

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 6/4/2013	(3) CONTACT/PHONE Kate Ballantyne, Environmental Resource Specialist (805) 788-2765	
(4) SUBJECT Request to approve Amendment No. 1 with SWCA Environmental Consultants for biological monitoring on the Los Osos Wastewater Project, in the amount of \$188,230, for a total contract amount including a \$13,211 contingency, of \$333,549. District 2.			
(5) RECOMMENDED ACTION It is our recommendation that your Board approve Amendment No. 1 to the agreement with SWCA Environmental Consultants for biological monitoring on the Los Osos Wastewater Project to provide additional work scope and compensation in the amount of \$188,230. Total contract amount, including the previously authorized contingency of \$13,211, would be \$333,549.			
(6) FUNDING SOURCE(S) Fund Center 430	(7) CURRENT YEAR FINANCIAL IMPACT \$188,230.00	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____ ) <input type="checkbox"/> Board Business (Time Est. ____ )			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A    Date: 8/7/12; Item #14	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 2 -			

Reference: 13JUN04-C-3

# County of San Luis Obispo



TO: Board of Supervisors

FROM: Public Works

Kate Ballantyne, Environmental Resource Specialist

Mark Hutchinson, Environmental Division Manager

VIA: John Waddell, Project Manager

DATE: 6/4/2013

SUBJECT: Request to approve Amendment No. 1 with SWCA Environmental Consultants for biological monitoring on the Los Osos Wastewater Project, in the amount of \$188,230, for a total contract amount including a \$13,211 contingency, of \$333,549. District 2.

## **RECOMMENDATION**

It is our recommendation that your Honorable Board approve Amendment No. 1 to the agreement with SWCA Environmental Consultants for biological monitoring on the Los Osos Wastewater Project to provide additional work scope and compensation in the amount of \$188,230. Total contract amount, including the previously authorized contingency of \$13,211, would be \$333,549.

## **DISCUSSION**

In August of 2012, your Board approved an agreement with SWCA Environmental Consultants to perform biological monitoring services during the construction of the Los Osos Wastewater Project. Biological monitoring during project construction is a mitigation commitment in the project's environmental documents prepared pursuant to the California Environmental Quality Act and the National Environmental Quality Act, as well as an environmental regulatory requirement contained in the project's Coastal Development Permit. The role of the biological monitor is to help ensure that the construction process does not unnecessarily impact biological resources on or near construction areas. The biological monitor conducts contractor awareness training, pre-construction surveys for sensitive plant and animal species, observes construction activities to ensure compliance with applicable permit conditions and State/Federal laws and regulations, and documents the findings of surveys and monitoring efforts.

In the 2012 agreement scope of work, consultant based their time and cost estimates on a 2½ year construction schedule, and included the assumption that the distribution of the key sensitive species, Morro shoulderband snail, would be limited to previously described special habitats consisting primarily of intact areas of coastal dune scrub. Total hours for the consultant's biological monitors were estimated at 1,445.

After 8 months of work, it is clear that the Morro shoulderband snail is more widely distributed than previous scientific documentation had described; consequently the hours invested in clearing areas of snails ahead of construction have increased substantially. It is now estimated that, if the total numbers and wide distribution of snails remains consistent throughout the construction phase of the collection system, biological monitoring will require an additional 2,185 hours from this consultant through construction of the collection system. The need for increased monitoring is also consistent with U.S. Fish and Wildlife's recently revised Biological Opinion that has increased the project's permitted take from 15 to 300 individuals injured or killed.

It is possible that biological monitoring needs will diminish as the work proceeds in areas where less work and observation is needed; however, in order to ensure that monitors are available such that no interruptions in the construction process occur, the proposed amendment is based on reasonably conservative conditions where the level of monitoring remains consistent throughout the remaining collection system construction phase. The actual cost will be based upon actual hours needed.

The Agreement amendment also accommodates two additional changes:

1. Changes in the consultant's staffing (see Exhibit "C1" of the amendment) to allow to additional qualified staff to be available for the project.
2. Elimination of a provision in the agreement that requires retention of 10% of each invoice. Inclusion of this provision in the original agreement was an oversight, as retention of payment (when used) is reserved for work that results in a finished product, such as a major environmental study. This work does not involve a finished product. However, funds can still be withheld if there are any costs, damages or claims incurred or experienced by the County that arise from any breach of the Agreement by the consultant.

### **OTHER AGENCY INVOLVEMENT/IMPACT**

The proposed agreement amendment will ensure that the project remains in compliance with the environmental regulatory documents, conditions, and agreements executed for the project by State and Federal agencies, including California Coastal Commission (Coastal Permit), State Water Resources Control Board (NEPA Document), United States Department of Agriculture (NEPA Document), and the U.S. Fish and Wildlife Service (Endangered Species Consultation).

### **FINANCIAL CONSIDERATIONS**

The recommended agreement amendment is for services necessary for the completion of the Project. The original agreement cost of \$132,108 and the increase of \$188,230 will make a new contracted amount of \$320,338. Carrying over the existing \$13,211 contingency results in a total cost of \$333,549. The cost is included in the original Project budget which was approved by your Board on May 17, 2011. The consultant's billing rates remain the same as those in the original 2012 Agreement.

### **RESULTS**

Approval of the recommended actions will continue progress toward a community wastewater project for Los Osos by retaining environmental consultants necessary to complete the construction of the Project.

File: 300448.08

Reference: 13JUN04-C-3

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## **ATTACHMENTS**

1. Vicinity Map
2. Exhibit A - Project Cost Estimates
3. Amendment No. 1 to Agreement for Professional Environmental Consulting Services, Los Osos Wastewater Project
4. Agreement for Professional Environmental Consulting Services