

# ***ALAMEDA COUNTY WATER DISTRICT***

## ***MEMORANDUM***

DATE: April 7, 2009  
TO: Board of Directors  
FROM: Paul Piraino  
SUBJECT: STAFF REPORT, ACTION CALENDAR ITEMS FOR April 14, 2009

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### **5.1 REVIEW OF BOARD MEMBER VACANCY SELECTION PROCESS**

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**BACKGROUND:** At the April 7, 2009 Board meeting the Board approved a recommended process for selecting and appointing a new Board member to fill the unexpired term of Director Art Lampert.

**DISCUSSION:** At the April 14, 2009 meeting, the Board will be advised of the number of applicants who submitted completed declaration of candidacy statements by the April 10, 2009 deadline. At that time, depending on the number of applicants who have applied, there may be a need to interview more than one panel of applicants. This may require the setting of a special meeting for this purpose in addition to the special meeting scheduled for April 30, 2009.

**RECOMMENDATION:** By motion, provide direction as appropriate, including the setting of an additional special meeting to interview applicants for the vacant Board member position.

### **5.2\* AUTHORIZATION OF PURCHASE ORDER FOR DISTRICT VEHICLES**

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**BACKGROUND:** The Board of Directors approved funding in the current budget for the purchase of District vehicles.

**DISCUSSION:** A Request for Quotation to purchase three trucks and one sedan was sent to twelve Ford dealers. Five responsive bids were received. The low bidder on the three trucks was San Francisco Ford Lincoln Mercury in an amount of \$121,793.87. Two of the trucks are service trucks and are replacements of existing vehicles. The third truck is a pickup truck with a valve turner to support the improved valve asset management program previously brought before the Board. This vehicle is a new addition to the fleet. The low bidder on the sedan was Hansel Ford of Santa Rosa in an amount of \$27,877.76. The replacement vehicle is a Ford Fusion Hybrid. There is sufficient funding in the current budget to purchase these vehicles.

**RECOMMENDATION:** By motion, 1) authorize a purchase order to San Francisco Ford Lincoln Mercury in an amount of \$121,793.87 for the purchase of three trucks, and 2) authorize a purchase order to Hansel Ford of Santa Rosa in an amount of \$27,877.76 for the purchase of a Ford Fusion Hybrid.

### **5.3\* AUTHORIZATION OF PURCHASE ORDER FOR BACKFILL MATERIALS**

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**BACKGROUND:** ACWD crews perform a variety of construction and maintenance work throughout the District's service area. Repairs and installations can occur during normal working hours, off-hours weekdays, weekends, and holidays. Excavations for leaks, replacements, and new installations are required for the majority of this work. Subsequently, a variety of materials is

needed to backfill these excavations. Commonly used materials include sand, coarse aggregate, base rock, concrete, cutback, and control density fill.

DISCUSSION: There are a number of vendors spread throughout the general area who provide some or all of the required backfill material. Because work is performed throughout the service area, it is more efficient to purchase backfill materials on the open market at the nearest supply point. Typically, ACWD has purchased materials from about a dozen local vendors. The amounts purchased from each vendor are dependent upon the location of work performed, the availability of the particular material needed, suppliers' operating hours, and the required pickup or delivery schedule. The two main vendors used and the estimated FY 09/10 purchases from each are: Hanson Aggregates Mid-Pacific, Inc. (formerly Mission Valley Rock), estimated at \$180,000 and Milpitas Materials Co., estimated at \$75,000. Other vendors will also be used on an occasional basis for purchases averaging a few thousand dollars per year. Maintaining the ability to select suppliers who can fill immediate needs allows for more efficient crew use by minimizing delays waiting for backfill material. Sufficient funds have been budgeted for these expenditures.

RECOMMENDATION: By motion, authorize annual purchase orders to Hanson Aggregates Mid-Pacific, Inc. and Milpitas Materials Co. for a variety of backfill materials at prices quoted for FY 09/10.

#### 5.4\* AUTHORIZATION OF PURCHASE ORDER FOR DISPOSAL OF MATERIALS TO LANDFILL

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BACKGROUND: ACWD crews perform a variety of construction and maintenance work throughout the District's service area. Landscaping, site demolition, system repairs and installations can occur during normal working hours, off-hours weekdays, weekends, and holidays. Excavations for leaks, replacements, and new installations are required for the majority of this work. Subsequently, a variety of refuse materials is generated that needs to be disposed of in a proper manner. Other common materials generated by District operations and in need of disposal include rubbish, concrete, asphalt, soil, tires, wood, and vegetation.

DISCUSSION: There are a limited number of disposal sites throughout the general area and travel time is an important factor to consider when deciding where to dispose of spoils. In the past many different sites were utilized, but as more and more sites closed or restricted their operations, we increased our usage of the Tri-Cities Waste Management facility located at 7010 Auto Mall Parkway in Fremont. This location is no longer in business. The site most frequently used at this time is Newby Island Landfill located at 1601 Dixon Landing Rd. in Milpitas, CA. Currently, expenditures for FY 08/09 will approach \$150,000. It is anticipated that we will increasingly use this site. FY 09/10 expenses are estimated to be about \$160,000. Sufficient funds have been budgeted for these expenditures.

RECOMMENDATION: By motion, authorize an annual purchase order to Newby Island Landfill for disposal of a variety of materials at prices quoted for FY 09/10.

5.5\* AUTHORIZATION OF CHANGE ORDER NO. 1 FOR THE VINEYARD HEIGHTS TANK SEISMIC UPGRADE

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**BACKGROUND:** On November 13, 2008, the construction contract for the Vineyard Heights Tank Seismic Upgrade Project was awarded to Paso Robles Tank, Inc. in the amount of \$778,500. The scope of work includes replacing the lower tank shell with thicker steel plate, anchoring the tank, upgrading the inlet/outlet and overflow piping, performing miscellaneous electrical work and recoating. Construction began in January and is approximately 40% complete.

**DISCUSSION:** Change Order No. 1, in the amount of \$1,546, includes the cost for the removal and disposal of buried surplus foundation concrete around the base of the tank. The Contractor has also submitted a request for a time extension of 2 calendar days due to the additional work. Staff has reviewed the time extension and cost associated with the additional work and has determined that they are fair and reasonable. There is adequate funding in the budget for this expenditure.

**RECOMMENDATION:** By motion, 1) approve Change Order No. 1 in the amount of \$1,546; and 2) grant an extension of time of 2 calendar days for the Vineyard Heights Tank Seismic Upgrade Project, Job 6351.

5.6\* AUTHORIZATION OF CHANGE ORDER NO. 1 FOR THE BELLFLOWER AND FARWELL ARP WELL SITES UPGRADE PROJECT

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**BACKGROUND:** On October 9, 2008, the construction contract for the Bellflower and Farwell ARP Well Site Upgrade Project was awarded to JMB Construction, Inc. in the amount of \$832,865. The scope of work includes the demolition of existing equipment and the installation of piping, pump houses, PLCs, and District-furnished pumping equipment and electrical switchgear. Construction began in December and is approximately 50% complete.

**DISCUSSION:** Change Order No. 1, in the amount of \$7,474 has been prepared for the following additional work items requested by the District at the Bellflower site: 1) extend a well pipe that was uncovered during the demolition work (\$254); and 2) add an additional 5-inch electrical conduit to meet PG&E requirements for electrical service (\$7,220). The Contractor also submitted a request for a time extension of 2 calendar days due to the additional work and 1 rain delay day. Staff has reviewed the time extension request and the costs associated with the additional work and has determined that they are fair and reasonable. There is adequate funding in the budget for this expenditure.

**RECOMMENDATION:** By motion, 1) approve Change Order No. 1 in the amount of \$7,474; and 2) grant an extension of time of 3 calendar days for the Bellflower and Farwell ARP Well Site Upgrade Project, Job 4311.

5.7\* RESOLUTION FINDING THE GEOTECHNICAL INVESTIGATION PROJECT AT RUBBER DAM NO. 1 FOUNDATION CATEGORICALLY EXEMPT FROM CEQA AND APPROVING THE PROJECT

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**BACKGROUND:** On May 15, 2008, the Board authorized a purchase order to Winzler&Kelly to provide engineering services for the Lower Alameda Creek Fish Passage/Rubber Dam No. 1

Foundation Evaluation Project. In order to address Division of Safety of Dams (DSOD) requirements, the project also includes a geotechnical investigation. Because the work is being performed within the Alameda Creek channel, staff has applied for permits from the Army Corps of Engineers, the Regional Water Quality Control Board and the Department of Fish and Game. The investigation project is subject to the California Environmental Quality Act (CEQA).

DISCUSSION: Certain project categories have been identified by CEQA to have no significant effect on the environment. These project categories are exempt from the environmental review process.

CEQA Section 15301 addresses Class 1 Categorical Exemptions and states “Class 1 consists of the operation repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” Section 15301 provides specific examples of a Class 1 Categorical Exemption to include, “Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.”

The geotechnical investigation qualifies for a Class 1 Categorical Exemption because the proposed investigation involves minor alterations to the existing rip-rap apron which will not change the capacity or use of the rubber dam and will not result in any significant environmental impacts. The investigations will take place once permitting and CEQA are complete.

RECOMMENDATION: By motion, adopt a resolution that finds 1) the geotechnical investigation to qualify for a CEQA Section 15301 Class 1 Categorical Exemption, and 2) approve the geotechnical investigation project, Job 6359.

## 5.8 PUBLIC HEARING ON PROPOSED REPLENISHMENT ASSESSMENT FOR FY 09/10

BACKGROUND: On November 13, 2008, the Board ordered the preparation of the 2009 Engineering Survey Report on Groundwater Conditions as provided in Section 7 of the District's Replenishment Assessment Act. On February 12, 2009, the Board: 1) received the completed report; 2) declared its intent to raise funds by a replenishment assessment in FY 09/10; and 3) scheduled a Public Hearing for April 14, 2009.

On March 12, 2009, staff presented the report’s findings and basis for the recommended replenishment assessment to the Board.

DISCUSSION: As provided in the District’s Replenishment Assessment Act, a public hearing must be held on the second Tuesday in April for the purpose of determining whether, and to what extent, the cost of replenishing groundwater supplies within the District during FY 09/10 will be funded by a replenishment assessment.

Notice of the time and place of the public hearing was published in The Argus newspaper and was posted on the District’s website. Additionally, notification mailings of the proposed 5% increase in the replenishment assessment rate were mailed as required by Proposition 218. To date, no

comments from the public have been received by the District.

Any person interested, including any and all persons owning property within the District, may appear during the public hearing and present any and all matters in support of or in opposition to the proposed assessment, the Survey Report, or the Board's determinations. The hearing may be adjourned from time to time, but must be completed no later than the first Tuesday in May (May 5, 2009).

RECOMMENDATION: By motion, conduct a public hearing as scheduled and receive comments from the public.

#### 5.9 RESOLUTIONS ESTABLISHING REPLENISHMENT ASSESSMENT FOR FY 09/10

BACKGROUND: In anticipation that comments received, if any, during the April 14, 2009, public hearing on the proposed replenishment assessment will not necessitate an additional Board meeting, staff has prepared the required resolutions for establishing the proposed replenishment assessment for FY 09/10. These resolutions may be adopted only after the public hearing is completed and closed. Should the Board not adopt the resolutions, a special Board meeting would be required to meet the deadline stipulated in the Replenishment Assessment Act (second Tuesday in May, or May 12) to adopt the required resolutions to establish a replenishment assessment for FY 09/10.

DISCUSSION: The resolutions: 1) state the findings and determine the need for the replenishment assessment; 2) establish the replenishment assessment rates (\$8.00 per acre-foot for agricultural and municipal recreation uses, and \$217.00 per acre-foot for all other uses); and 3) provide procedures and statement forms.

RECOMMENDATION: By motion, adopt the resolutions required to establish the Replenishment Assessment for FY 09/10.

#### 5.10 RESOLUTION AWARDING CONTRACT FOR BUNTING POND FISH SCREEN SITE CONSTRUCTION AND RUBBER DAM NO. 2 DECOMMISSIONING PROJECTS

BACKGROUND: The Bunting Pond Fish Screen Site Construction and Rubber Dam No. 2 Foundation Modification Projects are part of an overall program to restore steelhead in the Alameda Creek Watershed. These two projects were packaged under one set of bid documents and the total bid price is based on the sum of the two projects (Schedule A and Schedule B).

The Bunting Pond Fish Screen Construction Project is comprised of two elements. The first element, fabrication and installation of the fish screen, was awarded to Intake Screens, Inc. on March 12, 2009, in the amount of \$291,250. The second element includes the sitework required to accommodate the fish screen installation and contains the following principal construction items: 1) temporary water diversion facilities within Alameda Creek Flood Control Channel; 2) modification of the existing reinforced concrete water diversion intake; 3) electrical work; and 4) site restoration.

The Rubber Dam No. 2 Decommissioning and Foundation Modification Project contains the following principal construction items: 1) temporary water diversion facilities within Alameda Creek Flood Control Channel; 2) temporary channel access ramp to the creek bottom; 3) modification of the existing dam foundation to install a 9 feet wide by 60 feet long "Larrier" fishway for fish passage under low flow conditions; 4) abandonment of vaults, pipelines, and appurtenances; and 5) site restoration.

DISCUSSION: On Thursday, March 26, 2009, the District received and opened eight (8) bid proposals for the projects. All bids were checked arithmetically and for compliance with the bidding requirements. One bid contained a mathematical error. Correction of the error resulted in the first and second apparent low bidders changing positions. The corrected bids are shown on the attached bid summary. The totals for comparison ranged from a corrected low of \$686,800 to a high of \$1,750,678. Engineer's estimate was \$1,326,000.

Con-Quest Contractor, Inc. (Con-Quest) of San Francisco, California submitted the lowest bid in the amount of \$686,800. However, Con-Quest's proposal was deemed non-responsive because Con-Quest has not operated under its present business name and license for at least five (5) years as required in the bid documents. Con-Quest has been in the business of construction contracting under its present business name and license since April 8, 2008, approximately one (1) year. In addition, Con-Quest did not submit any work experience under its current business name and license with its proposal as required.

The second low bidder was Valentine Corporation (Valentine) of San Rafael, California with a bid total of \$767,369. This firm has been in the contracting business under its present business name and under the same license for 44 years doing work similar to that required. There was a one minor irregularity with the electrical subcontractor, Paradigm Energy, Inc., in Valentine's proposal. The electrical subcontractor submitted an older version of the District's Statement of Experience form; however, the substantive information on that form is identical to the information that is required to be submitted under the current version of the Statement of Experience form. The information provided by the subcontractor meets all requirements of the specification. The references provided for Valentine Corporation were checked, and the quality of workmanship was satisfactory. Valentine's proposal was checked and found to be responsive.

There is adequate funding in the current budget and the next year's budget for this work.

RECOMMENDATION: By motion, 1) reject the bid of Con-Quest Contractor, Inc. as non-responsive; 2) waive the minor irregularity in the second low bid submitted by Valentine Corporation; and 3) adopt a resolution to award the contract for Bunting Pond Fish Screen Site Construction Project and Rubber Dam No. 2 Decommissioning and Foundation Modification Project to Valentine Corporation, in the amount of \$767,369 which is the total unit price and lump sum payment items, Job Nos. 4313.2 and 6320.

5.11 RESOLUTION AUTHORIZING AGREEMENT WITH THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE DECOMMISSIONING OF RUBBER DAM NO. 2

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BACKGROUND: The Alameda Creek Flood Control Channel, constructed by the United States Army Corps of Engineers in 1972, extends from the San Francisco Bay approximately 12 miles inland to the vicinity of Niles Canyon. The Alameda County Flood Control and Water Conservation District (County) owns and maintains the channel. The District operates three rubber dams within the channel for diversion of water to groundwater recharge ponds. Rubber Dam No. 2, the most downstream dam, is considered to be a barrier to fish passage under low flow conditions and is no longer needed. However, the foundation needs to remain in place to provide hydraulic grade control for the channel. Accordingly, the District is planning to remove the rubber dam and construct a low flow “Larinier” fishway in the foundation. The decommissioning project is scheduled for construction in summer 2009.

DISCUSSION: Because the District no longer needs the foundation, staff has entered in discussions with the County to transfer ownership and maintenance of the new fishway and dam foundation to the County. “Larinier” fishways have been successfully installed and operated in numerous applications. Typically, little or no maintenance is required because the fishways are designed to be self cleaning, i.e., silt, sand, and other materials are flushed during high creek flows. However, there is a possibility that debris could become trapped and plug the fishway notch. Accordingly, District and County staffs have agreed to share the risk that more maintenance than anticipated could be required. District staff and legal counsel have drafted an agreement in which the District will 1) remove the dam and construct the new fishway, 2) document and perform small debris and sediment removal for two years, and 3) transfer ownership of the dam foundation to the County two years after construction is complete. Similarly, the County will document and perform large debris removal for two years. If after two years, the cost for maintenance is more than a similar grade control structure in the channel, the District will share the cost of future maintenance at this structure. However, if the cost is the same or less, the County will be responsible for the cost of all future maintenance at this grade control structure. County staff will recommend that Alameda County Board of Supervisors approve the agreement at its April 28, 2009, meeting.

RECOMMENDATION: By motion, adopt a resolution authorizing an agreement with the Alameda County Flood Control and Water Conservation District for the Rubber Dam No. 2 Decommissioning Project, Job 6319.

Attachments

cc: Executive Staff