APPROVE A MOTION TO AUTHORIZE THE FRENCH CAMP ROAD/I-5 INTERCHANGE MITIGATION PLANTING

RECOMMENDATION

It is recommended that the City Council approve a motion authorizing the City Manager to:

1. Award a Professional Services Contract to LSA Associates, Inc. of Roseville, CA, in the amount of $91,750 to maintain and monitor the French Camp Road/I-5 Interchange Mitigation Planting (Project No. PW1418).

2. Approve findings pursuant to Stockton Municipal Code section 3.68.070 in support of an exception to the competitive bidding process.

It is also recommended that the City Manager be authorized to take appropriate and necessary actions to carry out the purpose and intent of this motion.

Summary

Construction of the French Camp Road/I-5 Interchange Reconstruction project was substantially completed in the fall of 2012. The construction required the removal of riparian habitat to widen the I-5 bridge over French Camp Slough. Mitigation work to repair the habitat was to begin when construction of the interchange was completed. However, because mitigation planting required irrigation, Caltrans postponed the work due to drought restrictions and concerns. In 2016, the City resumed the project and retained LSA Associates, Inc. (LSA) to prepare an Oak Tree Mitigation Plan. The Oak Tree Mitigation Plan involved significant new planting to restore the riparian habitat, and was approved by Caltrans in 2016. The City advertised the project to plant and monitor trees in accordance with the plan in 2017; however, no bids were received. In considering alternatives to fulfill the mitigation requirements, LSA suggested that a planting project was not necessary since significant natural re-growth of oak tree seedlings and other plant species occurred. Caltrans subsequently accepted the natural re-growth as acceptable mitigation, contingent on the City committing to three years of performance monitoring and reporting.

LSA has been involved with this project since 2010. LSA provided biological monitoring services during the construction phase, obtained Caltrans approval of the natural re-growth as acceptable mitigation, and has historical monitoring data for this area. LSA has submitted a task proposal to undertake the required performance monitoring and reporting. A consultant that is not familiar with the project and its history would need to complete these same tasks, but would also need to research the permit approval history for the project, study the previously approved plans, consult with Caltrans to clarify permit expectations, and map the site. These additional tasks would add significant extra costs and time to the project, and require additional staff resources for coordination and project
startup. Staff therefore recommend that utilization of LSA as a sole source vendor to provide these services is the most efficient and economical path forward. The $91,750 cost of the modified three year mitigation plan is substantially less than the cost of the original mitigation plan, estimated at $250,000.

It is recommended that Council approve a motion authorizing the City Manager to execute a Professional Services Contract in the amount of $91,750 for a period of three years with LSA.

DISCUSSION

Background

The City is the lead agency for the French Camp Road/I-5 Interchange Reconstruction project (Attachment A - Vicinity Map). This project is associated with two other projects: 1) Sperry Road Extension from Performance Drive to French Camp Road, and 2) Manthey Road Relocation west of I-5. All projects have been constructed and are open to traffic.

A portion of the interchange project involved widening the I-5 bridge over French Camp Slough to allow for another auxiliary lane. Construction activity along the slough required the removal of riparian habitat, including 31 oak trees and various native plants. During construction, LSA, biological consultant, was a member of the construction management team that oversaw biological monitoring on the project. LSA reported to Fish and Wildlife Service and other permitting agencies on impacts the project incurred to sensitive areas which included the area with 31 oak trees near I-5 and French Camp Slough.

Construction of the French Camp Road/I-5 Interchange Reconstruction project was completed in the fall of 2012. However, because mitigation planting required irrigation, Caltrans instructed the City to postpone its mitigation plans due to concerns with drought restrictions. In mid-2016, the City resumed the task of completing mitigation work for the project. Because of LSA’s mitigation monitoring history with the site, the City retained LSA to prepare and coordinate approval through Caltrans an Oak Tree Mitigation plan for the area near I-5 and French Camp Slough. The Oak Tree Mitigation Plan required the City to re-plant oak trees and other plant species, and maintain and monitor the plantings for five years. The Oak Tree Mitigation Plan was approved by Caltrans in December 2016.

Based on the approved Oak Tree Restoration Plan, the City advertised an Oak Tree Restoration Project in June 2017 to complete mitigation work at the I-5 and French Camp Slough area. No bids were received. Potential contractors advised that the unusual nature of the work and the requirement for a lengthy five-year maintenance period made the project difficult to bid.

Following the bid result, LSA performed an existing conditions survey of the site and found that significant re-growth of native plants and oak tree seedlings had taken hold since construction was completed.

LSA subsequently requested Caltrans to accept the presence of oak tree seedlings and natural re-growth as acceptable mitigation for the project, eliminating the need for additional planting and irrigation. LSA also proposed the City commit to three years of performance monitoring, maintenance, and reporting instead of five years. Both Caltrans and the Fish and Wildlife Service
accepted this proposal.

Present Situation

The new performance monitoring, maintenance, and reporting requirements approved by Caltrans eliminates the need for construction services, because planting is no longer required. The revised project requires only the expertise of a biological consulting firm. Had monitoring of natural regrowth always been the plan, continuation of biological monitoring services from design through completion would be standard practice to avoid all unnecessary transition and expense of getting a second vendor on board. LSA oversaw biological monitoring during the construction phase of the interchange project, prepared the original Oak Tree Mitigation Plan, and has recent monitoring history and inspection information that lead to Caltrans approval of natural re-growth as acceptable mitigation. LSA has the knowledge and expertise to maintain and monitor the native trees and plants to satisfy Caltrans and the Fish and Wildlife Service requirements.

As LSA has unique qualifications and knowledge regarding this project, City staff asked LSA to submit a proposal to perform the necessary work. The proposed scope of work includes, but is not limited to, the following tasks:

1. Establishment of photo stations
2. Collection of baseline data
3. Monitor of initial and follow-up weed removal
4. Perform site visits
5. Prepare annual report and submit to regulatory agencies
6. Install and maintain vaca (tree) cages
7. Remove weeds as needed
8. Prepare close-out report

LSA submitted a fee of $91,750 for the scope of services. LSA’s fee is consistent with other similar projects and utilizes lower tier professional staff when appropriate to reduce costs. Staff considers the fee of $91,750 fee to be reasonable for the scope of services. LSA was the original oversight biologist during construction of the project, prepared the original Oak Tree Restoration Plan, and has historical monitoring data for this area. This prior knowledge of the project will be critical for successful ongoing communications with Caltrans and permitting agencies during completion of this mitigation project. A consultant that is not familiar with the project and its history would be required to complete these same eight tasks, but would also be required to research the permit approval history for the project, study the previously approved plans, consult with Caltrans to clarify permit expectations, and map the site. Completion of these tasks would add further costs and time to the project. LSA has already completed these tasks, eliminating any cost and delays due to project familiarization. Staff recommends LSA be retained as a sole source vendor to perform monitoring and reporting of the naturally occurring plant re-growth area, due to their extensive involvement with the project and their unique qualifications.

It is recommended that Council approve a motion authorizing the City Manager to execute a Professional Services Contract in the amount of $91,750 for a period of three years with LSA (Attachment B).

Funding for this project will come from Measure K funds based on the Cooperative Agreement
Findings

Pursuant to Stockton Municipal Code section 3.68.070, Council may approve findings which support an exception to the competitive bidding process. These findings include:

1. The City does not have enough staffing available to maintain and monitor the existing native plants and trees for a period of three years.
2. The scope of services requires a firm with a biologist experienced in maintaining, monitoring, and reporting the status of native plants and trees.
3. LSA has been involved with this project since 2010, has direct knowledge of the permit approval history for the project, developed the previously approved mitigation, coordinated the permit approval with Caltrans, and has mapped the site.
4. LSA provides unique qualifications and previous experience, and can commence the project immediately with no cost or delay for project familiarization, therefore it is in the public interest to retain LSA to perform the required scope of work as a sole source vendor.

The recommended motion will approve a Professional Services Contract with LSA Associates, Inc., in the amount of $91,750, for the French Camp Road/I-5 Interchange Mitigation Planting (Project No. PW1418).

FINANCIAL SUMMARY

Funding for this project will come from Measure K funds based on the Cooperative Agreement between the City and the San Joaquin Council of Governments, which was entered into on December 1, 2014.

There is no impact to the City’s General Fund or to any other unrestricted fund as a result of taking the recommended action.

Attachment A - Vicinity Map
Attachment B - Professional Services Contract with LSA Associates, Inc.