



MEMORANDUM

To: Board of Directors
From: Daniel Nysten, Watershed Restoration Program Manager
RE: Agenda Item 6.3 Procurement Policy Exemption Request for Feasibility Study for improved fish passage in the Branciforte Creek Flood Control Channel
Date: May 11, 2022

RCD staff recommends entering into a Consultant Services Agreement with Environmental Science Associates (ESA) for \$93,600 to complete a Feasibility Study for improved fish passage in the Branciforte Creek Flood Control Channel. The contract will be paid with funding from the State Coastal Conservancy Agreement # 20-128.

The RCD has funding from the State Coastal Conservancy for Round 6 of the Integrated Watershed Restoration Program (IWRP). One of the projects in this grant is to complete a feasibility study for improved fish passage along the Branciforte Creek Flood Control Channel. The first step in implementing a fish passage project along the flood control channel is completing a planning-level feasibility study that specifically addresses and evaluates potential project alternatives. The study will provide a more detailed estimate of the overall scope and cost of the project to support and focus future phases of work. The feasibility study will document the primary project opportunities and constraints, goals and objectives, and formulate alternatives that achieve the overall project goal (i.e., improve fish passage conditions). The feasibility study will result in the selection of a preferred alternative based upon evaluation of design alternatives related to predicted performance, overall project feasibility, and stakeholder buy-in, as well as provide a scope and planning-level cost estimate for final project design and implementation, developing a summary and schedule of the necessary permits and/or environmental documents, and evaluating project constructability.

This contract will be paid for with state funding and is under \$100,000 and thus falls under the Competitive Procurement – Micro Purchase – Negotiated Contract category. Specifically, section 1080.6.1.1.2 of the RCD procurement policy states that “For procurements of consulting services where the estimated amount of the contract is one hundred thousand dollars (\$100,000) or less, the procurement may be performed by negotiated contract without a competitive bid process.” As the amount of the contract is near and potentially could exceed the \$100,000 threshold if amendments are needed over the course of the project, in the interest of transparency RCD staff are bringing the contract to the board for review at this time. Should the contract exceed \$100,000 in the future due to necessary amendments, an exemption from the informal bid process would be justified due to the following reasons:

- 1080.8.3 Proprietary Contracts (unique due to specialized skill or experience): ESA completed the previous existing conditions evaluation for the project in 2018 and thus has a deep understanding of the project and has built and has access to the 2-dimensional model needed to conduct hydraulic analyses as part of the Feasibility Study.
- 1080.8.4 Compatibility and Continuity: ESA is currently under contract with the City of Santa Cruz to complete the necessary hydrologic analyses required for FEMA certification of the San Lorenzo River Flood Control Project. This data will be useful in terms of the backwater effect the San Lorenzo River has on Branciforte Creek and can be used as a model input for the flood control channel.



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It is therefore recommended that the Board approve an exemption to the informal bidding procedure (should the contract exceed \$100,000) under sections 8.3 and 8.4 of the 1080 Procurement Policy and authorize the Executive Director, or designee, to negotiate a consultant services agreement with ESA for completion of a Feasibility Study for improved fish passage in the Branciforte Creek Flood Control Channel.