

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *AMM*

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE June 22, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of Amendment No. 1 to the Agreement Between the Central Valley Flood Control Board and Stanislaus County for the West Stanislaus Feasibility Study and the Schedule and Cost Change Request Between the U.S. Army Corps of Engineers on Behalf of Stanislaus County

STAFF RECOMMENDATIONS:

1. Approve Amendment No. 1 to the Agreement between the Central Valley Flood Control Board and Stanislaus County for the West Stanislaus Feasibility Study.
2. Approve the Schedule and Cost Change Request (SACCR) between the United States Army Corps of Engineers and Stanislaus County.
3. Authorize the Public Works Director to sign Amendment No. 1 from the Central Valley Flood Control Board and the SACCR from the U.S. Army Corps of Engineers on behalf of Stanislaus County.

(Continued on Page 2)

FISCAL IMPACT:

Currently, the total estimated study costs are \$6,817,100, of which the sponsor's (Stanislaus County) share is one-half of this amount or \$3,408,500. An additional \$445,000 is required from Stanislaus County as the non-Federal sponsor match. Stanislaus County has \$53,000 of previously un-credited "work-in-kind" that will be applied to its portion. To date Stanislaus County has made payment to the U.S. Army Corps of Engineers in the amount of \$1,301,550 as follows:

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-386

On motion of Supervisor Chiesa and approved by the following vote, Seconded by Supervisor Monteith

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of Amendment No. 1 to the Agreement Between the Central Valley Flood Control Board and Stanislaus County for the West Stanislaus Feasibility Study and the Schedule and Cost Change Request Between the U.S. Army Corps of Engineers on Behalf of Stanislaus County

STAFF RECOMMENDATIONS (Continued):

3. Authorize the receipt of \$25,000 from the Department of Water Resources as part of the Local Feasibility Cost Sharing Agreement (LFCSA) from April 15, 2002, and the appropriate disbursement of \$25,000 to the U.S. Army Corps of Engineers to be applied to the non-Federal sponsor portion of the Feasibility Study.
4. Approve the use of un-credited Stanislaus County "work-in-kind" as non-Federal sponsor participation in the SACCR.

FISCAL IMPACT (Continued):

11/05/98	\$132,680	(Public Works)
12/22/99	\$100,000	(Public Works)
09/08/00	\$166,123	(Public Works)
10/05/05	\$402,000	(Public Works)
03/22/07	\$ 88,603	(Public Works)
06/21/07	\$ 12,144	(Public Works)
06/21/07	<u>\$400,000</u>	(County Contingencies)

Additionally, Stanislaus County Public Works has provided in-kind support in the amount of \$1,715,359, for a total contribution of \$3,016,909. The in-kind support included approximately \$1.3 million of various engineering consultants (survey, biological, hydrological) and \$425,000 of staff time. The Central Valley Flood Control Board contributed \$304,453 towards the non-Federal support of the project in 2002. These funds were provided to the County to offset costs.

The Central Valley Flood Control Board has made a commitment, contingent upon their Board approval, of up to \$445,000 of additional funding to assist the County in funding the increased cost of the feasibility. The Central Valley Flood Control Board has requested that Stanislaus County approve this amendment prior to their scheduled action on July 23, 2010. It is projected there would be no additional cash needed by the County in order to execute the SACCR and the Amendment No. 1 with the Central Valley Flood Control Board.

DISCUSSION:

The west side of Stanislaus County has long been subjected to flooding along Orestimba Creek. There have been 13 major floods in the past 50 years and there have been two deaths in Orestimba Creek since 2005.

Associated with these floods is a tremendous amount of property damage, loss of economic development potential, and major threats to public safety. The U.S. Army Corps of Engineers estimates local annualized damages to be more than \$3 million per year.

Approval of Amendment No. 1 to the Agreement Between the Central Valley Flood Control Board and Stanislaus County for the West Stanislaus Feasibility Study and the Schedule and Cost Change Request Between the U.S. Army Corps of Engineers on Behalf of Stanislaus County

In order to find solutions to this flooding problem, the U.S. Army Corps of Engineers was authorized by Congress to conduct a study into possible flood control measures. The purpose of this study was to determine if there was a Federal interest in participating in a local flood control project. It was found that this interest existed.

The next step in the Corps process was to prepare a "Feasibility Study". A Feasibility Study is an important part of the entire investigative process, and it is where the study is today. The West Stanislaus Feasibility Study develops flood control options in detail, assigns costs to those options, and calculates benefits to providing flood control. Based on the feasibility study, if warranted, a flood control project is chosen. Costs are shared between the U.S. Army Corps of Engineers and a non-Federal sponsor on a 50-50 basis.

An agreement was negotiated between the Department of the Army and Stanislaus County for funding this investigation into potential flood control projects. In this agreement, dated September 28, 1998, costs are shared between the U.S. Army Corps of Engineers and the non-Federal sponsor (Stanislaus County) on a 50-50 basis. The original budget was \$1,300,826 with the non-Federal sponsor's share being \$650,413.

In 2001, it became apparent that the estimates prepared by the Corps of Engineers for the preparation of the West Stanislaus County, California Feasibility Study were underestimated. To correct this, the contract was amended (Amendment No. 1) on May 22, 2001, increasing the study costs to \$3,220,000. The local obligation was one-half of that amount or \$1,610,000. On October 9, 2001, the Board of Supervisors approved an agreement with the State of California Reclamation Board (now Central Valley Flood Control Board [CVFCB]) for funding toward the non-Federal sponsored obligation. On April 15, 2002, the Local Feasibility Cost Sharing Agreement (LFCSA) was finalized whereby the CVFCB would fund up to \$325,000 for the feasibility. Through this agreement, CVFCB provided \$304,453 toward the non-Federal sponsor commitment.

Additional options were then investigated to determine if a flood control project could be developed that was acceptable to several regulatory agencies, as well as provide acceptable flood control measures to the Newman community. Since the addition of these new options were not in the original scope of work, budgets needed to be increased to allow them to be explored in detail. To provide for these increased costs, Amendment No. 2 to the Agreement between the Department of the Army and Stanislaus County for the West Stanislaus County, California Feasibility Study was created. Amendment No. 2 was signed by Stanislaus County and the U.S. Army Corps of Engineers on October 14, 2005. Project costs increased to a total estimate of \$5,927,100, with the non-Federal sponsor's share being one-half of that amount at \$2,963,550.

On January 28, 2010, the U.S. Army Corps of Engineers passed a major milestone of the Feasibility Study by conducting the F4 Conference. At the conference, after review by the San Francisco South Pacific Division team, representatives of the State Department of Water Resources and others, additional components were required to be performed for the project, which increased the total estimated cost to complete the Feasibility Study to \$6,817,100. The additional \$890,000 would be split 50-50 between the U.S. Army Corps of Engineers and the

Approval of Amendment No. 1 to the Agreement Between the Central Valley Flood Control Board and Stanislaus County for the West Stanislaus Feasibility Study and the Schedule and Cost Change Request Between the U.S. Army Corps of Engineers on Behalf of Stanislaus County

non-Federal sponsor (\$445,000 from Stanislaus County). The cost increase would require a Schedule and Cost Change Request (SACCR) to be signed by Stanislaus County and U.S. Army Corps of Engineers.

On May 28, 2010, the Central Valley Flood Control Board approved Amendment No. 1 to the existing Local Feasibility Cost Sharing Agreement (LFCSA) between the Central Valley Flood Control Board and Stanislaus County signed on April 15, 2002. The Amendment No. 1 would authorize increased financial contribution from the Flood Board up to \$445,000 to pay for the non-Federal sponsor portion of the \$890,000 study cost increase. The Amendment No. 1 needs to be signed by Stanislaus County and a representative of the Central Valley Flood Control Board.

Stanislaus County in-kind services and City of Newman in-kind services could be applied toward the new SACCR request. Stanislaus County has more than \$53,000 in un-credited "work-in-kind" that could be utilized. The City of Newman is considering a level of "work-in-kind" participation, but has not finalized a decision.

Also, there is \$25,000 of remaining funds from the original Agreement between Stanislaus County and the Central Valley Flood Protection Board from April 2002. Stanislaus County applied to receive these funds and would expend them toward the Feasibility Study when received.

POLICY ISSUES:

The Board of Supervisors is asked to consider whether they wish to continue participation in the West Stanislaus Feasibility Study and be a party to Amendment No. 1 to the existing Local Feasibility Cost Sharing Agreement (LFCSA).

STAFFING IMPACT:

There is no staffing impact associated with this action.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-6550.

COPY

Contract 4600002229
Amendment 1
Page 1 of 2

AMENDMENT NUMBER 1
TO
LOCAL FEASIBILITY COST SHARING AGREEMENT
BETWEEN
THE STATE OF CALIFORNIA, RECLAMATION BOARD
AND
COUNTY OF STANISLAUS
FOR THE WEST STANISLAUS COUNTY, CALIFORNIA FEASIBILITY STUDY

This AMENDMENT is entered into on this _____ day of _____, 2010, by and between The State of California, acting by and through The Central Valley Flood Protection Board, successor to the Reclamation Board (hereinafter "BOARD") and the County of Stanislaus (hereinafter "Local Sponsors").

RECITALS:

WHEREAS, the BOARD and Local Sponsors originally entered into a Local Feasibility Cost Sharing Agreement (LFCSA) on April 16, 2002; and

WHEREAS, the U.S. Army Corps (hereinafter "USACE") requests the nonfederal sponsor increase the total Study cost from \$5,927,100 to \$6,817,100; and

WHEREAS, *the non-federal share has increased by \$445,000; and*

WHEREAS, *the State agrees to fund all of the additional non-federal share increasing the total State share from \$325,000 to \$770,000; and*

WHEREAS, the BOARD and Local Sponsors desire to amend the LFCSA to incorporate the changes in the Study Cost in accordance with the Government's request; and

WHEREAS, the State is authorized by Water Code Section 12580 to engage in studies and coordination of water development projects undertaken by the State including flood control projects; and

WHEREAS, the Local Participant is authorized and empowered, under Government Code Section 25680 and Water Code Section 8100, to appropriate and expend general funds of the county to prevent overflowing and flooding of streams and rivers in the county.

COPY

Contract 4600002229
Amendment 1
Page 2 of 2

IT IS HEREBY AGREED to amend the LFCSA as follows:

- 1. Section 3.A.(3) shall be replaced in its entirety with the following paragraph:

“In the event that the BOARD secures any funding designated for payment of Study costs, the BOARD shall contribute those funds, up to a maximum contribution, including in-kind services, of \$770,000.”

IN WITNESS THEREOF, the Parties hereto have executed this amendment as of the day and year first above written.

THE CENTRAL VALLEY FLOOD
PROTECTION BOARD OF THE STATE OF
CALIFORNIA:

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

By _____
Benjamin F. Carter, President

By _____
Jeremy Goldberg, Counsel

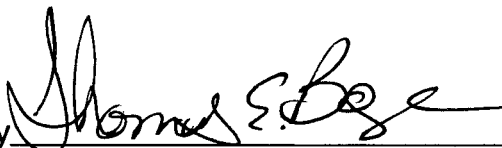
Date: _____

Date: _____

THE COUNTY OF STANISLAUS:

APPROVED AS TO LEGAL FORM
AND SUFFICIENCY:

By _____
Matt Machado
Director of Public Works

By  _____
Thomas E. Boze
Deputy County Counsel

Date: _____

Date: _____

WEST STANISLAUS COUNTY, CALIFORNIA FEASIBILITY STUDY

**SCHEDULE AND COST CHANGE REQUEST
TO THE
FEASIBILITY COST SHARE AGREEMENT
STATEMENT OF WORK/BUDGET**

West Stanislaus County work/budget for attachment to the Feasibility Cost Share Agreement.

1. Soils Exploration: Borings, Testing and Analysis (\$255,000)
 2. New Levee Alignment (\$150,000)
 3. Cost Risk Analysis (\$90,000)
 4. Wind Wave Analysis (\$50,000)
 5. Incremental Economic Justification (\$40,000)
 6. Update Feasibility Report (\$75,000)
 7. Additional Environmental Coordination (\$30,000)
 8. Additional Project Management Costs (\$25,000)
 9. ATR (\$50,000)
 10. IEPR Coordination and Response (\$50,000)
 11. Contingency (\$75,000)
-
1. Soils Exploration: Borings, Testing and Analysis (\$255,000)
 - o Collect Soil Borings and Conduct Soils Testing - \$150k
 - o Corps Oversight - \$50k
 - o Conduct Seepage Analysis and Write Report - \$55k
 2. New Levee Alignment (\$150,000)
 - o Value Engineering approach to select new alignment - \$60,000
 - o Coordination with team members and sponsor - \$10,000
 - o Additional Hydraulic modeling - \$30,000
 - o Civil Design updated to 30% design level - \$60,000
 - o Update Total Project Costs - \$15,000
 3. Cost Risk Analysis (\$90,000)
 - o Cost Engineering Evaluation- \$75,000
 - o Team Participation in Analysis Process - \$15,000
 4. Wind Wave Analysis (\$50,000)
 - o Wind Wave Run Up Analysis - \$25,000
 - o Conduct Sensitivity Analysis - \$25,000

5. Incremental Economic Justification (\$40,000)
 - Update damages, costs, benefits, of the NED - \$35,000
 - Define benefits of NED features including rail road trestle - \$5,000
6. Update Feasibility Report (\$75,000)
 - Plan Formulation -\$15,000
 - Update Report Appendix - \$60,000
7. Additional Environmental Coordination (\$30,000)
 - Update Air Quality Analysis Report - \$5,000
 - Farmland Protection Act Compliance Review - \$5,000
 - Update EA/IS and Fonsi - \$5,000
 - FWS Coordination Act Report / HEP Analysis – \$15,000
8. Programs and Project Management (\$25,000)
 - Additional Project Management and Project Management Support - \$25,000
9. ATR of Updated NED / LPP (\$50,000)
 - ATR Review and Back Check of Newly Defined NED and LPP - \$50k
10. Contingency Independent External Peer Review (IEPR) Coordination and Response (\$50,000)
 - Contingency for Coordination and Response to IEPR
11. Contingency (75,000)
 - 10% Contingency to Account for Unknown Conditions

Schedule and Cost Change Request (SACCR)

Alternate Eng. Form 5040-1-R

Project: West Stanislaus County, California Feasibility Study		SACCR #
		Date: 01 June 2010
From: Department of the Army U.S. Army Engineer District, Sacramento, 1325 J Street Sacramento, California 95814	To: Stanislaus County Department of Public Works Mr. Matt Machado 1010 10 th Street, Suite 3500 Modesto, CA95354	Project Manager: Michelle R. Williams Phone: 916-577-7098 Signature _____ Date _____
Section I - Request		

Description of Change Request:

Total study cost adjustment is being made in accordance with Engineer Regulation 1105-2-100 to fund new technical analysis required to execute a final feasibility report for project authorization. This SACCR will increase the costs as outlined below:

	<u>Agreement</u>	<u>Proposed</u>
Total Fed (appropriated to project)	\$2,963,550	\$3,408,550
Sponsor Cost Share	\$2,963,550	\$3,408,550
New Total Study Cost	\$5,927,100	\$6,817,100

The schedule has been impacted twelve months to account for the workload to meet the following engineering and plan formulation requirements: soils exploration, cost risk analysis, wind wave analysis and incremental economic justification.

Justification for Change:

This adjustment is due to new technical analyses that have been implemented over the past 2 years, which are required to determine the National Economic Development (NED) Plan for project authorization. These new analysis were not scheduled or budgeted in the current cost share agreement. This SACCR documents these adjustment to the Federal Cost Share Agreement for the West Stanislaus County, California Feasibility Study, signed in October 2005. Receipt of additional funding allowance no later than July 2010 will support the following milestones:

<u>Milestone</u>	<u>Target</u>
❖ Alternative Formulation Briefing	October 2010
❖ Draft Feasibility Report	December 2010
❖ Final Public Meeting	January 2011
❖ Final Report to HQ USACE	May 2011
❖ Chief's Report	August 2011

Additional Information: The local sponsor has requested that the Corps conduct the necessary analysis to develop a Locally Preferred Plan (LPP) that will meet FEMA and State accreditation requirements for 200 year flood protection for the City of Newman.

Project: West Stanislaus County, California Feasibility Study	SACCR #
	Date: 01 June 2010

Section II - Impact Assessment

Organization	Description
All PDT Members (Federal & Non-Federal)	This adjustment is needed to account for new technical analysis required to update the NED and LPP according to current Corps engineering and plan formulation guidance and regulations. Corps technical staff has reviewed the new technical analysis and have provided their input on the level of effort cost and schedule requirements. This input was utilized to create the information in this SACCR.

Section III - Project Manager's Evaluation

Category	Resources Required	Duration	Schedule
Soils Exploration: Borings, Testing, Surveying, Seepage Analysis	\$255,000	5 months	November 2010
New Levee Alignment	\$150,000	3 months	June 2010
Cost Risk Analysis	\$90,000	2 months	July 2010
Wind Wave Analysis	\$50,000	1 month	May 2010
Incremental Economic Justification	\$40,000	1 month	July 2010
Update Feasibility Report	\$75,000	6 months	November 2010
Environmental Coordination	\$30,000	4 months	December 2010

Project: West Stanislaus County, California Feasibility Study		SACCR #	
		Date: 01 June 2010	
Project Management	\$25,000	Continual	
ATR	\$50,000	2 months	February 2011
IEPR*	\$50,000	Unscheduled	*Contingency for Coordination and Response Labor
Contingency*	\$75,000	2 months	*10% Contingency for Unknown Conditions
Total Impact	\$890,000	12 months	
Section IV - Coordination with Partner			
Partner's Position and Acknowledgement			
Signature _____ Date			
Section V - PRB Action & Resolution			
CESPK-DE-P Recommendation and Signature: Not applicable.			

Project: West Stanislaus County, California Feasibility Study		SACCR #
		Date: 01 June 2010
District PRB Recommendation: Not applicable.	Reason: Not applicable.	