of the project are to: 1) Create notches in the levees along the south bank of the lower Carmel River, 2) Restore the south lower Carmel River floodplain, and 3) Build a causeway under highway 1, connecting the south lower Carmel River Floodplain with the south arm of the Carmel Lagoon. The CRFREE Environmental Impact Report (EIR) was certified by the Board of Supervisors January 28, 2020. The Project is currently in a design phase. Consultants are working to create the 90%-100% final project design, which includes the causeway design and the floodplain restoration design.

Due to the latest requirements from the California Department of Transportation (Caltrans), the County of Monterey Housing and Community Development Department (formerly Resource Management Agency) has identified a need for Whitson and Associates, Inc. dba Whitson Engineers (Whitson) to update the scope of the Professional Services Agreement (PSA) for the Project's Final Design to include a site-specific response analysis and develop site-specific acceleration response spectral (ARS) curves for the Project. The proposed Amendment No. 5 to the PSA will add Task 7, Site-Specific ARS Curves, to the existing scope. Previously, Caltrans review staff agreed to the use of standard ARS curves, and these were used to develop the bridge structural calculations during the 60% Design of the Project. During recent coordination, Caltrans staff indicated they will require site-specific curves be developed for the Project. Whitson anticipates the site-specific curves will be lower than the standard curves, and the already-completed structural calculations for the causeway bridge will need to be updated.

If approved, Amendment No. 5 will increase the not-to-exceed amount of \$1,654,896 by \$29,000, for a total amount not to exceed \$1,683,896, with no extension to the PSA term from April 13, 2016 to December 31, 2022.

Attachment A provides a summary of the PSA to date; Attachment B provides a summary of the PSA current annual expenditures and balance. Attachment C is the proposed Amendment No. 5. Attachments D through H provide Amendment Nos. 1 through 4 and the PSA.

Staff requests the Board approve Amendment No. 5 to PSA with Whitson, increasing the not-to-exceed amount by \$29,000, for a total agreement amount not to exceed \$1,683,896, to allow Whitson to complete an added task of developing site-specific acceleration response spectral (ARS) curves to meet Caltrans' requirements for the CRFREE Project.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel and Auditor-Controller have reviewed and approved Amendment No.5 as to form and fiscal provisions, respectively.

FINANCING:

Invoices submitted by Whitson to the County for payment will result in a temporary impact cashflow in the Facility Master Plan Projects Fund, Fund 404, Appropriation Unit RMA015; the County, in turn, will submit approved invoices to the grantor for reimbursement. Adequate existing funds are available in Fiscal Year (FY)

2020-21 Adopted Budget, Facility Master Plan Projects Fund, Fund 404, Appropriation Unit RMA015. Any expenditure balance associated with Amendment No. 5 will be budgeted in Fiscal Year 2021-22.

BOARD OF SUPERVISORS' STRATEGIC INITIATIVES:

If approved, the recommended action supports the Board of Supervisors' Strategic Initiatives for Economic Development, Infrastructure, and Health and Human Services. This action represents effective, timely response to Housing and Community Development customers. When complete, the CRFREE Project will positively impact the area's revenue base by reducing flood risk to the residential and commercial development north of the Carmel River, improving habitat for wildlife, and providing walking trails for the public.

- Economic Development
Administration
- Health & Human Services
- Infrastructure
Public Safety

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Reviewed by: Melanie Beretti, Housing and Special Programs Manager

Approved by: Carl P. Holm, AICP, Director of Housing and Community Development

Attachments:

Attachment A-Summary of PSA

Attachment B-Summary of PSA Annual Expenditures and Balance

Attachment C-Amendment No. 5 to PSA

Attachment D-Amendment No. 4 to PSA

Attachment E-Amendment No. 3 to PSA

Attachment F-Amendment No. 2 to PSA

Attachment G-Amendment No. 1 to PSA

Attachment H-PSA

(Attachments are on file with the Clerk of the Board)