

December 15, 1998

To: Board of Directors (Engineering and Operations Committee--Action)

From: General Manager _____

Submitted by: G. M. Snyder _____
Chief Engineer

Subject: Authorization to Amend an Agreement No. 4588 with P&D Consultants for
Mitigation Monitoring Services for the Inland Feeder Project

Reference: Appropriation No. 15122

RECOMMENDATION(S)

To provide mitigation monitoring services for the Inland Feeder Project, it is recommended that your Board authorize the General Manager to amend Agreement No. 4588 with P&D Consultants in the Amount of \$6,500,000 for a total agreement amount of \$11,000,000.

EXECUTIVE SUMMARY

In March 1994, Metropolitan entered into an agreement with P&D Technologies (now P&D Consultants) to perform mitigation monitoring services required by State law for the Inland Feeder Project. At the time the agreement was executed, the project was early in the preliminary design phase and the full extent of the services required for the Mitigation Monitoring Program (MMP) were unknown. A phased approach to the scope of services in the agreement with P&D Consultants (P&D) was adopted with the understanding that, as the design progressed and the construction began, the scope of the MMP would be refined and modifications to the agreement would be required. Now that the design is nearly complete for all the project reaches and construction is underway, several changes in the scope of services have occurred making it necessary to amend the agreement to allow P&D to continue the MMP.

Approval of this recommendation will authorize the General Manager to amend Agreement No. 4588 with P&D in the amount of \$6,500,000 to continue mitigation monitoring services through construction and perform post-construction activities for the Riverside North and South Pipelines that are scheduled to complete in 1999/2000. Post-construction services for the remaining reaches, which are scheduled to complete from 2001 through 2003/2004, have been identified and budgeted but not included in this request pending a more accurate understanding of the mitigation requirements. A future request will be made to the Board. Funding for the entire MMP is included in the budget and has been appropriated by the Board. The budget for the Inland Feeder Project, which has been fully appropriated by the Board, remains unchanged at \$1,188,000,000.

JUSTIFICATION

To comply with the Inland Feeder Environmental Impact Report and mandated state legislation, it necessary to implement a MMP. The workplan for the Inland Feeder Program called for the utilization of consultants to administer the MMP during the design, construction, and post construction phases of the project. P&D was selected through a competitive process and has performed well since 1994.

ALTERNATIVE(S) TO PROPOSED ACTION

Use Metropolitan Staff

Metropolitan could determine not to amend the agreement and hire additional personnel to perform these services which would result in additional administrative costs, loss of trained consultant personnel and continuity between design and construction, and possible delays in construction until sufficient new monitoring personnel are deployed.

Reissue Request For Proposal

Metropolitan could reinitiate the selection of a consultant to perform this work. However, a competitive process was used and P&D was selected as the most qualified candidate out of seven respondents. Reinitiating the process would result in increased administrative costs, and loss of experienced personnel and continuity between design and construction, and delays in construction until a new team is selected and deployed.

ACTIONS AND MILESTONES

- Complete Inland Feeder Construction in late 2003
- Complete Post-Construction Mitigation Monitoring in 2007

MBE / WBE

The Minority-Owned Business Enterprises (MBE) and Women-Owned Business Enterprises (WBE) participation goals in the P&D agreement and actual participation levels for the work efforts to date are shown below:

	MBE	WBE
Goals	6.0%	12.0%
Actuals	7.4%	21.3%

In executing the scope of services for the MMP, P&D has exceeded the participation goals for both MBE and WBE firms. P&D has committed to maintain their original level of participation in conjunction with this agreement amendment.

DETAILED REPORT

Mitigation monitoring services are required during the design, construction, and post-construction phases of the Inland Feeder Project to ensure that mitigation measures adopted in the Final Environmental Impact Report/Mitigation Monitoring Program (MMP) and as mandated by State legislation are properly executed.

In September 1993, a Request for Qualifications (RFQ) was issued to provide mitigation monitoring services. Seven firms responded two of which were short-listed to proceed to the proposal and interview phase. Following an extensive review of the two candidates, P&D Technologies (now P&D Consultants) was determined to be the most qualified candidate and was selected to provide the services required. In March 1994, your Board authorized the General Manager to enter into an agreement with P&D Technologies (P&D) and in April 1994 an agreement was executed.

The scope of work contained in that agreement identified mitigation monitoring services to be provided based on information from the preliminary design phase. As stated in the 1994 Board request, when the design phase progressed to completion and construction activities began, a more definitive scope of work for the construction phase could be established. It was also stated that any extensions to the schedule would require additional funding to continue the MMP. Since the inception of the contract, there have been significant changes in the scope of work and schedule.

Specific activities not included in the original scope include: (1) preparation of traffic detour plans; (2) expanded buried site testing and archeological evaluation programs; (3) preparation of Environmental Impact Report (EIR) addenda to comply with the California Environmental Quality Act (CEQA); (4) refinements and revisions of the Stephens Kangaroo Rat (SKR) Memorandum of Understanding (MOU) and other permit conditions; (5) preparation of Biological Assessments, Supplemental EIR, and Environmental Assessment for Santa Ana River Wash Crossing revision from tunnel to pipeline; (6) monitoring the translocation of SKR; and (7) oversight and monitoring the plant/ seed collection, revegetation and restoration program.

At the time the contract was initiated with P&D, the Inland Feeder Project was scheduled to be completed in 1998. Since that time, program revisions, including rescheduling during the 1996 Rate Refinement Process, has established a new completion of late 2003/early 2004. This has resulted in an increased duration that P&D's services would be required.

This request provides additional funding necessary to continue Metropolitan's legal obligation to perform mitigation monitoring for the Inland Feeder Program. Approval by your Board will authorize the General Manager to amend Agreement No. 4588 with P&D in the amount of \$6,500,000 to continue mitigation monitoring through the completion of construction and the post-construction requirements for the Riverside North and South pipelines. Funds to perform post-construction activities for the remaining reaches will be requested from your Board at a future date when a more accurate assessment of the requirements can be made. Post-construction

activities consist of revegetation and restoration programs for upland, wetland, streambed, and listed species habitats in designated areas throughout the alignment.

Mitigation monitoring services were anticipated at the time of the original project appropriation and funds for this agreement are included in the program budget of \$1,188,000,000. Currently, \$15.9 million of the overall program budget has been allocated for required environmental activities, which includes the amount requested in this letter. Approval of the Board to amend the agreement with P&D will not result in an increase in the Project budget. The budget for the Inland Feeder Project, which has been fully appropriated by the Board, remains unchanged at \$1,188,000,000.

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