



## Legislation Details (With Text)

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**Title:** Approve the First Amendment to the Professional Consultant Services Agreement with Live Oak Associates, Inc., for \$191,000 for additional services to provide Biological Resources Monitoring Services for the City of Fresno's Friant Kern Canal Pipeline project (citywide)  
**Sponsors:** Department of Public Utilities  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Live Oaks First Amendment.pdf

Date	Ver.	Action By	Action	Result
5/11/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**May 11, 2017**

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

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

## SUBJECT

Approve the First Amendment to the Professional Consultant Services Agreement with Live Oak Associates, Inc., for \$191,000 for additional services to provide Biological Resources Monitoring Services for the City of Fresno's Friant Kern Canal Pipeline project (citywide)

## RECOMMENDATIONS

Staff recommends that City Council:

1. Approve the First Amendment to the Professional Consultant Services Agreement with Live Oak Associates, Inc., for \$191,000 for additional services to provide Biological Resources Monitoring Services for the City of Fresno's Friant Kern Canal Pipeline project.
2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno.

## EXECUTIVE SUMMARY

The Department of Public Utilities, Water Division, seeks Council approval for a First Amendment to the Professional Consultant Services agreement with Live Oak Associates, Inc., (Live Oak) to perform Biological Resources Monitoring Services during the construction of the City of Fresno's Friant Kern Canal Pipeline (FKCP). It has been determined that the City would like to increase Live Oak's existing scope to extend the Biological Resources Monitoring services, which are necessary to ensure the City's compliance with the requirements contained in the California Department of Fish and Wildlife's (CDFW) Incidental Take Permit (ITP), and the US Fish and Wildlife Service's (USFWS) Biological Opinion (BO). The City and Live Oak have agreed to a value for the additional services in the amount of \$191,000.

## BACKGROUND

The FKCP consists of 5.6 miles of 60-inch diameter raw water pipeline from the Friant-Kern Canal to the existing Northeast Surface Water Treatment Facility (Facility). This project will greatly reduce the threat to water quality, reduce reliance on groundwater, reduce operating power consumption, improve facility utilization, and remedy canal seepage losses. The FKCP construction contract was awarded to Mountain Cascade, Inc. (Contractor) on April 21, 2016, for the bid amount of \$15,157,862.00. Notice to Proceed to the Contractor was issued by the City of Fresno on May 31, 2016, for a duration of 500 calendar days, making the completion date October 12, 2017.

Construction of the pipeline requires Biological Resources Monitoring services to ensure the City compliance with all applicable rules and regulations, including the requirements contained in CDFW's ITP, and the USFWS' BO. This project is being constructed in the US Bureau of Reclamation's (USBR) Friant-Kern Canal.

The Department of Public Utilities, Water Division, has contracted with Live Oak to provide the required Biological Resources Monitoring services for the project, for a not to exceed fee of \$384,956 (Agreement). Upon further consideration of needs related to Biological Resources Monitoring services, staff have determined that Live Oak will need additional funds to complete the required services. Staff have negotiated an increase in compensation for services in the amount of \$191,000, and to extend the existing Agreement through October 31, 2017, to complete these services, which will be paid on a time and materials basis in conformance with requirements of the original Agreement.

Upon approval by the City Council, the First Amendment to Agreement will be executed by the Director of Public Utilities or designee, who has been delegated this authority by the City Manager.

This First Amendment has been approved as to form by the City Attorney's Office.

## 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 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 Project is located between the NESWTF near Chestnut and Behymer Avenues, and

the Friant-Kern Canal to the northeast. The purpose of the 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 USFWS and the US Army Corp of Engineers (USACE) approved the USFWS' 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 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 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 this action does is an amendment of an existing contract.

## **FISCAL IMPACT**

Approval of this amendment to the consultant services agreement will not impact the General Fund. Funding for this project is included in the Water Division's FY 2017 Capital Improvement Program Budget within the State Revolving 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:  
First Amendment to Agreement