



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: A 20-106 **Name:** a. Approve Amendment No. 4 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to update remaining tasks and add new services associated with the Carmel River Floodplain Restoration and Environmental Enh

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

File created: 4/27/2020 **In control:** Board of Supervisors

On agenda: 5/19/2020 **Final action:** 5/19/2020

Title: a. Approve Amendment No. 4 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to update remaining tasks and add new services associated with the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project to update the Fee Schedule; reallocate \$493,091 in unused funding to finance expanded existing and new tasks; and increase the not-to-exceed amount of \$1,169,987 by \$484,909, for a total amount not to exceed \$1,654,896, with no extension to the Agreement term of April 13, 2016 through December 31, 2022;
b. Authorize the Resource Management Agency Director to execute Amendment No. 4 and up to three future amendments where the amendments do not significantly alter the scope of work or change the approved Agreement amount, subject to review and approval of County Counsel as to form.
c. Approve and Authorize the Resource Management Agency Director to execute Grant Agreement #0318.19.065984 with the National Fish and Wildlife Foundation to provide grant funding for the CRFREE Project for a total award of \$300,243 and performance period of December 2, 2019 through June 1, 2021.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-CRFREE Project Overview, 3. Attachment B-NFWF Agreement 031819065984, 4. Attachment C-Summary of PSA, 5. Attachment D-Summary of Expenditures and Balance, 6. Attachment E-Amendment No. 4 to PSA, 7. Attachment F-Amendment No. 3 to PSA, 8. Attachment G-Amendment No. 2 to PSA, 9. Attachment H-Amendment No. 1 to PSA, 10. Attachment I-PSA, 11. Item No. 49 Completed Board Order

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------|--------|
| 5/19/2020 | 1 | Board of Supervisors | | |

a. Approve Amendment No. 4 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to update remaining tasks and add new services associated with the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project to update the Fee Schedule; reallocate \$493,091 in unused funding to finance expanded existing and new tasks; and increase the not-to-exceed amount of \$1,169,987 by \$484,909, for a total amount not to exceed \$1,654,896, with no extension to the Agreement term of April 13, 2016 through December 31, 2022;
b. Authorize the Resource Management Agency Director to execute Amendment No. 4 and up to three future amendments where the amendments do not significantly alter the scope of work or change the approved Agreement amount, subject to review and approval of County Counsel as to form.
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RECOMMENDATION:

- a. Approve Amendment No. 4 to Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers to update remaining tasks and add new services associated with the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project to update the Fee Schedule; reallocate \$493,091 in unused funding to finance expanded existing and new tasks; and increase the not-to-exceed amount of \$1,169,987 by \$484,909, for a total amount not to exceed \$1,654,896, with no extension to the Agreement term of April 13, 2016 through December 31, 2022;
- b. Authorize the Resource Management Agency Director to execute Amendment No. 4 and up to three future amendments where the amendments do not significantly alter the scope of work or change the approved Agreement amount, subject to review and approval of County Counsel as to form.
- c. Approve and Authorize the Resource Management Agency Director to execute Grant Agreement #0318.19.065984 with the National Fish and Wildlife Foundation to provide grant funding for the CRFREE Project for a total award of \$300,243 and performance period of December 2, 2019 through June 1, 2021.

SUMMARY/DISCUSSION:

In April 2016, the County of Monterey (Resource Management Agency) entered into Professional Services Agreement No. A-13085 with Whitson and Associates, Inc. dba Whitson Engineers (PSA) to complete the Final Design of the Carmel River Floodplain Restoration and Environmental Enhancement (CRFREE) Project. The CRFREE 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. Due to extensive, ongoing coordination with adjacent landowners and regulatory agencies, the Project has experienced delays. Additionally, a need to update the scope of the CRFREE Project's Final Design to include a design for the Causeway, Well, and Right-of-Way (ROW), has been identified.

In March 2018, the PSA with Whitson Engineers was amended to include additional services for the comprehensive evaluation of CRFREE Project alternatives and potential impacts to complete the Final Design of the Project. The proposed Amendment No. 4 to the PSA will allow for updates to current tasks and addition of new services associated with design of the Causeway, Well, and ROW. Amendment No. 4 also provides an update to the Fee Schedule, reallocates \$493,091 of unused fund balance, and increases the not-to-exceed amount of the Agreement by \$484,909, for a total amount not to exceed \$1,654,896, with no extension to the Agreement term.

The Resource Management Agency (RMA) was recently notified of a \$300,243 Grant Award from the National Fish and Wildlife Foundation (NFWF) to design 1) the removal of levee sections along the south bank of the Carmel River to construct a causeway that will allow redirected floodwaters to flow under the State Route 1 embankment to reduce flood risk, and 2) a mosaic of wetland, riparian, and upland habitats across the site providing foraging, nesting, and breeding habitat for birds and other wildlife. Acceptance of this NFWF grant will provide funding for the expanded consultant services for the final design of the CRFREE Project. Funds remaining from a Department of Water Resources Flood Corridor grant award, in the amount of \$212,940, will augment the NFWF grant funds, for a total of \$513,183, which will completely offset the \$484,909 increase associated with proposed Amendment No. 4.

Attachment A provides an overview of the CRFREE Project including its two main interdependent components (floodplain restoration and causeway), implementation schedule, California Environmental Quality Act (CEQA) status, and financing. Attachment B is the NFWF Grant Agreement 0318.19.065984. Attachments C and D provide the Summary of the PSA with Whitson Engineers and Annual Expenditures and Balance. Attachment E is the proposed Amendment No. 4. Attachments F through I provide Amendment Nos. 1 through 3 and the PSA.

RMA requests the Board of Supervisors approve and authorize the RMA Director to execute on behalf of the County Amendment No. 4 to the Agreement with Whitson Engineers and the Grant Agreement with NFWF to provide both essential consultant services and additional funding to complete the final Project Design.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel and Auditor-Controller reviewed and approved Amendment No. 4 as to form and fiscal provisions, respectively.

FINANCING:

The NFWF grant monies in the amount of \$300,243, augmented by the remaining funds, in the amount of \$212,940, from a Department of Water Resources Flood Corridor grant award, for a total of \$513,183, will completely offset the \$484,909 increase associated with Amendment No. 4. Invoices submitted by Whitson to the County for payment will result in a temporary impact to cash 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 the Fiscal Year (FY) 2019-20 Adopted Budget, Facility Master Plan Projects Fund, Fund 404, Appropriation Unit RMA015. The balance of expenditures associated with Amendment No. 4 will be budgeted in future fiscal years.

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 Resource Management Agency customers. Amendment No. 4 will allow for completion of the Final Project Design. 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

Prepared by: Karen Riley-Olms, Management Analyst II (831) 755-5132
Reviewed by: Melanie Beretti, RMA Property Administration/Special Programs Manager
Approved by: Shawne E. Ellerbee, RMA Deputy Director of Administrative Services
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

- Attachment A-CRFREE Project Overview
 - Attachment B-National Fish and Wildlife Foundation Grant Agreement 0318.19.065984
 - Attachment C-Summary of PSA
 - Attachment D-Summary of PSA Annual Expenditures and Balance
 - Attachment E-Proposed Amendment No. 4 to PSA
 - Attachment F-Amendment No. 3 to PSA
 - Attachment G-Amendment No. 2 to PSA
 - Attachment H-Amendment No. 1 to PSA
 - Attachment I-PSA
- (Attachments are on file with the Clerk of the Board)