



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 9/9/2014

Agenda Placement: 7M

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** John Vicencio, ASSOCIATE ENGINEER - 259-8369

**SUBJECT:** Amendment No. 3 to Napa County Agreement No. 7836 with ESA PWA - Napa River Rutherford Reach Restoration Project, Reaches 5, 6, 7, and 9

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### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chairman to sign Amendment No. 3 to Agreement No. 7836 with ESA PWA increasing the amount by \$64,890 for a new maximum of \$853,790 and amending the scope to provide additional construction support and design and to perform additional biological surveys and monitoring activities for Reaches 5, 6, 7, and 9 of the Napa River Rutherford Reach Restoration Project.

### **EXECUTIVE SUMMARY**

A Professional Service Agreement with Phillip Williams & Associates, now known as ESA PWA, for Napa River Restoration Rutherford Reaches 5, 6, 7, and 9 design was approved by the Board on September 25, 2012.

Amendment No.1 of the ESA PWA agreement was approved by the Board on April 23, 2013. Tasks in Amendment No. 1 expanded the scope of the agreement to provide more detailed topographic surveys. Amendment No. 2 of the ESA PWA agreement was approved by the Board on July 9, 2013. Tasks in Amendment No. 2 expanded the scope of the agreement to allow for the completion of plans and specifications, conduct pre-construction environmental studies, and provide construction support for Reaches 5, 6, 7, and 9.

Amendment No. 3 to the Agreement is requested to provide additional construction and design support and to perform additional biological surveys and monitoring activities required by state and federal regulatory agencies

ESA PWA is not a local vendor.

**FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works CIP Budget-Fund 1000, Subdivision 1220500, Program 13028
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Amendment of the agreement is needed to allow ESA PWA to provide additional engineering and design services to complete project construction and to allow for additional biological surveys and monitoring activities required by state and federal regulatory agencies. Construction of this reach is supported by previously awarded grants.
Is the general fund affected?	No
Future fiscal impact:	None in this amendment.
Consequences if not approved:	Potential loss of landowner involvement, further degradation of the Napa River can occur. River restoration and flood damage reduction efforts along the Napa River in the Rutherford area cannot proceed further.

Additional Information:

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable to this action.

**BACKGROUND AND DISCUSSION**

The Rutherford Dust Society (RDS), the County of Napa, the Flood District, and Napa County Resource Conservation District (RCD) entered into a Memorandum of Understanding (MOU) in March 2005 defining roles and responsibilities to accomplish a plan for restoration and management of a 4.5 mile stretch of the Napa River in the Rutherford appellation. The County's role in the MOU is design and construction of the project consisting of 9 reaches.

In 2009, staff interviewed and reviewed proposals from 3 consulting firms for the final design of the various reaches of the Rutherford project in phases. Phillip Williams & Associates, now known as ESA PWA, was chosen as the most qualified firm based on its previous experience with the conceptual design of this project and experience with other similar projects. Individual design contracts by river reach have been approved as funding opportunities for construction have been identified for those reaches.

Construction of Phase 1 of the project, encompassing Reaches 1 and 2, began in 2009 and was completed during the summer of 2010. Construction of Phase 2, which encompassed Reach 3 of the river, was also completed during the summer of 2010. Phase 3 included the east and west river banks of Reach 4; which was constructed during the summers of 2011 and 2012, respectively. Phase 4 included Reach 8, north and south. Reach 8 was completed during the summers of 2012 and 2013. The final phase of construction for the Rutherford project includes reaches 5, 6, 7 and 9. Grant funds have been awarded from EPA to support construction during the summer of 2014. The design work for this phase has been funded using Measure "A"

funds.

The original Professional Services Agreement with ESA PWA, for Reaches 5, 6, 7, and 9 design was approved by the Board on September 25, 2012. Approval of Amendment No. 1 to the Agreement with ESA PWA was requested on April 23, 2013 to fund an expanded work item to provide more detailed topographic surveying and mapping services to advance the project into the next phase of design, which provided funds for necessary support services through the previous fiscal year. Approval of Amendment No. 2 to the agreement with ESA PWA was requested on July 9, 2013 to provide funds to complete the construction plans and specifications, pre-construction environmental studies, and to provide construction support for Reaches 5, 6, 7, and 9.

Amendment No. 3 is requested to provide funds for additional construction and design support and to perform additional biological surveys and monitoring activities required by state and federal regulatory agencies. Construction for Reaches 5, 6, 7, and 9 is currently underway and is scheduled to be completed in October of 2014.

Although ESA PWA is not a local vendor, staff recommends that the additional required services be performed by them as the chosen designer of the project through a request for qualifications process and because of the specialized expertise that they bring to the project.

#### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi