



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: PW/Flood Control
Department No.: 054
For Agenda Of: December 6, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Scott D. McGolpin, Public Works Director, (805)568-3010
Director(s)
Contact Walter Rubalcava, Deputy-Director, Water Resources, (805) 568-3436
Info:

SUBJECT: Amendments to the Agreements for Services of Independent Contractor with Bengal Engineering and Hamner, Jewell & Associates for the Lower Mission Creek Flood Control Project Reach 4, First Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to Form: Yes

Recommended Actions:

That the Board of Directors:

- a) Approve and authorize the Chair to execute Amendment No. 3 to the Agreement for Services of Independent Contractor with Bengal Engineering (a local vendor) to provide engineering design services for the Lower Mission Creek Flood Control Project, Reaches 3 and 4 (BC 17-117), extending the term from December 31, 2022 to December 31, 2024, and increasing the contract amount from \$434,545 to a not to exceed limit of \$493,791, an increase of \$59,246, and updating the Fee Schedule to reflect current year rates.;
- b) Authorize an increase of \$5,924.60 to the contingency amount of \$43,454.50 to a total contingency amount of \$49,379.10 to the Agreement for Services with Bengal Engineering for additional work that may be needed to complete the project and authorize the Public Works Director or designee to extend the term of the Agreement by up to two additional years to December 31, 2026 to complete the work within the Scope of the Agreement;
- c) Approve and authorize the Chair to execute Amendment No. 1 to the Agreement for Services of Independent Contractor with Beacon Integrated Professional Resources DBA: Hamner, Jewell & Associates (a Tri-County vendor) to provide real property services for the Lower Mission Creek

Flood Control Project, Reach 4 (BC 20-123), extending the term from June 30, 2023 to December 31, 2024, increasing the contract amount from \$130,000 to a not to exceed limit of \$228,100, an increase of \$98,100, adding a clause delegating authority to approve future Immaterial Changes, and updating the Fee Schedule to current year rates;

- d) Authorize an increase of \$9,810 to the contingency amount of \$13,000 to a total contingency amount of \$22,810 to the Agreement for Services with Hamner, Jewell & Associates for additional work that may be needed to complete the project and authorize the Public Works Director or designee to extend the term of the Agreement by up to two additional years to December 31, 2026 to complete the work within the Scope of the Agreement; and
- e) Find that pursuant to the California Environmental Quality Act Guidelines section 15162, no substantial changes are proposed. There are no substantial changes in circumstances and no new information of substantial importance has come to light regarding environmental effects of the project or feasibility of mitigation measures and, therefore, this action is within the scope of the project covered by the Environmental Impact Report/Environmental Impact Statement for the Lower Mission Creek Flood Control Project as well as the Findings, and Statement of Overriding Considerations approved and adopted by the Board on May 10, 2011, and therefore, no subsequent environmental document is required. The Findings, Statement of Overriding Considerations, Environmental Impact Report/Environmental Impact Statement, and associated information can be found at: <http://santabarbara.legistar.com/LegislationDetail.aspx?ID=874496&GUID=D14C4C9B-DEDF-48CB-AB30-D52A228FB5A2>.

Summary Text:

This item is on the agenda in order to approve Amendment No. 3 to the agreement with Bengal Engineering for engineering design services for work necessary to complete the Lower Mission Creek Flood Control Project, Reach 4 (Attachment A) and Amendment No. 1 to the agreement with Hamner, Jewell & Associates for real property services for work necessary to complete the Lower Mission Creek Flood Control Project, Reach 4 (Attachment B). This project is located in the City of Santa Barbara (City).

On August 23, 2016, the Board entered into an agreement with Bengal Engineering to perform engineering design services for the Lower Mission Creek Flood Control Project, Reaches 3 & 4 (Attachment C), in the amount of \$362,575, with a term expiring on December 31, 2018. The Board has subsequently approved two Amendments (Attachment D) to the agreement, increasing the authorized not to exceed cost limit of \$434,545 and extending the expiration date to December 31, 2022.

The engineering design plans and specifications for Reach 3 were completed by Bengal Engineering in 2021 and construction of Reach 3 was completed in March 2022. Bengal Engineering is currently developing design plans and specifications for the Lower Mission Creek Flood Control Project, Reach 4. Due to delays in the project beyond Bengal's control, design revisions requested by the District, and more complex real property acquisitions than originally anticipated, an increase in budget and an extension of the expiration date to the design contract is necessary to complete the design of Reach 4.

On August 18, 2020, the Board entered into an agreement with Hamner, Jewell & Associates for real property services for Reach 4 of the Lower Mission Creek Project (Attachment E), in the amount of \$130,000 and a term expiring on June 30, 2023. Hamner, Jewell & Associates is actively coordinating and negotiating easement acquisitions necessary for the construction of Reach 4 of the Lower Mission Creek Flood Control Project. To date, easements across two of nine properties (consisting of two temporary construction easements, one temporary access easement and 1 permanent easement) have been obtained. Delays in the project beyond Hamner, Jewell & Associates’ control, additional expenses outside of the original scope of work, including updating easement appraisals, require an increase in budget and an extension of the expiration date to the real property services contract in order to complete the easement acquisitions for Reach 4.

Background:

The Lower Mission Creek Flood Control Project is a federal, U.S. Army Corps of Engineers project and has been under development since the 1960s. The City and the District, acting as local sponsors for the federal project, worked with the community in the 1990s to develop the current project that addresses the flood control concerns and environmental issues.

In 2001, the City certified the EIR/EIS and approved the project for Lower Mission Creek, as did the U.S Army Corps of Engineers subsequent to the City’s approval. Since that time, federal funding for construction has not come forward and the City and the District have been working on finding opportunities to construct elements of the project as funding options arise. To date, the following project elements have been completed:

<u>Flood Control District Work</u>	<u>City Work</u>
Union Pacific Railroad Culvert work	Haley – De La Vina Bridge
Reach 1A-1	Ortega Street Bridge
Reach 1A-2	Cota Street Bridge
Reach 1B	Mason Street Bridge
Reach 2A	Gutierrez Street Bridge
Reach 2B-1	Chapala Street Bridge
Reach 2B-2	Cabrillo Blvd Bridge
Reach 3	De La Guerra Street Bridge

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
South Coast FZ			\$173,081
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ 173,081

Narrative:

Costs for this project was included in the adopted FY 2022-23 budget in the Water Resources Division of the Public Works Department as shown on page D-424 in the budget book. These amendments increase the costs an additional \$173,081 towards the design and property acquisition for this phase of the project. No General Fund monies will be utilized by this project.

This project is also included in the County's Capital Improvement Program.

Special Instructions:

Direct the Clerk of the Board to return one original signature page of Amendment No. 3 to the Bengal Engineering Agreement, one original signature page of Amendment No. 1 to the Hamner, Jewell & Associates Agreement, and a copy of the minute order of these actions to the Flood Control Office, Attn: Christina Lopez.

Attachments:

- Attachment A: Amendment No. 3 to Agreement for Services of Independent Contractor with Bengal Engineering for the Lower Mission Creek Flood Control Project, Reaches 3 and 4 (one original agreement and one signature page)
- Attachment B: Amendment No. 1 to Agreement for Services of Independent Contractor with Beacon Integrated Professional Resources DBA: Hamner, Jewell & Associates for the Lower Mission Creek Flood Control Project, Reach 4 (one original agreement and one signature page)
- Attachment C: Copy of the Agreement for Services of Independent Contractor with Bengal Engineering for the Lower Mission Creek Flood Control Project, Reaches 3 and 4 (BC 17-117)
- Attachment D: Copies of Amendment Nos. 1 and 2 to Agreement for Services of Independent Contractor with Bengal Engineering for the Lower Mission Creek Flood Project
- Attachment E: Copy of the Agreement for Services of Independent Contractor with Beacon Integrated Professional Resources DBA: Hamner, Jewell & Associates for the Lower Mission Creek Flood Control Project, Reach 4 (BC 20-123)

Authored by:

Erik Adelman, PE, Civil Engineer Specialist, (805) 884-8074

Exhibit A

