



Midpeninsula Regional  
Open Space District

R-12-65  
Meeting 12-23  
July 11, 2012

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Authorization to Award a Contract with TKO General Engineering and Construction Inc., (TKO) for the Ponds DR07 and DR08 Repair Project at La Honda Creek Open Space Preserve

### **GENERAL MANAGER'S RECOMMENDATION**

Authorize the General Manager to execute a contract with TKO for a not-to-exceed amount of \$81,984, which includes a bid amount of \$68,320 plus a 20% contingency, for the Ponds DR07 and DR08 Repair Project at La Honda Creek Open Space Preserve.

### **SUMMARY**

The Request for Bids for the Ponds DR07 and DR08 Repair Project was released on May 30, 2012. Five Bid Proposals were received and opened on Friday, July 6, 2012. Evaluation of the bids revealed that the apparent low bidder, TKO, presented a complete and responsive bid package. Therefore, staff recommends awarding the contract for pond repair services to TKO for a total not-to-exceed amount of \$81,984, which includes a bid amount of \$68,320 plus a 20% contingency amount of \$13,664. The FY2012-13 Natural Resources Department Budget for implementation of this Project is \$100,000.

### **DISCUSSION**

#### **Background**

Repair of Ponds DR07 and DR08 was first identified in the Pond Management Plan prepared by Vollmar Consulting in 2009 for the former Wool Ranch portion of La Honda Creek Open Space Preserve. Restoration of these two ponds was identified as a high priority implementation item based on water actively flowing across and through the earthen berms. The two ponds are compromised by either early drying (Pond DR08) or sedimentation and choking by invasive wetland vegetation (Pond DR07), which impacts California red-legged frog (CRLF) breeding opportunities. Pond repairs include: re-contouring pond basins; rebuilding failed or failing earthen berms; and installing vegetation-lined earthen spillways to effectively convey stormwater while improving ponding duration for both the CRLF and livestock. Additional project components include: removing invasive and non-native vegetation; installing cattle exclusion fencing; installing an alternate watering source (trough); and preventing erosion and downstream sedimentation.

Staff has completed the construction repair documents and obtained all necessary permits for this project. The project engineer is separately under contract to conduct construction inspections and complete the necessary sign-off as required by San Mateo County.

### Contractor Selection

The bidding process commenced on May 30, 2012. Bid packages were sent to eight (8) local contractors and five (5) builders' exchanges. A legal notice was posted in the Half Moon Bay Review and San Mateo County Times and an Invitation to Bid was posted on the District website. A mandatory pre-bid meeting was held on June 8, 2012, and was attended by nine (9) contractors. Sealed bids were due on July 6, 2012 and five (5) bids were received as shown below, with TKO announced as the apparent low bidder:

	Bidder	Location	Total Bid	Percent Difference from Cost Estimate of \$100,000
1.	TKO Construction	Woodside, CA	\$68,320*	-32%
2.	Gecko Golf	Dublin, CA	\$72,000	-28%
3.	Redwood Engineering	Redwood City, CA	\$97,220	-3%
4.	Applied Water Resources	Santa Clara, CA	\$100,730	+1%
5.	Niles Freeman	Clements, CA	\$141,000	+41%

\* The bid amount provided by TKO was \$68,200. However, upon verifying the total bid amounts of all the proposals, a calculation omission of \$120 was noted on TKO's proposal, bringing the correct total to \$68,320. District staff waived this minor technical defect in accordance with Section 6 of the Bid Package. With the corrected bid amount, TKO remained the apparent low bidder.

The project's objective is to restore the integrity of two important wetland features that provide important aquatic habitat for the federally-listed California red-legged frog, and improve water quality while providing year-round stock water access for the onsite cattle operation. Project construction is scheduled for completion by October 2012.

A 20% contingency amount is requested for this Project due to the unique conditions that may be encountered when rebuilding the two earthen berms. These berms were originally installed by ranch staff using any and all available materials. When repairing these types of berms, it is not unusual to encounter unstable fill, such as old car bodies, cow carcasses, old fence posts, or other miscellaneous ranch materials. Any unstable materials found would need to be safely removed and replaced with engineered fill to rebuild the berm. Additional costs that may need to be covered due to unanticipated materials include: additional grading, excavation, and compaction to rebuild a larger than anticipated portion of the berm, as well as the disposal of materials. The two berms are also located directly within drainages that convey water during all or much of the year. Once digging begins, water logged or sandy soils may be encountered, indicating a potential structural issue and the need to replace a larger than anticipated section of berm. Although soil borings have been conducted at both sites, these only present a small sampling of the entire berm.

### FISCAL IMPACT

In March of 2012, the District's Board of Directors approved the FY2012-13 Natural Resources Department budget, which included \$100,000 for this project.

**BOARD COMMITTEE REVIEW**

No Board Committee review is required for this project.

**PUBLIC NOTICE**

Public notice for the award of bid was provided as required by the Brown Act. No additional notice is required.

**CEQA COMPLIANCE**

Awarding the bid and issuing a contract agreement for construction services for the Ponds DR07 and DR08 Repair Project is consistent with the Mitigated Negative Declaration and Mitigation Monitoring Plan for Implementation of the Pond Management Plan that was approved by the Board on March 14, 2012.

**NEXT STEPS**

If approved by the Board, the General Manager will be authorized to enter into a contract with TKO to perform construction services for the Ponds DR07 and DR08 Repair Project. Final contract signature is subject to meeting all District requirements such as having all required insurance and bonding in place. If the apparent low bidder does not meet all District requirements for the project, staff will return to the Board at the July 25, 2012 regular Board meeting to pursue Award of Contract for the next lowest apparent low bidder.

Once paperwork and contract signatures are in place, the project is scheduled to begin in August and be completed by October 2012.

Responsible Department Manager:  
Kirk Lenington, Natural Resources Manager

Prepared by:  
Julie Andersen, Planner II

Contact person:  
Same as above