



Legislation Details (With Text)

**File #:** ID16-408      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 4/7/2016      **In control:** City Council

**On agenda:** 4/28/2016      **Final action:** 4/28/2016

**Title:** Approve a consultant services agreement with Live Oak Associates, Inc. for an amount not to exceed \$400,960 to provide Biological Resources Monitoring services for the City of Fresno's Friant-Kern Canal Raw Water Pipeline project (District 6, County).

**Sponsors:** Department of Public Utilities

**Indexes:**

**Code sections:**

**Attachments:** 1. Live Oak AGREEMENT.pdf

Date	Ver.	Action By	Action	Result
4/28/2016	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**April 21, 2016**

**FROM:** THOMAS C. ESQUEDA, Director  
Department of Public Utilities

**FROM:** MICHAEL CARBAJAL, Division Manager  
Department of Public Utilities - Water Division

**SUBJECT**

Approve a consultant services agreement with Live Oak Associates, Inc. for an amount not to exceed \$400,960 to provide Biological Resources Monitoring services for the City of Fresno's Friant-Kern Canal Raw Water Pipeline project (District 6, County).

**RECOMMENDATIONS**

Staff recommends that City Council:

1. Approve a consultant services agreement with Live Oak Associates, Inc. for an amount not to exceed \$400,960 to provide Biological Resources Monitoring services for the Friant-Kern Canal Raw Water Pipeline project.
2. Authorize the Director of Public Utilities or designee, to sign the agreement on behalf of the City

of Fresno.

## **EXECUTIVE SUMMARY**

The Department of Public Utilities seeks Council approval for a professional consultant services agreement with Live Oak Associates, Inc. to perform Biological Resources Monitoring services during the construction of the Friant-Kern Canal Raw Water Pipeline project. Biological Resources Monitoring services are necessary to ensure the City complies with rules and regulations in accordance with the requirements contained in the Incidental Take Permit (ITP) issued by the California Department of Fish and Wildlife (CDFW), and the Biological Opinion (BO) issued by the US Fish and Wildlife Service (USFWS). This project is being constructed in the US Bureau of Reclamation's (USBR) Friant-Kern Canal and is intended to deliver raw water from the Friant-Kern Canal to the City's Northeast Surface Water Treatment Facility (NESWTF). Agency permitting and bidding for the Friant-Kern Canal Pipeline project is complete; project award is scheduled for April 2016. Commencement of construction of the FKCP is contingent on the approval of this Biological Resources Monitoring agreement.

## **BACKGROUND**

Presently, the City of Fresno's contracted USBR Central Valley Project (CVP) surface water travels nearly 55 miles in open canals from Friant Dam (Millerton Lake) to the NESWTF. The proposed Friant-Kern Canal Pipeline project consists of the construction and operation of a 5.6-mile raw water pipeline. The new pipeline reroutes the CVP water directly to the NESWTF and will eliminate nearly 47 miles from the conveyance distance. The Project will convey water in an enclosed system and greatly reduce the threat to water quality, in otherwise open canals which are exposed to contamination from environmental debris, and accidental or malicious acts. The pipeline will be constructed across numerous properties in unincorporated Fresno County and connected to the existing one-mile long segment of pipeline constructed in 2007. Additional benefits of the project include reduced power consumption, chemical utilization, and increased operational reliability at the NESWTF.

Construction of the FKCP will require biological resources monitoring services to successfully meet the requirements of the CDFW and USFWS permits. The Water Division does not have qualified staff (Biologist and Ecologist) to implement the biological tasks required for the FKCP. In accordance with Fresno Municipal Code Chapter 4, Article 1, and Administrative Order 6-19, the Department of Public Utilities conducted a competitive process to select consultants to provide Biological Resources Monitoring services for the FKCP project. Announcements and a request for qualifications (RFQ) were published on January 11, 2016, in the Fresno Business Journal and posted to the City's PlanetBids Online site. The RFQ requested that consultants provide a statement of qualifications (SOQ) by February 15, 2016 and the Water Division received 5 SOQs by the due date. The SOQs were evaluated by a selection committee consisting of representatives from the Water Division. Upon completion of the evaluation of qualifications submitted, Live Oak Associates, Inc. was selected as being most qualified to meet the City's needs for this project. Shortly thereafter, a scope and fee negotiation process was undertaken. The City of Fresno and Live Oak Associates, Inc. agreed on the aforementioned fee.

The services required by this agreement will be completed in approximately 366 consecutive calendar days from the authorization to proceed. The contract is for a not to exceed amount of

\$400,960, paid on a time and materials basis.

A standardized consultant service agreement has been used in accordance with Administrative Order 4-4, and the consultant's Certificates of Insurance have been approved by the City's Risk Management Division. Upon approval by the City Council, the agreement will be executed by the Director of Public Utilities or their designee.

## **ENVIRONMENTAL FINDINGS**

An initial study and Mitigated Negative Declaration was prepared and adopted on June 14, 2012 for this project. A Notice of Determination was subsequently filed with the Fresno County Clerk's Office on June 19, 2012. The Proposed Project consists of the construction and operation of a 5.6-mile raw water supply pipeline northeast of the City of Fresno, in unincorporated Fresno County at the City's existing NESWTF. The Proposed Project would be located between the NESWTF near Chestnut and Behymer Avenues and the Friant-Kern Canal to the northeast. The purpose of the Proposed Project is to develop a reliable raw water conveyance system with reduced potential for water quality contamination that will bring the City's existing CVP contract supply water directly from the Friant-Kern Canal to the NESWTF.

An analysis has been performed pursuant CEQA Guidelines §15162 to determine whether subsequent environmental review is required for the project. Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case there are no changes to the project.
2. No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the proposed pipeline alignment has not changed.
3. There is no new information, which was not known and could not have been known at the time of the previous Mitigated Negative Declaration that the project will have significant effect not discussed in the Mitigated Negative Declaration.

Additionally, the City has been working with the US Bureau of Reclamation (USBR), and other Federal agencies, to meet the requirements of the National Environmental Policy Act (NEPA). The US Fish and Wildlife Service (USFWS) and the US Army Corp of Engineers approved the Biological Opinion (BO), identifying mitigations for Project effects on endangered plants and wildlife. Following the USFWS' approval of the BO and endangered species mitigations, the BO was submitted to the USBR for their review and eventual acceptance. The USACE has issued their Section 404 Permit, and the USBR has issued the Project's Environmental Assessment (EA) with a Finding of No Significant Impact, giving the City authorization to begin construction of the FKCP Project.

Based upon these findings, it has been determined that no further environmental documentation is required for this project.

## **LOCAL PREFERENCE**

Local Preference was not implemented because to staffs best knowledge, the number of local firms is less than three.

## **FISCAL IMPACT**

There is no impact to the General Fund. The award of this construction contract will be funded by the State Revolving Fund Low Interest Loan through the State Water Resources Control Board as part of the construction of the FKCP. Appropriations are included in Water Division's FY2016 Capital Improvement Program adopted budget within the State Low Interest Loan Fund (40184). The loan repayments for the low interest loan were included in the water rate model used to create the five-year utility rate plan that was adopted by the City Council on February 26, 2015.

Attachment:  
Standard Consultant Agreement