



Midpeninsula Regional  
Open Space District

R-19-118  
Meeting 19-22  
August 28, 2019

## AGENDA ITEM 12

### AGENDA ITEM

Contract Change Order with Graniterock Company to Construct the Mud Lake Improvements as part of the larger Bear Creek Redwoods Public Access Project

### GENERAL MANAGER'S RECOMMENDATIONS *den*

1. Authorize a contract change order for the base amount of \$356,489 with Graniterock Company of Watsonville, California to construct the Mud Lake Improvements as part of the larger Bear Creek Redwood Public Access Project, bringing the total contract amount to \$4,231,825.
2. Authorize a 15% contingency of \$53,474 to cover unforeseen conditions related to the Mud Lake Improvements, for a total contract change order of \$409,963 and total not-to-exceed contract amount of \$4,285,299.

### SUMMARY

The General Manager recommends increasing the contract with Graniterock Company (Graniterock) using a standard change order by an additional \$356,489 and authorizing a 15 % contingency of \$53,474, for a new, not-to-exceed contract amount of \$4,285,299 to complete the Mud Lake Improvements Project. Graniterock constructed the Bear Creek Redwoods Public Access Project (Public Access Project) and will remain on site through September completing miscellaneous remaining construction items. The existing Mud Lake stormwater drainage system located just west of the new parking area and Bear Creek Road is collapsed and cutoff from the historic outlet at Briggs Creek, which could potentially cause flood damage to the recently constructed Upper Lake Loop Trail and remnant historic shrine during the rainy season. The Mud Lake Improvements Project (Project) will replace the entire existing degraded drainage system. Recent approval of State and Federal permits for the Project allows for construction to begin in September 2019 and be completed by November 2019. Executing a change order with Graniterock is the most cost effective and timely means for implementing this project before the rainy season because the contractor already has workers and equipment mobilized onsite. Therefore, the General Manager recommends increasing the contract with Graniterock to complete the Mud Lake Improvements Project. Construction would start and finish within Fiscal Year (FY) 2019-20. Sufficient funds are included in the FY2019-20 adopted budget.

### BACKGROUND

In April 2018, the Board of Directors (Board) awarded a contract to Graniterock for the construction of the Public Access Project at Bear Creek Redwoods Open Space Preserve (Preserve) to open the western area of the Preserve to public access (R-18-39). Substantial

completion of the Public Access Project occurred in June 2019, with punch-list items anticipated to be completed in early September.

Mud Lake is one of three water bodies (Upper Lake, Lower Lake, Mud Lake) in the Preserve. The Preserve Ponds Assessment and Management Plan (Ponds Management Plan) evaluated the existing Mud Lake stormwater drainage infrastructure and found that the existing system consists of an undersized and partially collapsed outlet pipe in the Mud Lake berm, a failing culvert under Bear Creek Road that threatens the stability of the road, and a 325-foot long collapsed culvert system that parallels Bear Creek Road before daylighting into Briggs Creek. The Ponds Management Plan recommends the complete replacement of the infrastructure.

Consistent with the Ponds Management Plan recommendation, the Mud Lake Project would restore drainage from Mud Lake through a repaired lake outlet, reconstructed rock spillway and channel, a new culvert under Bear Creek Road, and a culvert system that replaces the existing collapsed and non-functioning culvert system. The Project would also improve the conditions in the outlet channel into Briggs Creek to a less erosive condition (Attachments 1 and 2).

In April 2017, the District initiated permitting consultation with the United States Army Corps of Engineers (USACE), California Department of Fish & Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) for the Project. A jurisdictional delineation study was completed for the project site in July 2018 by Rincon Consultants. The study confirmed that the majority of the Project fell within jurisdictional areas, requiring State and Federal permitting review and approval. Permit applications were submitted in August 2018.

A portion of the Mud Lake drainage system runs underneath the Upper Lake Loop Trail. In November 2018, the District issued a change order to the Public Access Project contract authorizing Graniterock to install portions of the Mud Lake Project's storm water drainage infrastructure under the Upper Lake Loop Trail. The change order work included 200 linear feet of 24-inch reinforced concrete pipe (RCP) and two drop inlets. These specific components were installed early to eliminate construction related damage to the Upper Lake Loop Trail, and to minimize impacts to public access around Upper Lake during construction. The pipe alignment within this section of the Project area is not considered jurisdictional, which allowed for its placement prior to the issuance of permits, and before installation of the trail.

During the 2018 rainy season while the Public Access Project was actively underway, it was observed that overflow from Mud Lake eroded the berm, eventually building up in a retention basin between Bear Creek Road and the historic shrine. As the collapsed culvert no longer allows for flow to Briggs Creek, stormwater flooded the historic shrine area and portions of the Upper Lake Loop Trail before overflowing into Upper Lake. Completion of the Project before the upcoming winter wet season is critical to stabilize the Mud Lake outlet, avoid undercutting and destabilizing Bear Creek Road, and reduce the flooding hazard around the historic shrine and Upper Lake Loop Trail.

## **DISCUSSION**

The District received the USACE Section 404 and CDFW 1600 permits in July 2019, and the RWQCB Section 401 permit in August 2019 for the Project. Issuance of the jurisdictional permits allows Project construction to begin in September 2019. Permit conditions require that

all construction work within jurisdictional areas be completed by October 15 to avoid the winter wet season.

Executing a change order to Graniterock is the most timely and cost effective means to meet the permit conditions and complete construction prior to the upcoming rainy season. The contractor already has workers and equipment mobilized onsite and has constructed a portion of the Mud Lake Project underneath the Upper Lake Loop Trail.

The General Manager recommends amending the contract with Graniterock to complete the Mud Lake Improvements Project. The scope of work under the recommended contract amendment includes the following:

- 200 linear feet of 24-inch storm water culverts
- Two drop inlets
- 60 linear feet of 24-inch storm water culvert under Bear Creek Road
- Removal and replacement of the Mud Lake outlet spillway, including a 60-foot rocked overflow spillway
- Two stormwater inlet trash racks
- Paving repair to Bear Creek Road
- Tree protection and erosion control measures
- Traffic control on Bear Creek Road

The proposed change order amount is \$356,489. Staff is requesting a 15% contingency of \$53,474 to cover unforeseen conditions due to the uncertainty of underground excavation work in an area that has a long history of human use and disturbance. The total contract change order amount is \$409,963.

## FISCAL IMPACT

The FY2019-20 adopted budget includes \$393,393 for the Bear Creek Redwoods Ponds Restoration and Water Rights project MAA21-008. There are sufficient funds in the project budget to cover the recommended action and expenditures, excluding the contingency. Staff will monitor project costs and if necessary, bring a budget amendment to the Board at a future date.

Construction will be provided in part by an outside funding source. On April 10, 2019, the Board passed a resolution to accept grant funding, which was awarded under the California River Parkways Grant Program – Proposition 68 to offset a majority of the construction costs for the Mud Lake Improvements Project (R-19-42).

<b>Bear Creek Redwoods - Ponds Restoration and Water Rights MAA21-008</b>	<b>Prior Year Actuals</b>	<b>FY2019-20 Adopted</b>	<b>FY2020-21 Projected</b>	<b>Estimated Future Years</b>	<b>TOTAL</b>
District Funded (Fund 30):	\$188,877	\$72,771	\$0	\$0	\$261,648
Grant Amount:	\$0	\$320,622	\$0	\$0	\$320,622
<b>Total Budget:</b>	<b>\$188,877</b>	<b>\$393,393</b>	<b>\$0</b>	<b>\$0</b>	<b>\$582,270</b>
Spent-to-Date (as of 08/12/19):	(\$188,877)	(\$523)	\$0	\$0	(\$189,400)
Encumbrances:	\$0	(\$18,000)	\$0	\$0	(\$18,000)
Graniterock Contract Amendment*:	\$0	(\$356,489)	\$0	\$0	(\$356,489)
<b>Budget Remaining (Proposed):</b>	<b>\$0</b>	<b>\$18,381</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,381</b>

\* Amount excludes the 15% contingency of \$53,474. Staff will monitor project costs and if necessary, bring a budget amendment to the Board at a future date.

The following table outlines the Measure AA Portfolio 21 Bear Creek Redwoods: Public Recreation and Interpretive Projects budget, costs-to-date, and the fiscal impact related to the Bear Creek Ponds Restoration and Water Rights – Mud Lake Improvements Project.

<b>MAA21 Bear Creek Redwoods: Public Recreation and Interpretive Projects Portfolio Allocation:</b>	<b>\$17,478,000</b>
Grant Amount:	\$320,622
Life-to-Date Spent (as of 08/12/19):	(\$8,336,508)
Encumbrances:	(\$833,232)
Graniterock Contract Amendment including contingency:	(\$409,963)
<b>Portfolio Balance Remaining (Proposed):</b>	<b>\$8,218,919</b>

Of note for the MAA21-008 project is a funding agreement between the District and the County of Santa Clara Department of Roads and Airports, expected to be executed in September 2019. This agreement would provide \$80,000 from the County to fund the installation of a new culvert under Bear Creek Road, within the County Right-of-Way.

### **BOARD COMMITTEE REVIEW**

No Committee review has occurred for the recommended contract amendment.

### **PUBLIC NOTICE**

Public notice of this Agenda Item was provided as required by the Brown Act.

### **CEQA COMPLIANCE**

The Project was evaluated as part of the Bear Creek Redwoods Preserve Plan Environmental Impact Report, which the Board certified on January 25, 2017 (R-17-15 & State Clearinghouse #2015062029).

### **NEXT STEPS**

Pending Board approval, the General Manager will sign the change order directing Graniterock to construct the Mud Lake Improvements Project. Construction will begin in September and is anticipated to be completed by November 2019.

#### Attachments:

1. Project Area Map
2. Project Site Map

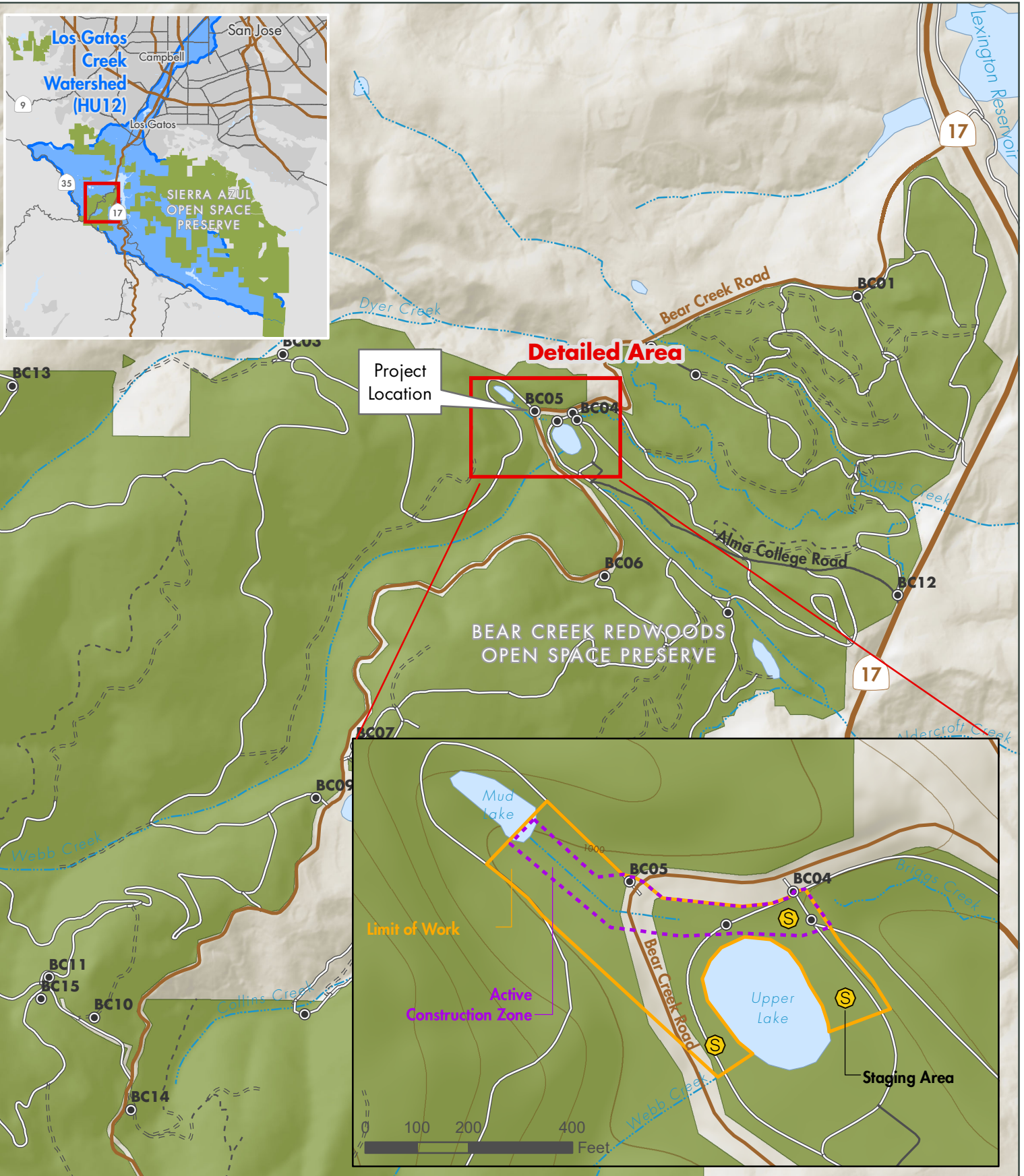
#### Responsible Department Head:

Jason Lin, Engineering & Construction Department Manager

#### Prepared by:

Zachary Alexander, Capital Project Manager III, Engineering & Construction Department

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 Created By: jhawk



### Bear Creek Redwoods Mud Lake Improvements

- Existing Paved Road
- Existing Unpaved Road
- - - Existing Trail
- ==== Existing Unmaintained Road
- Gate
- Limit of Work
- ▨ Active Construction Zone
- Ⓢ Staging Area

Midpeninsula Regional  
 Open Space District  
 (MROSD)  
 March 2018



While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

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Created By: zalexander



### Attachment 2: Mud Lake Improvements Project Site Map

- MROSD Preserves
- Swale Improvements
- Reconstructed Mud Lake Berm Outlet
- Previously Installed by Graniterock
- New 24" RCP Culvert
- New Outlet to Briggs Creek

Midpeninsula Regional  
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(Midpen)  
8/6/2019



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