

**MONTEREY PENINSULA REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING**

DATE: April 5, 2022
TO: Board of Directors
FROM: Kelly McCullough, Finance Manager
REVIEWED BY: Rafael Payan, General Manager
SUBJECT: Review and Approval of Amendment to Professional Services Agreement with SWCA Environmental Consultants for Biological Services

SUMMARY:

Staff are requesting the Board approve an amendment to MPRPD's services contract with SWCA, Incorporated, dba SWCA Environmental Consultants, for on-call California red-legged frog (*Rana draytonii*) and Dusky Footed Wood Rat monitoring, reporting, and best management practice recommendations for Project B, and authorize and direct the General Manager to execute the amendment, substantially as to form.

FISCAL IMPACT:

Original Contract: \$3,170
Amendment 1 Services: \$36,830
Amendment 2 "on-call" services: \$24,829
Amendment 3 "on-call" services: \$30,079, plus any on-call and as needed services to complete Project B

FUNDING SOURCE:

6487 – Palo Corona Rancho Canada Unit

FUNDING BALANCE:

\$52,292 over, as of the writing of this report.

DISCUSSION:

As previously reported in the October 2022 Board Meeting, in August 2022, staff received confirmation from its amphibian monitoring biologist, Rachel Anderson, that California Red-legged frogs (CRLF) (*Rana draytonii*) are inhabiting the irrigation pond adjacent to the Palo Corona Regional Park Project B (Project) construction area. Project activities began in May 2022, including construction of a prefabricated restroom, shade structure, bus services landing, landscaping, multi-purpose pad, and utility upgrades. After confirmation of CRLF near the Project area, staff halted Project construction and notified the United States Fish and Wildlife Service (FWS) and California Department of Fish and Wildlife (CDFW), requesting a site visit and consultation. Staff secured the services of SWCA Incorporated (SWCA) to attend an initial site visit with FWS on August 31, 2022 and identify best management practices (BMP's) that should be incorporated into the Project to mitigate risk of taking CRLF, allowing construction activities to resume. CDFW did not request or offer a site visit. SWCA staff recommended that MPRPD implement BMP's based on those outlined in the Palo Corona Regional Park General Development Plan. FWS concurred that SWCA's BMP recommendations should be sufficient to

resume Project construction and clarified that FWS was acting in a strictly advisory role since these BMP's were voluntary measures proposed by MPRPD to mitigate risk of taking CRLF and FWS was not permitting take of CRLF. MPRPD allowed Project construction activities to resume on September 6, 2022, after SWCA conducted a pre-construction clearance survey, educated construction crews on CRLF identification, and began providing onsite CRLF monitoring activities until the Project could fully incorporate all recommended BMP's.

SWCA's work has been considered to be emergency services that are essential to maintain a construction schedule which would have resulted in significant cost to MPRPD if the Project was delayed further. SWCA's services were approved by the General Manager per MPRPD's purchasing policy and SWCA's contract was amended on September 16, 2022 not-to-exceed \$40,000. Due to extreme weather conditions, further construction delays and additional sweeps and reports required for CRLF, resulted in an additional service request and amendment October 5, 2022 for a total contract amount of \$64,829.

Continuing weather conditions have resulted in additional extended construction periods to complete the permanent PG&E powerline and transformer installation, which requires additional sweeps and reporting and to address storm damaged exclusionary fencing. In addition, SWCA assistance was required to determine Dusky Footed Wood Rat nesting locations, which needed to be avoided in placement of the PG&E line and transformer.

Attached for consideration is a proposal for the additional services required to finish the PG&E work (\$30,079) and an hourly rate schedule to continue on an as needed basis per SWCA standard rates (**ATTACHMENT 1**). Staff anticipates needing additional support and sweeps for warranty work until completion of Project B, however, the exact amount of support is not known at this time.

Staff has found SWCA to be highly responsive to these emergency needs. As the construction schedule has been extended due to CRLF observations, extreme and extended rainy season, storm damaged exclusion fencing, and Dusky Footed Wood Rat nest discoveries, it is requested that an additional amount of \$30,079 be allocated to fund SWCA's proposal for expected PG&E work, including approval to utilize additional SWCA support as-needed based on the included rate schedule until completion of Project B. Staff will report monthly on any additional expenses incurred as continued as needed services.

RECOMMENDED ACTION:

Staff respectfully recommends that the Board authorize and direct the General Manager to execute the amended agreement with SWCA Consulting LLC (**ATTACHMENT 2**), substantially as to form, for Biological Support Services for California Red-legged Frog for Project B in the amount of \$30,079, plus any required additional support services based on the included rate schedule until Project B completion.

ATTACHMENTS:

1. [SWCA's Proposal](#)
2. [SWCA Contract Amendment 3](#)