

BOARD OF DIRECTORS

<u>City of Stockton</u> Kimberly Warmesley Dan Wright Alt. Michael Blower	<u>Public Member</u> Steve DeBrum	<u>San Joaquin County/SJCFCWCD*</u> Paul Canepa Miguel Villapudua Alt. Robert Rickman
<u>City of Manteca</u> Gary Singh, Chair Charlie Halford Alt. Mike Morowit	<u>Executive Director</u> Chris Elias	<u>City of Lathrop</u> Paul Akinjo, Vice-Chair Diane Lazard Alt. Jennifer Torres-O'Callaghan
*San Joaquin County Flood Control and Water Conservation District		

SPECIAL BOARD MEETING
San Joaquin Council of Governments
Board Conference Room
555 E. Weber Ave, Stockton, CA
THURSDAY, NOVEMBER 16, 2023, 10:00 A.M.

1. CALL TO ORDER / ROLL CALL

2. PLEDGE TO FLAG

3. CONSENT ITEMS

3.1) Approve Minutes from October 19, 2023, Board Meeting

4. NEW BUSINESS

4.1) SJAFCA Regular Board Meeting Schedule for 2024

4.2) Adopt Resolution authorizing Change Order No. 8 to Consultant Agreement with Larsen Wurzel & Associates, Inc., for additional Administrative and Financial Support Services for the Smith Canal Gate Project

4.3) Adopt Resolution authorizing Amendments to consultant contracts with Kjeldsen, Sinnock, Neudeck, Inc., for additional Construction Management Services to complete the Smith Canal Gate Project

5. BRIEFINGS

6. ORAL REPORT FROM EXECUTIVE DIRECTOR

6.1) Status update on recent Request for Qualifications

6.2) Memorandum on the inter-basin transfer of excess federal credits

7. PUBLIC COMMENTS

8. BOARD QUESTIONS, COMMENTS, ACTIONS

9. CLOSED SESSION

10. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.

Agenda Item 3.1

**MINUTES
SAN JOAQUIN AREA FLOOD CONTROL AGENCY
BOARD MEETING OF OCTOBER 19, 2023**

STOCKTON, CALIFORNIA

1. CALL TO ORDER / ROLL CALL 10:03 AM

Roll Call

Present:

Director Akinjo
Director Blower
Director Canepa
Director DeBrum
Director Halford
Director Lazard
Director Singh
Director Wright

Absent:

Director Villapudua
Director Warmasley

2. PLEDGE TO FLAG 10:04 AM

3. CONSENT ITEMS 10:04 AM

3.1) Approve Minutes from the September 29, 2023, Board Meeting.

PUBLIC COMMENT:

- Dominick Gulli submitted written comments.

Motion: Approve Minutes from the September 29, 2023, Board Meeting

Moved by: Director Wright, Seconded by Director Halford

Vote: Motion carried 8-0

Yes: Director Akinjo, Director Blower, Director Canepa, Director DeBrum, Director Halford, Director Lazard, Director Singh, Director Wright

Absent: Director Villapudua, Director Warmasley

4. NEW BUSINESS 10:05 AM

4.1) Authorize Executive Director to execute Amendment 5 to Task Order 1 of the Consultant Services Agreement with Environmental Science Associates to provide additional Environmental Consulting Services for the Mossdale Tract Urban Flood Risk Reduction Project and Lathrop Manteca Federal Study.

PUBLIC COMMENT: Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

Motion: Authorize Executive Director to execute Amendment 5 to Task Order 1 of the Consultant Services Agreement with Environmental Science Associates to provide additional Environmental Consulting Services for the Mossdale Tract Urban Flood Risk Reduction Project and Lathrop Manteca Federal Study.

Moved by: Director Halford, Seconded by Director Wright

Vote: Motion carried 8-0

Yes: Director Akinjo, Director Blower, Director Canepa, Director DeBrum, Director Halford, Director Lazard, Director Singh, Director Wright

Absent: Director Villapudua, Director Warmesley

5. BRIEFINGS 10:21 AM

5.1) Review of Agency's 2023 Priority Actions.

BOARD COMMENTS

- Director Akinjo shared comments for all to hear.
- Director DeBrum shared comments for all to hear.

PUBLIC COMMENT

- Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

6. ORAL REPORT FROM EXECUTIVE DIRECTOR 11:26 AM

Executive Director Elias shared photos from the National Waterways Conference.
Executive Director Elias shared photos from the Van Buskirk site visit with American Rivers.

PUBLIC COMMENT

- None.

7. PUBLIC COMMENTS 11:37 AM

PUBLIC COMMENT

- Dominick Gulli submitted written comments and shared comments during the meeting for all to hear.

8. BOARD QUESTIONS, COMMENTS, ACTIONS 11:40 AM

- None.

9. CLOSED SESSION.

- None.

10. ADJOURNMENT 11:40 AM

The meeting adjourned at 11:40 AM. The next meeting is scheduled for December 14, 2023.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Board's office at (209) 937-7900 or (209) 937-7115 (fax). Requests must be made one full business day before the start of the meeting.



CHRIS ELIAS
EXECUTIVE DIRECTOR
SAN JOAQUIN AREA FLOOD
CONTROL AGENCY

October 19, 2023, SJAFCA Meeting Minutes

Agenda Item 4.1

November 16, 2023

TO: Board of Directors

FROM: Chris Elias, Executive Director

SUBJECT: **SJAFCA REGULAR BOARD MEETING SCHEDULE FOR 2024**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency accept the draft 2024 monthly meeting schedule.

DISCUSSION

Background

On January 26, 2011, the SJAFCA Board approved a resolution setting future regular Board meeting on a bi-monthly basis. The resolution also states that future Board meetings schedules will be presented no later than January of each year, and that Special Board meetings will be held, as necessary.

Throughout the course of 2020 and 2021, SJAFCA Board meetings were held monthly via video conferencing.

During 2022, all meetings were held monthly in person, except for the month of February 2022, when the Board of Directors found that due to conditions of danger to the safety of persons, warranted and necessitated the proclamation of a local emergency throughout the boundary of the San Joaquin Area Flood Control Agency, due to the COVID-19 pandemic.

The Board of Directors reviewed the need for continuing this emergency proclamation within thirty (30) days and determined conditions safe to return to in-person meetings.

During 2023, all meetings have continued to be held in person.

Present Situation

It is recommended the Board of Directors of the San Joaquin Area Flood Control Agency accept and approve the resolution for the 2024 Board Meeting Schedule.

PREPARED BY: Leanne Randall

APPROVED BY:



CHRIS ELIAS
EXECUTIVE DIRECTOR

Attachment: 1. Draft Schedule
2. Resolution 23-31

DRAFT

2024

ATTACHMENT 1

AGENDA ITEM 4.1

OPTION 1

**SJAFCA's
PROPOSED Board
Meeting Schedule**

TIME: 10AM - NOON

- January 18, 2024 AT 9AM
- February 15, 2024
- March 21, 2024
- April 18, 2024
- May 16, 2024
- June 20, 2024 * AT 6PM PUBLIC HEARING FOR MOSSDALE OVERLAY ASSESSMENT DISTRICT
- July - Off/No Meeting
- August 15, 2024
- September 19, 2024
- October 17, 2024
- November 2023 – Off/No Meeting
- December 12, 2024

OPTION 2

**SJAFCA's
PROPOSED Board
Meeting Schedule**

TIME: NOON – 3PM

- January 18, 2024
- February 22, 2024 -
- March 28, 2024 -
- April 25, 2024 -
- May 23, 2024 -
- June 20, 2024 * AT 6PM IN LATHROP FOR THE PUBLIC HEARING FOR MOSSDALE OVERLAY ASSESSMENT DISTRICT
- July 25, 2024 -
- August 22, 2024 -
- September 26, 2024 -
- October 24, 2024 – AT NOON-3PM - AT STOCKTON CITY HALL
- November 28, 2024
- December - Off/No Meeting

OPTION 3

**SJAFCA's
PROPOSED Board
Meeting Schedule**

TIME: 10AM - NOON

- January 18, 2024 – 9AM
- February 15, 2024
- March 21, 2024
- April 18, 2024
- May 16, 2024
- June 20, 2024 * AT 6PM IN LATHROP FOR THE PUBLIC HEARING FOR MOSSDALE OVERLAY ASSESSMENT DISTRICT
- July 18, 2024 – RESULTS OF THE ASSESSMENT DISTRICT PROP 218 BALLOT AT 10AM
- August 15, 2024
- September 19, 2024
- October 24, 2024 – NOON – 3PM - AT STOCKTON CITY HALL
- November 21, 2024 – AT 10AM
- December 12, 2024

**RESOLUTION NO. SJAFCA 23-31
SAN JOAQUIN AREA
FLOOD CONTROL AGENCY**

=====

RESOLUTION SETTING THE BOARD MEETING SCHEDULE FOR 2024

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN AREA FLOOD CONTROL AGENCY, AS FOLLOWS:

Regular Board meetings for 2024 are scheduled at _____ (unless specified as different) to be held at 555 E. Weber Ave, Stockton, CA, San Joaquin Council of Governments, on the following dates:

- | | | |
|---------------------|---|----------------------|
| • January ___, 2024 | • May_____, 2024 | • September___, 2024 |
| • February ___,2024 | • June 20, 2024 * AT
6PM FOR PUBLIC
HEARING | • October_____, 2024 |
| • March_____, 2024 | | • November____,2024 |
| • April_____, 2024 | • July_____,2024 | • December____, 2024 |
| | • August_____,2024 | |

PASSED, APPROVED AND ADOPTED this 16th day of November 2023

GARY SINGH, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, EXECUTIVE DIRECTOR
of the San Joaquin Area
Flood Control Agency

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
For the San Joaquin Area
Flood Control Agency

Agenda Item 4.2

November 16, 2023

TO: Board of Directors
FROM: Chris Elias, Executive Director
SUBJECT: **ADOPT RESOLUTION AUTHORIZING CHANGE ORDER No. 8 TO CONSULTANT AGREEMENT WITH LARSEN WURZEL & ASSOCIATES, INC., FOR ADDITIONAL ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES FOR THE SMITH CANAL GATE PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency adopt a resolution to:

1. Approve a Change Order No. 8 to Consultant Agreement with Larsen Wurzel & Associates, Inc. (LWA) in the amount of \$110,000 for additional administrative and financial support services to closeout the Project's funding Agreement with State Department of Water Resources (DWR) and support Federal crediting towards the U.S. Army Corps of Engineers' Lower San Joaquin River Phase 1 Project and extending the term of the funding agreement to December 2024 to support this closeout and crediting process.
2. Appropriate \$110,000 to fund the tasks covered in Change Order No. 8 of the Consultant Agreement with LWA; and
3. Authorize the Executive Director to execute Change Order No. 8 to the Consultant Agreement with LWA and take appropriate and necessary actions to carry out the intent of the resolution.

If approved as recommended above, the Change Order #8 would enable to LWA to (a) assist SJAFCA in properly closing out the funding agreement with the state of California and (b) support efficient crediting of expenses on completed Smith Canal Gate Project toward the Lower San Joaquin River Project (Phase I).

DISCUSSION

Background

The SJAFCA Board authorized the Contractual Professional Services Agreement for Smith Canal Closure Structure Financing (the Agreement) in January 2011 to cover the support of the formation of the Smith Canal Area Assessment District and associated financial implementation support for the funding agreement. The contract was assigned in July 2011 to Seth Wurzel Consulting, Inc when Seth Wurzel departed Capitol Public Finance Group and started Seth Wurzel Consulting, Inc. (SWC). SWC became Larsen Wurzel & Associates, Inc. in August 2013 when the firm changed its name.

Since January 2011, the Board has authorized seven Change Orders to this contract in support of the Smith Canal Gate Project. All work performed or currently underway as part of this contract are included in Table 1 below:

ADOPT RESOLUTION AUTHORIZING CHANGE ORDER No. 8 TO CONSULTANT AGREEMENT WITH LARSEN WURZEL & ASSOCIATES, INC., FOR ADDITIONAL ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES FOR THE SMITH CANAL GATE PROJECT
(Page 2)

Table 1 – Change Orders and authorized amounts

Item	Budget	Purpose of Change Order
Original	\$362,300	N/A
CO #1	\$18,650	Work stoppage & restart / Extended Term to June 30, 2013
CO #2	\$0	Extend term to December 2016, scope added to support cash flow analyses
CO #3	\$0	Extend term to December 2017
CO #4	\$0	Allocate remaining budget to support Design Phase Closeout, extend term until completion of Design Phase
CO #5	\$250,000 (Budget reset to this limit.)	Modified scope to support the financing of the project, provide support for the ongoing administration of the Construction Funding Agreement and support Federal Crediting efforts.
CO #6	\$90,000	Additional funding / Extended Term to April 2023 to provide support the financing of the project, provide support for the ongoing administration and closeout of the Construction Funding Agreement and supporting Federal Crediting efforts.
CO #7	\$0	Extend term to December 2023

Work completed under the initial contract to form the Assessment District was completed and all remaining contract capacity under the original scope was utilized to support administration of a design funding agreement with DWR. This work continued until March 2019 at which time Change Order 5 was authorized coincident with the Project transitioning to a Construction Funding Agreement (CFA) with DWR. At that time the Agreement's Scope was modified and the budget for the new authorized tasks was set at \$250,000. This budget was augmented in May 2021 to provide additional time and funding for ongoing efforts.

As the project is nearing completion SJAFCA staff requested that LWA prepare a budget and term amendment request to provide continued support through the completion of construction and full federal crediting approval of completed work.

The proposal submitted by LWA to address the pending tasks of the Smith Canal Gate project and the related cost breakdown are incorporated by reference in Attachment 1.

ADOPT RESOLUTION AUTHORIZING CHANGE ORDER No. 8 TO CONSULTANT AGREEMENT WITH LARSEN WURZEL & ASSOCIATES, INC., FOR ADDITIONAL ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES FOR THE SMITH CANAL GATE PROJECT
(Page 3)

Present Situation

The closeout of the Urban Flood Risk Reduction Construction Funding Agreement with the State is the focus of this Change Order and will provide the services to process the required documentation to finalize the accounting and the approval of all expenses that will be cost-shared with the State for the construction of the Smith Canal Gate Project. SJAFCA, as the funding recipient, must follow the proper procedures for Project closeout and Project Elements as stated in Exhibit H of the State Funding Agreement (Attachment 2).

In a similar fashion, LWA will provide administrative services and financial documentation for the Federal crediting of the Smith Canal Gate project expenses toward the US Army Corps of Engineer's Lower San Joaquin River Phase 1 Project currently underway.

The major activities that are anticipated to occur are described in more detail in the attached Amended Scope of Services and Budget. Staff has reviewed LWA's proposal and finds the cost estimate reasonable and consistent with the current rates for this type of work. Therefore, it is recommended that the Board of Directors adopt resolution to:

1. Authorize Change Order No. 8 to Consultant Agreement with Larsen Wurzel & Associates, Inc. (LWA) in the amount of \$110,000 for additional administrative and financial support services to closeout the Project's funding Agreement with State Department of Water Resources (DWR) and support Federal crediting towards the U.S. Army Corps of Engineers' Lower San Joaquin River Phase 1 Project, and extending the term of the funding agreement to December 2024 to support this closeout and crediting process. Specifically, the recommended additional services to be provided by LWA include:
 - a. Refinement of the current cost tracking and budget processes for the Project;
 - b. Development and maintenance of the Project cash flow to track and refine the preparation of needed data required by DWR;
 - c. Support for Earned Value Reporting as required by DWR's UFRR Program;
 - d. Coordination with SJAFCA consultants to develop scopes of work and contracting strategies to facilitate DWR reporting requirements and accurately track costs;
 - e. Develop quarterly reporting, federal crediting packages and other documentation as required;
 - f. Coordination with DWR and USACE staff on reviews and approvals of submitted reports;
 - g. Coordination with SJAFCA staff and consultants as necessary to resolve State funding issues; and
 - h. Provide financial and other support services as directed by SJAFCA
1. Appropriate \$110,000 to fund the tasks covered in Change Order No. 8 of the Consultant Agreement with LWA; and
2. Authorize the Executive Director to execute Change Order No. 8 to the Consultant Agreement with LWA and take appropriate and necessary actions to carry out the intent of the resolution.

ADOPT RESOLUTION AUTHORIZING CHANGE ORDER No. 8 TO CONSULTANT AGREEMENT WITH LARSEN WURZEL & ASSOCIATES, INC., FOR ADDITIONAL ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES FOR THE SMITH CANAL GATE PROJECT **(Page 4)**

Fiscal Impact

This appropriation is necessary to fund the additional support services for the closeout of the project's funding Agreement with State Department of Water Resources (DWR) and Federal crediting towards the U.S. Army Corps of Engineers' Lower San Joaquin River Phase 1 Project. There are adequate funds to cover the planned expenditure in the proposal identified as part of Change Order No. 8 of the Agreement with LWA. Payment to LWA for additional services are structured on a time-and-material basis. In addition, SJAFCA will receive up to 63% of its expenditure as reimbursement by DWR per the Smith Canal Gate Project Funding Agreement. If approved by the Board of Directors, the total cost for the additional services will increase from the current not-to-exceed maximum of \$340,000 to \$450,000 (\$340,000 + \$110,000).

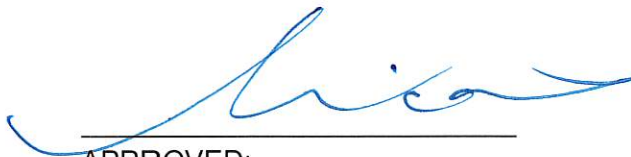
Environmental Compliance

Project related changes will not result in any new or incrementally more severe impacts beyond those described in the Final Environmental Impact Report and Addenda. Therefore, no subsequent or supplemental environmental impact report is required per CEQA Guidelines Section 15162 and California Public Resources Code Section 21166.

Strategic Plan Consistency Analysis

Approval of Change Order No. 8 to provide financial support is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically it is consistent with Goal 1 "to Plan for and Implement System Resiliency".

PREPARED BY: Juan J. Neira



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR

CE:JJN:lr

Attachments:

- Attachment 1. LWA Budget and Term Augmentation
- Attachment 2. State Funding Agreement, Exhibit H
- Attachment 3: Resolution 23-32

November 1, 2023

VIA EMAIL

Mr. Chris Elias, Executive Director
San Joaquin Area Flood Control Agency
22 East Weber Avenue, Room 301
Stockton, CA 95202
Email: Chris.Elias@stocktonca.gov

**RE: Budget and Term Augmentation Request (Proposed Change Order No. 8) for Smith Canal Closure
Structure Financing and Grant Administration Support**

Mr. Elias,

Larsen Wurzel & Associates, Inc. (LWA) very much appreciates the opportunity to continue working with the San Joaquin Area Flood Control Agency (SJAFC) on the implementation and administration of the Smith Canal Gate Project (the Project). LWA has been working with SJAFC on the Project since 2011. Our efforts initiated with the establishment of Smith Canal Area Assessment District and recently assisted with the establishment of the Levee Construction and Maintenance Assessment (LCMA). We have also helped secure State funding for both the design and construction of the improvements through the California Department of Water Resources (DWR) Early Implementation Projects (EIP) and Urban Flood Risk Reduction (UFRR) programs.

The SJAFC Board authorized LWA's contract in July 2011 when it assigned the January 26, 2011 Contractual Professional Services Agreement for Smith Canal Closure Structure Financing (the Agreement) between SJAFC and my former employer, Capitol Public Finance Group, to Seth Wurzel Consulting, Inc. Seth Wurzel Consulting, Inc. became Larsen Wurzel & Associates, Inc. in August 2013 when the firm changed its name. Since January 2011, the Agreement has been amended seven times for various reasons. Contract Change Order No. 7 (CO #7) was the last amendment approved in May 2023 to provide an extension of the contract duration to support the ongoing administration of the Construction Funding Agreement (CFA) with DWR. The original contract amount and follow-on Change Orders and amounts are summarized in the following table:

ATTACHMENT 1

Mr. Chris Elias
Re: Budget and Term Augmentation Request – Change Order No. 8
for Smith Canal Closure Structure Financing
November 1, 2023

Contract	Budget	CO Purpose
Original	\$362,300	N/A
CO #1	Increase of \$18,650	Work stoppage & restart / Extended Term to June 30, 2013
CO #2	No budget Change	Extend term to December 2016, scope added to support cash flow analyses
CO #3	No budget Change	Extend term to December 2017
CO #4	No Budget Change	Allocate remaining budget to support Design Phase Closeout, extend term until completion of Design Phase
CO #5	\$250,000 (Budget reset to this limit.)	Added additional scope to support the financing of the project, provide support for the ongoing administration of the Construction Funding Agreement and supporting Federal Crediting efforts.
CO #6	\$340,000 (Increase of \$90,000.)	Additional funding / Extended Term to April 2023 to provide support the financing of the project, provide support for the ongoing administration and closeout of the Construction Funding Agreement and supporting Federal Crediting efforts.
CO #7	No Budget Change	Extend term to December 2023

The Project is nearing completion and closeout and you have requested that LWA prepare a budget and term amendment request to provide continued support through the completion of construction and full federal crediting approval of the completed work. The attached presents our recommended scope of services, estimated budget and requested term to provide these services. The scope is primarily focused on the administration of the UFRR Program CFA with the State; however, the scope also covers ongoing financial management support services on an as needed basis. Our request is to augment the current budget of \$340,000 with an additional \$110,000 for a total authorized budget of \$450,000 and extend the term from December 2023 by an additional 12 months to December 2024. These modifications are expected allow for the full closeout of the Project's CFA with DWR and federal crediting of the completed work toward the US Army Corps of Engineer's Lower San Joaquin River Phase 1 Project.

It is anticipated that the workload will continue to vary over the course of this agreement. The major activities that are anticipated to occur are described in more detail in the attached Amended Scope of Services and Budget. These activities include the following:

- Refinement of the current cost tracking and budget processes for the Project;
- Development and maintenance of a Project cash flow to track and refine the preparation of needed data required by DWR;
- Support for Earned Value Reporting as required by DWR's UFRR Program;

- Coordination with SJAFCA consultants to develop scopes of work and contracting strategies to facilitate DWR reporting requirements and accurately track costs;
- Attend meetings and required conference calls;
- Develop quarterly reporting, federal crediting packages and other documentation as required;
- Coordination with DWR and USACE staff on reviews and approvals of submitted reports;
- Coordination with SJAFCA staff and consultants as necessary to resolve State funding issues; and
- Provide financial and other support services as directed by SJAFCA.

It is anticipated that, on average, LWA will devote approximately 40 hours per month to these efforts. The total estimated cost to provide the attached scope of services for approximately 12 months (through December 2024) is estimated to be approximately \$450,000. Because the majority of this effort is in support of work that will be cost-shared by SJAFCA with DWR, SJAFCA's portion of the cost is expected to be approximately \$270,000 (approximately 40% based upon DWR's funding limit for the Project).

Should SJAFCA decide to advance the proposed work, LWA has initially assumed that the work will be authorized as Change Order No. 8 to LWA's current services contract. However, we understand that SJAFCA currently has an active solicitation for qualifications to support its ongoing flood risk reduction program. Should SJAFCA desire to advance this work under a separate services agreement, LWA is happy to accommodate any alternative contracting process.

Please let me know if you have any questions or comments on the attached amended scope of services. Again, thank you for the opportunity to work with you on this effort. If you have any questions or would like to discuss this further, please do not hesitate to contact me at your convenience at (916) 698-5712.

Sincerely,



Seth Wurzel, CGFM
Principal

SMW:dll

Attachment:

SJAFCA Smith Canal Gate Project UFRR Funding Agreement Administration and Financial Management
Support Amended Scope of Work and Budget, November 1, 2023

cc: (via e-mail only)

Juan Neira - juan.neira@stocktonca.gov

Sylvia Razniak - sylvia.razniak@stocktonca.gov

SJAFCA Smith Canal Gate Project
Urban Flood Risk Reduction (UFRR) Funding Agreement
Administration and Financial Management Support Amended Scope of Work and Budget

Introduction

This Amended Scope of Services describes the tasks and estimated level of effort to provide support to the San Joaquin Area Flood Control Agency (SJAFCA) for the administration of its Urban Flood Risk Reduction (UFRR) Construction Funding Agreement (CFA) with the State of California Department of Water Resources (DWR) for the Smith Canal Gate Project (Project). **Task 1** involves funding agreement administrative support related to an Urban Flood Risk Reduction (UFRR) Construction Funding Agreement (CFA) with the State of California for the remainder of the Design Phase of the Project.

Task 1 – Construction Phase CFA Administration and Financial Management Support

LWA will provide technical support during the Construction Phase of the Project. Technical support will be provided on an as-needed basis to assist in the preparation of required materials associated with requests for funding advancements and reimbursements through the CFA through the Construction Phase of the project. Work may include:

- Support SJAFCA staff on cash flow and financial analyses in support of SJAFCA's debt issuance;
- Track costs and budgets for the Construction Phase of the Project;
- Development of a Project cash flow to track and refine the preparation of needed data required by DWR;
- Support for Earned Value Reporting as required by the UFRR Program;
- Develop quarterly reporting, statement of costs, and other documentation as required by DWR in support of the CFA;
- Prepare and submit advanced funding requests to DWR based on cash flow projections;
- Coordinate with SJAFCA consultants to develop scopes of work and contracting strategies to facilitate DWR reporting requirements and accurately track costs;
- Attend meetings and required conference calls;
- Coordinate with DWR staff;
- Work with SJAFCA staff and consultants as necessary to resolve State funding issues;
- Support the preparation of required financial information for Project Closeout;
- Support any request for partial release and final release of State withholding;
- Support the development and preparation of crediting packages for the Federally authorized Lower San Joaquin River Phase 1 Project;
- Provide financial support services as directed by SJAFCA; and
- Provide general support as directed by SJAFCA.

Construction Funding Agreement and Financial Management Support	Hours/ Month	Bill Rate*	Monthly	Estimate 12 Mo.
Principal	3	\$275	\$825	\$9,900
Senior Associate II	8	\$237	\$1,896	\$22,800
Associate II	25	\$214	\$5,350	\$64,200
Analyst II	4	\$161	\$644	\$7,700
Expenses				\$5,400
Task 1 - Sub Total			\$8,715	\$110,000

* Notes: The budget estimate is based on current Billing rates which are subject to increase on annually on January 1, 2024. Reference the attached Exhibit A. The Budget is rounded to the nearest \$100.

Task 1 is anticipated to extend from the execution of Change Order 8 through its completion of the Construction Phase and Closeout, approximately 12 months to December 2024. This term allows for the full closeout of the CFA and additional effort to oversee Federal Crediting through USACE for work on the Project. The hours shown are the average hours anticipated for the duration of the project. Monthly charges will vary depending on the activities that are ongoing during each reporting period.

Summary

The total budget to provide the above listed scope of services for an additional 12 months is estimated to be \$110,000. LWA's current contract budget of \$340,000 is expected to be sufficient to provide services through the current contract Term of December 2023. Thus, the total amended contract budget to provide the services for the full term through December 2024 would be \$450,000. This is LWA's best estimate of the budget that would be required to perform the above-listed scope of services. With these types of services, however, a significant level of uncertainty is inherent. Consequently, the estimated budget may be in excess of or less than the cost required to perform the requested services.

LWA charges for services on a direct-cost (hourly billing rates plus direct expenses), not-to-exceed basis; therefore, LWA only bills for the services completed up to the authorized budget amount. LWA's current hourly billing rate sheet with rates through December 2024 is included in **Exhibit A**.

If additional services are required or requested, LWA would request authorization for additional budget with the understanding that terms would be negotiated in good faith. It is expected that this budget may be increased on an as-needed basis through a contract change order or amendment process.

Exhibit A

Larsen Wurzel & Associates, Inc.
Hourly Rate Schedule

Staff Position	2024*
Principal	\$275
Senior Consultant	\$280-340
Supervising Project Manager	\$270
Senior Project Manager II	\$263
Senior Project Manager I	\$257
Associate Project Manager II	\$251
Associate Project Manager I	\$246
Project Manager II	\$240
Project Manager I	\$234
Supervising Associate	\$249
Senior Associate II	\$237
Senior Associate I	\$226
Associate III	\$214
Associate II	\$202
Associate I	\$191
Senior Analyst	\$179
Analyst II	\$161
Analyst I	\$144
Supervising Engineer	\$250
Senior Engineer II	\$241
Senior Engineer I	\$234
Project Engineer	\$226
Associate Engineer	\$203
Assistant Engineer II	\$191
Assistant Engineer I	\$179
CAD Tech/GIS Specialist	\$156
Junior Engineer	\$146
Senior Project Coordinator	\$161
Project Coordinator	\$144
Project Assistant	\$137
Technical Editor	\$119
Clerical Staff	\$108
Intern	\$84

***Rates subject to adjustment on January 1st of each year.**

Automobile mileage is billed at the IRS federal reimbursement rate.
Professional services provided by others billed through LWA are billed at cost plus a service charge of 5%.

Exhibit H

PROJECT OR ELEMENT/FEATURE CLOSEOUT

I. GENERAL

Funding Recipient shall follow the proper procedures for Project closeout and /or Project Element or Feature closeout. Project closeout occurs after the last portion of a total Project is complete. Project Element or Feature closeout occurs after a discrete Element or Feature is eligible for closeout within the larger Project. Project Element or Feature closeout is also part of the total Project closeout at the end of the Project.

II. PROJECT CLOSEOUT

Below is an outline of the Project closeout documents required, and their timelines, in order to closeout the Project or Project Elements or Features.

- A. Interim OMRR&R Manual (120 days prior to completion of the first Project Element)*
- B. Project Completion Report
 - 1. Purpose and description of the Project
 - a. Actual work done
 - b. Schedule (actual vs. proposed)
 - c. Final documents
 - (i) Environmental documents (CEQA/NEPA), permits, and agreements
 - (ii) Budget discussion (Project cost summary) – The Final Statement of Costs will contain more detailed information
 - (iii) Funding Agreement and Amendments
 - (iv) Final technical report (quality assurance/quality control [QA/QC], survey, etc.)
 - d. Reports/studies generated/utilized during the Project (hydrologic etc.)
 - e. As-built/record drawings – (3 sets hardcopy and 1 electronic format - .pdf on compact disc (CD)) in the form specified in the Exhibits Binder or as otherwise directed by the State
 - f. Photo documentation
 - (i) Pre-construction
 - (ii) Construction
 - (iii) Post-construction
 - g. Civil engineer certification of Project

- (i) Certification by a California Registered Civil Engineer that the pre- and post-project Levels of Protection are consistent with the agreed upon scope of work.
 - (ii) Separate sheet contained within the report with certification by a California Registered Civil Engineer that the Project was constructed in accordance with the approved work plan and any approved modifications thereto.
 - h. Construction Completion Report - (within 90 calendar days of completion of all construction tasks)*
 - (i) Submit Construction Completion Report for review and approval.
- 2. Preliminary Statement of Costs and Payments Received from DWR
 - a. Complete account of invoices/costs provided by the Funding Recipient to DWR. The list of all project invoices, including information such as:
 - (i) Date each cost was incurred;
 - (ii) The amount of the cost;
 - (iii) Labor cost of personnel of agency/major consultant/sub-consultants;
 - (iv) Personnel, hours, rates, type of profession and reason for consultant, i.e. design, CEQA work, etc.
 - (v) Construction cost information, shown by material, equipment, labor costs, and change orders;
 - (vi) Breakdown of costs into Project management, design, environmental, construction, construction management, real estate, lease payments, relocation assistance, based upon breakdown of Overall Work Plan, etc.
 - b. Summary of all project costs incurred in section (a) including:
 - (i) All internal and external costs not previously disclosed;
 - (ii) Accounting of the cost of Project expenditures in relation to the Overall Work Plan Budget; and
 - (iii) A discussion of factors that positively or negatively affected the Project cost and any deviation from the original Overall Work Plan Budget.
 - c. Complete accounting of payments provided by DWR to the Funding Recipient. The list of funding received from DWR will include information such as:
 - (i) A statement verifying separate accounting of funding disbursements.
 - (ii) The date each payment was received by the Funding Recipient;
 - (iii) The amount of the payment; and,

ATTACHMENT 2

(iv) The purpose of the payment (i.e. True-up, Advance, Retention Release, Right of Way payment, etc.).

- d. If the Funding Recipient is requesting a lump sum payment for the State's share of remaining costs associated with the first three years of environmental mitigation and monitoring required by permits or by CEQA or NEPA that are expected to be Eligible Project Costs, a good faith estimate of the remaining costs and substantiation for the estimate.
 - e. A summary of the total interest earned from State advances and a statement of how much is creditable to any remaining State share due or the amount that is due back to the State.
- 3. Application for seeking Federal credit

A copy of the application filed for a determination of eligibility for federal credits or reimbursement and all correspondence with USACE relating to that application and information regarding the status of that application.
 - 4. OMRR&R Agreement (fully executed)
 - 5. Project-Associated Work Report (if required because some segments are constructed with the Project but not funded by the Urban Flood Risk Reduction Program)

C. Real Estate Project Closeout Documents

- 1. Land Acquisition Final Accounting Package reviewed and approved
- 2. Final conveyance documents accepted and recorded

D. Final Statement of Costs (submitted within sixty (60) days of when real estate project closeout documents are complete.)

- 1. Updated version of Preliminary Statement of Costs provided pursuant to Section II.B.2 above.
- 2. If the Funding Recipient has received an increased cost share for the Supplemental Benefits objectives of habitat, open-space, recreation, or a combination thereof, a summary of the payments made by the Funding Recipient and any adjustments made in accordance with the process set forth in Exhibit I.

III. POST CONSTRUCTION PERFORMANCE REPORT

In anticipation of the report required per the OMRR&R Agreement and by CA Assembly Bill 156, Sec. 9140 and 9650 each September 30 and ninety (90) days after completion of the submittal of Project Completion Report:

- A. Outline of the reporting format
- B. First Annual Summary of the Operations

* Time extension may be requested and will be considered on an individual basis.

RESOLUTION NO. SJAFCA 23-32

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

=====

**AUTHORIZATION TO EXECUTE AMENDMENT No. 8 TO CONSULTANT
AGREEMENT WITH LARSEN WURZEL & ASSOCIATES INC., FOR
ADDITIONAL ADMINISTRATIVE AND FINANCIAL SUPPORT SERVICES
FOR THE SMITH CANAL GATE PROJECT**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY, AS FOLLOWS:

The Board of Directors adopt this resolution:

1. Approving a Change Order No. 8 to Consultant Agreement with Larsen Wurzel & Associates, Inc. (LWA) in the amount of \$110,000 for additional administrative and financial support services to closeout the Project's funding Agreement with State Department of Water Resources (DWR) and support Federal crediting towards the U.S. Army Corps of Engineers' Lower San Joaquin River Phase 1 Project and extending the term of the funding agreement to December 2024 to support this closeout and crediting process.
2. Appropriating \$110,000 to fund the tasks covered in Change Order No. 8 of the Consultant Agreement with LWA; and
3. Authorizing the Executive Director to execute Change Order No. 8 to the Consultant Agreement with LWA and take appropriate and necessary actions to carry out the intent of the resolution.

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

PASSED, APPROVED AND ADOPTED this 16th day of November 2023.

GARY SINGH, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

Agenda Item 4.3

November 16, 2023

TO: Board of Directors

FROM: Chris Elias, Executive Director

SUBJECT: **ADOPT RESOLUTION AUTHORIZING AMENDMENTS TO CONSULTANT CONTRACTS WITH KJELDSSEN, SINNOCK, NEUDECK, INC., FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO COMPLETE THE SMITH CANAL GATE PROJECT**

RECOMMENDATION

It is recommended that the Board of Directors of the San Joaquin Area Flood Control Agency adopt a resolution to:

1. Authorized Amendment No. 7 to the Constructability Review Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$316,603 for additional Construction Management support services and schedule extension during the continued construction of the Smith Canal Gate Project.
2. Authorize Amendment No. 4 to the Construction Management Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$747,613 for additional Construction Management support services and schedule extension during the continued construction of the Smith Canal Gate Project.
3. Authorize the Executive Director to execute an internal transfer within the Smith Canal Gate Project budget in the amount of \$1,064,216 (\$316,603 Amendment No.7 + \$747,613 Amendment No. 4)
4. Appropriate \$1,064,216 to fund the tasks covered in Amendment No. 7 of the Constructability Review Contract and Amendment No. 4 of the Construction Manager Contract with Kjeldsen, Sinnock, Neudeck, Inc.

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

SUMMARY

Amendment No. 7 to the Constructability Review Contract with KSN will cover the additional construction management and environmental services that will be needed for an additional six months of environmental and regulatory compliance activities. The additional activities include surveying, monitoring and reporting of nesting birds (including swainson's hawk) and giant garter snake, out-of-scope processing of regulatory permits in 2023 and reporting to Regulatory Agencies in 2024 as required by existing and recently amended permits.

Amendment No. 4 to the Construction Management Contract with KSN will cover the additional construction management support services that will be needed for an additional six months of

ADOPT A RESOLUTION AUTHORIZING AMENDMENTS TO THE CONSULTANT CONTRACTS WITH KJELDSSEN, SINNOCK, NEUDECK, INC., FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO COMPLETE THE SMITH CANAL GATE PROJECT

(Page 2)

construction management services. The additional activities include project and construction management, inspections, environmental and biological monitoring, and actual and projected out-of-scope services (2023 & 2024)

DISCUSSION

Background

On May 19, 2019, the Board authorized a contract with KSN for Construction Management support services for the Smith Canal Gate Project. However, as staff was still negotiating the scope of work and budget for the entire project, the Board only authorized the Constructability Review services at that time.

Subsequently, as part of the Constructability Review several Amendments were authorized to continue moving forward with the required activities needed prior to the construction phase of the project. The following Table 1. shows the initial authorization and the subsequent Amendments that have been approved.

Table 1. -Constructability Review Contract

Date	Amendment	Activities	Budget
May 19, 2019		Constructability Review Contract	\$165,816
Sept 19, 2019	1	Test Pile support	\$165,000
Nov 7, 2019	2	Engineering/Construction coordination, water quality monitoring during and after construction	\$751,272
March 19, 2020	3	Compliance with regulatory requirements including changes and modifications to various resources agency permits	\$385,436
October 21, 2020	4	Contract Extension	\$0
June 17, 2021	5	Compliance with Regulatory permit compliance	\$488,638
January 26, 2023	6	Additional year Environmental compliance, water quality monitoring, levee inspection	\$615,034
TOTAL			\$2,571,196

Once the Construction Management contract negotiations for the budget and scope of work were completed, on April 30, 2020, the Board approved a Construction Management Contract with KSN in the amount of \$3,599,038. In addition to the traditional construction management services the contract was designed to:

- Provide Independent and detailed reviews of final construction plans and specifications to ensure that work requirements are clear, achieve high-end quality and streamline the project's delivery
- Ensure project construction according to contract requirements and local, State, and federal standards, and

AGENDA ITEM 4.3

ADOPT A RESOLUTION AUTHORIZING AMENDMENTS TO THE CONSULTANT CONTRACTS WITH KJELDSSEN, SINNOCK, NEUDECK, INC., FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO COMPLETE THE SMITH CANAL GATE PROJECT (Page 3)

- Assist in project administration to reduce impacts to the project and address remaining permits conditions that were not fully known at that time. Estimate fees based on project assumptions made in May 2019

On June 17, 2021, the Board approved Amendment #1 to the Construction Management contract in the amount of \$2,201,890, and on January 26, 2023, the Board approved Amendment #2 in the amount of \$3,792,259 bringing the total of this contract to \$9,593,187. See attached Table 2. for the Construction Management Contract.

Table 2. -Construction Management Contract

Date	Amendment	Activities	Budget
April 30, 2020		Construction Management	\$3,599,038
June 17, 2021	1	Additional Services Third Year	\$2,201,890
January 26, 2023	2	Additional Services, Geotechnical documentation for the US Army Corps of Engineers, additional environmental mitigation	\$3,792,259
TOTAL			\$9,593,187

Present Situation

Construction of project improvements affected by the In-Water-Work-Window regulatory constraints such as the cellular floodwall, seepage floodwall, gate structure, rock slope protection, closure, fender and protection piles will be completed in 2023. Other ancillary improvements (access roads to the gate from Dad's Point and Stockton Golf and Country Club, electrical work, landscape, etc.) will be completed in early 2024. Therefore, project closeout is anticipated to take place in early-to-mid 2024.

Based on the project's extension, SJAFCA requested a proposal from KSN. Staff, in coordination with Doug Handen of the Handen Company, Inc., the Agency's independent Construction Management Consultant, reviewed the proposals and found them reasonable and consistent with the current rates for this type of work. Therefore, it is recommended that the Board of Directors adopt a resolution to:

1. Authorize Amendment No. 7 to the Constructability Review Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$316,603 for additional Construction Management support services and extended schedule during the continued construction of the Smith Canal Gate Project. Specifically, the recommended additional construction management services to be provided include:
 - a. Nesting Bird Compliance in 2024
 - b. Giant Garter Snake Compliance 2023 and 2024
 - c. Applying for and receiving Project permits in 2023

AGENDA ITEM 4.3

ADOPT A RESOLUTION AUTHORIZING AMENDMENTS TO THE CONSULTANT CONTRACTS WITH KJELDSSEN, SINNOCK, NEUDECK, INC., FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO COMPLETE THE SMITH CANAL GATE PROJECT

(Page 4)

- d. Agency Reporting in 2024
 - e. Repairs to water quality monitoring sondes
2. Authorize Amendment No. 4 to the Construction Management Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$747,613 for additional Construction Management support services and schedule extension during the continued construction of the Smith Canal Gate Project. Specifically, the recommended additional construction management services to be provided include:
- a. Project Management 2024 (January to June)
 - b. Construction Management 2024 (January to June)
 - c. Inspections 2024 (January to June)
 - d. Environmental and biological monitoring 2024 (January to June)
 - e. Actual and projected out-of-scope services (2023 & 2024)
 - i. General out-of-scope services
 - ii. Potential claims and delays
 - iii. Gate foundation slab repairs
 - iv. USACE Boring/Testing at Dad's Point
 - v. O&M Planning
 - vi. Stoplog storage
3. Authorize the Executive Director to execute an internal transfer within the Smith Canal Gate Project budget in the amount of \$1,064,216.
4. Appropriate \$1,064,216 to fund the tasks covered in Amendment No. 7 of the Constructability Review Contract and Amendment No. 4 of the Construction Manager Contract with KSN.

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

Fiscal Impact

As the proposed amendments total \$1,064,216 (\$316,603 Amendment No.7 + \$747,613 Amendment No. 4) an internal budget transfer from the Construction line item is needed in the amount of \$1,064,216.

This appropriation is necessary to fund the additional Construction Management Services for the additional six months of construction and actual and projected out-of-scope services. The Construction line item has sufficient funds to cover this transfer, and the anticipated construction expenses for the project.

Environmental Compliance

The project one-year extension and related project changes due to regulatory requirements will not result in any new or incrementally more severe impacts beyond those described in the Final Environmental Impact Report and Addenda. Therefore, no subsequent or supplemental

November 16, 2023

ADOPT A RESOLUTION AUTHORIZING AMENDMENTS TO THE CONSULTANT CONTRACTS WITH KJELDSSEN, SINNOCK, NEUDECK, INC., FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES TO COMPLETE THE SMITH CANAL GATE PROJECT (Page 5)

environmental impact report is required per CEQA Guidelines Section 15162 and California Public Resources Code Section 21166.

Strategic Plan Consistency Analysis

Approval of this Amendment with KSN to provide technical services during construction is consistent with the Mission and Goals of the Board-adopted Strategic Plan, specifically it is consistent with Goal 1 "to Plan for and Implement System Resiliency."

PREPARED BY: Juan J. Neira



APPROVED:
CHRIS ELIAS
EXECUTIVE DIRECTOR
CE:JJN:lr

Attachments:

- Attachment 1: Amendment No. 7-1
- Attachment 2: Amendment No. 4-1 Revision 1
- Attachment 3: Resolution 23-33



Stephen K. Sinnock, P.E.
 Christopher H. Neudeck, P.E.
 Neal T. Colwell, P.E.
 Barry O'Regan, P.E.

2091-0066
 02-900

November 6, 2023

Juan Neira, PE
 San Joaquin Area Flood Control Agency
 22 E. Weber Avenue, Room 301
 Stockton, CA 95202

Re: Smith Canal Gate Project – Constructability Review Services
 Request for Amendment No. 7
 Construction Management Services for Partial Year 5 (January 2024 – June 2024)

Dear Juan,

The Kjeldsen, Sinnock & Neudeck, Inc. (KSN) constructability review team entered into a contract with the San Joaquin Area Flood Control Agency (SJAFA) on May 16, 2019, for constructability review services for the Smith Canal Gate Project. Since that time, six amendments have been executed for various additional services such as support for the test pile program, bidding support, facilitating amendments to existing permits, water quality monitoring in Smith Canal, and other environmental permitting compliance services. Certain assumptions were previously made with regards to the level of effort associated with permitting amendments that are no longer applicable.

Recognizing that construction of the project has not been completed this year as planned, the KSN team hereby submits this amendment request to provide the following services:

- Environmental and regulatory compliance and reporting services for an additional 6-month period lasting from January 1, 2024, to June 30, 2024.
- Facilitate amendments to existing permits in 2023.
- Repairs and replacement parts for the Smith Canal water quality monitoring sondes.

Environmental and Regulatory Compliance in 2024 (January – June)

This current amendment request includes an additional six months of environmental and regulatory compliance activities including, but not limited to, nesting bird compliance; giant garter snake (GGS) compliance; and construction monitoring reporting for each of the regulatory agencies. The level of effort associated with GGS compliance has increased from previous years during the GGS inactive season from October 2 to April 30. The scope for GGS compliance is further discussed below. A proposal from ECORP Consulting for the additional services described above is enclosed as Exhibit 1.

GGs Compliance

When project construction began, ESA and CESA compliance associated with GGS was obtained with the project's inclusion in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Unfortunately, it was quickly determined in the fall of 2021 that the incidental take minimization measures provided through the SJMSCP would not allow any ground-disturbing activities to occur during the GGS inactive season from October 2 to April 30. As such, work would have been prohibited from occurring on Dad's Point and the miter gate during this time. In response, SJAFA made the decision to withdraw the project from the SJMSCP and proceed at risk with work during the GGS inactive season until such time that GGS take coverage could be obtained through the California Department of Fish and Wildlife (CDFW) with an amendment to the project's Incidental Take Permit (ITP).

On November 11, 2021, SJAFA submitted its ITP amendment request to CDFW for review and approval. During the GGS inactive season post-SJMSCP coverage, SJAFA has actively identified, installed, and



maintained GGS impact avoidance measures in order to minimize the risk of take. GGS exclusion zones have been identified and appropriate exclusion fencing and one-way GGS “doors” have been installed and continuously maintained. Ultimately, CDFW issued its ITP amendment 22 months later on September 6, 2023. The amendment added GGS as a Covered Species and several related take minimization measures. In addition to the exclusion fencing that SJAFCFA had already implemented, CDFW is now also requiring “*exclusion fencing entry/exit points for vehicular and pedestrian traffic*” and “*an inspection of the fenced work area in advance of each day’s work*” and clearance by a qualified biologist.

This current amendment request includes daily GGS clearance surveys by a qualified biologist in advance of each day’s work on Dad’s Point from October 2, 2023, to April 30, 2024. During the IWWW and subsequent marine fleet demobilization through December 15, 2023, the daily surveys will be performed by personnel already onsite for other monitoring efforts. From December 16, 2023, to April 30, 2024, the daily surveys will be performed by personnel making special trips to the project site specific to GGS. It is assumed that construction activities will occur six days per week during this period.

Facilitate Permit Amendments in 2023

The existing budget for facilitating permit amendments has been exhausted and needs to be adjusted in order to cover the KSN team’s recent negotiations with the various permitting agencies with regards to permit condition edits, time extensions, etc. In order to ensure project success, the KSN team’s efforts in 2023 have resulted in the successful negotiation of several permit amendments including a reinitiation of consultation with the United States Army Corps of Engineers (USACE) and the National Marine Fisheries Service (NMFS). A summary of the efforts with modifying existing permits is as follows:

- USACE Clean Water Act Section 404 and Rivers and Harbors Act Section 10
- Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification
- NMFS Biological Opinion (BO)
- United States Fish and Wildlife Service (USFWS) BO
- CDFW ITP
- CDFW Lake and Streambed Alteration Agreement (LSAA)

This current amendment request includes the additional expenses that were incurred in 2023 to continue to facilitate amendments to existing permits. A proposal from ECORP Consulting for the additional permitting services described above is enclosed as Exhibit 1.

Repairs to Smith Canal Water Quality Monitoring Sondes

There have been several sonde and sensor failures with the YSI equipment used for water quality monitoring in Smith Canal. Recent repairs to the sondes have occurred including a new depth sensor and mainboard due to water ingress, new dissolved oxygen (DO) membranes for DO sensors, a new wiper motor for a DO sensor, and a flooded DO sensor.

This current amendment request includes ordering replacement parts and repairing sondes. An email from cbec eco engineering for the repairs described above is enclosed as Exhibit 2.

Summary

A summary of the current amendment request items as described above is shown below in Table 1. A more detailed fee estimate is enclosed as Exhibit 3.

ATTACHMENT 1



Juan Neira
November 6, 2023
Page 3 of 3

Table 1 - Summary of Amendment Request No. 7

Description	Fee Estimate
Environmental and Regulatory Compliance	\$307,996
2.1 Environmental and Regulatory Compliance in 2024 (January – June)	\$198,626
2.2 Facilitate Permit Amendments in 2023	\$109,370
Smith Canal Water Quality Monitoring	\$8,607
3.1 Repairs to Smith Canal Water Quality Monitoring Sondes	\$8,607
Total	\$316,603

Please review the enclosed documentation, and don't hesitate to contact me with any questions or comments. Thank you for your consideration.

Sincerely,
KJELDEN, SINNOCK & NEUDECK, INC.

A handwritten signature in blue ink, appearing to read "Erik Almaas", written over a horizontal line.

Erik Almaas, PE, CM Resident Engineer

A handwritten signature in blue ink, appearing to read "Christopher H. Neudeck", written over a horizontal line.

Christopher H. Neudeck, PE, CM Principal in Charge

w/enclosures

- Exhibit 1 - Sub-Consultant Proposal from ECORP Consulting
- Exhibit 2 - Sub-Consultant Email from cbec for Water Quality Monitoring
- Exhibit 3 - Fee Estimate for Amendment Request No. 7

Erik Almaas
November 2, 2023
Page 2 of 8

Amendment Eight

Scope of Work and Cost Estimate for
Environmental Compliance Services in 2023 and 2024
for the
Smith Canal Gate Project
(San Joaquin County, California)
for
Kjeldsen, Sinnock & Neudeck, Inc.

This amendment (Amendment Eight) requests authorization and additional budget for:

1. Out-of-scope tasks completed and to be completed in 2023, and
2. New tasks and existing tasks to be completed in 2024.

Our current contract with KSN extends through December 31, 2023. Our request for Amendment Eight would, when authorized, extend our contracted period of performance through June 30, 2024 and would add new scope and budget to complete necessary permit compliance tasks in 2024. Our request for Amendment Eight would also, when authorized, add budget to cover out of scope tasks completed in 2023.

CONTRACTING BACKGROUND

ECORP has provided environmental services on SJAFCA's Smith Canal Gate Project under contract to KSN, Inc. since 2019. KSN has to date executed eight (8) contracts (initial contract and seven amendments) with ECORP for work on the Smith Canal Gate Project (Gate Project). These are:

Initial Contract:	Authorized review of existing regulatory permits and development of a permit compliance matrix.
Amendment #1:	Authorized professional services in support of Test Pile Project implementation in October 2019.
Amendment #2:	Authorized professional services in support of Gate Project planning and permitting.
Amendment #3:	Authorized additional professional services, and extended contracted professional services from two to three years, in support of Gate Project planning and permitting.
Amendment #4:	Authorized construction monitoring services and related tasks for up to three years of construction.

Smith Canal Gate #9, KSN #8 scope (2019-175/009)

Erik Almaas
November 2, 2023
Page 3 of 8

- Amendment #5: Authorized an increased LOE for agency reporting and permit amendments (Contract 1 tasks) over three years, and authorized an increased LOE for daily monitoring tasks and PM associated with a longer 2021 in-water work window (Contract 2 tasks).
- Amendment #6: Authorized additional budget to 1) accommodate increased levels of effort (LOE) for amendment the Project's CESA ITP permit with CDFW; 2) permit placement of RSP around the gate foundation; 3) accommodate monitoring and reporting during an extended 2022 in-water work window; 4) accommodate increased LOE in Project Management; and 5) reimburse ECORP for ITP amendment application fees paid by ECORP to CDFW on behalf of SJAFCA.
- Amendment #7: Extended ECORP's period of performance through 2023. Added budget to complete existing permit compliance tasks in 2023, including: 1) survey and reporting efforts for nesting birds, Swainson's hawk, western pond turtles, and giant garter snake; 2) permit-specific reporting tasks; 3) USFWS Year 4 (2023) impact accounting and reporting; 4) daily monitoring during and outside of the approved in-water work season, and; 5) project management and client coordination.

This amendment request, when approved, would represent Amendment #8 to ECORP's initial contract. ECORP's existing contract with KSN, as amended, is separated into two subcontracts: Contract 1 and Contract 2. Contract 1 includes permitting, reporting, and focused terrestrial biological surveys. Contract 2 includes Project Management and water-based monitoring tasks that are implemented during the Project construction period.

RATIONALE FOR THIS AMENDMENT REQUEST

This request proposes to continue to deliver ECORP environmental compliance services from January 1 through June 30, 2024 (6 months). June 30, 2024 is the projected completion date of Project construction. Amended Project permits secured by SJAFCA in 2023 include new or changed permit conditions. Tasks necessary to comply with permit amendment conditions are included in our Amendment Eight request. This amendment request also seeks additional budget for out-of-scope tasks completed in 2023. Similar to our prior amendment requests, we have separated our current amendment request by KSN Contract 1 and KSN Contract 2.

CONTRACT 1 REQUESTED CHANGES

Requested Contract 1 changes include: 1) Nesting bird, including Swainson's hawk, surveying, monitoring, and reporting in 2024, 2) giant garter snake surveying, monitoring, and reporting in 2023 (out-of-scope) and 2024, 3) permit amendments in 2023 (out-of-scope), and: 4) reporting to various agencies as required by existing and recently amended permit conditions in 2024.

Details of proposed Contract 1 changes are provided in the following section.

Erik Almaas
November 2, 2023
Page 4 of 8

Task 1.2 – Nesting Bird Compliance in 2024

This task adds budget to existing Task 1.2 to conduct nesting bird surveys, develop impact mitigations, and complete reporting in 2024, consistent with permit compliance commitments in the CDFW ITP and LSAA. ECORP will team in 2024 once again with Moore Biological Consultants (MBC) to provide these services.

MBC will complete pre-construction surveys in and near Project terrestrial work areas (laydown yards, Dad's Point, golf course) to identify active bird nests and to recommend the need for and size of no-work buffers. MBC will assist the contractor in establishing no-work buffers, as needed. MBC will monitor active bird nests to determine if installed buffers are effective at prohibiting injury or mortality of nesting birds. MBC will complete and submit to ECORP and KSN monthly monitoring reports summarizing the previous month's activities.

Task 1.2 Deliverables:

- *Monthly reports during the nesting bird season to be submitted by MBC to ECORP and KSN.*

Task 1.2 Assumptions:

- *Includes January-June 2024 efforts (6 months).*
- *LOE and fee based on no more than 4 surveys per month.*
- *MBC Monitoring daily rate of \$1,120/day for no more than 20 days from February through June 2024.*
- *MBC Reporting budget of \$1,792/month for no more than 5 months.*

Task 1.2 Fee (Jan-June 2024): \$31,360.

Task 1.3 – Giant Garter Snake Compliance in 2023 and 2024

This task adds budget to existing Task 1.3 to continue implementation of giant garter snake (GGS) impact avoidance measures in late 2023 and the first half of 2024, and to report results of these efforts to CDFW. MBC will subcontract to ECORP to help provide these services in late 2023 and the first half of 2024. ECORP will work with MBC to complete GGS surveys and reporting in late 2023 and early 2024. Our current contract with KSN for GGS mitigation efforts extended through April 30, 2023, which corresponds to the last day of the GGS "inactive season", which is the period of greatest GGS concern to CDFW. The "active season" for GGS extended from May 1 through Oct 1, 2023, and the following "inactive season" started on October 2, 2023. ECORP (with MBC) provided out-of-scope GGS compliance services from October 2 through Oct 31, 2023. ECORP and MBC are proposing to continue to provide GGS compliance services from November 1, 2023 through April 30, 2024, as described in the following task description.

The Project's CESA Incidental Take Permit (ITP) was amended a second time in September 2023. Among other things, this ITP amendment requires daily GGS clearance surveys by a qualified biologist in advance of each day's work on Dad's Point. All activities that could result in take of GGS,

Erik Almaas
November 2, 2023
Page 5 of 8

including vehicle operation, are considered “work”. A GGS exclusion zone was identified and re-installed in early October 2023 on Dad’s Point near suitable GGS habitat. This exclusion area, which includes fencing and exit funnels, will be maintained by Shimmick through at least April 2024.

ECORP currently has a contracted presence at the Project site through December 15, 2023, and MBC and ECORP will continue to share the responsibility for daily GGS clearance surveys on Dad’s Point from Oct 2 through December 15, 2023 (64 days of effort). ECORP (and MBC) will complete daily GGS clearance surveys on Dad’s Point from December 16, 2023 through April 30, 2024 for 6 days each week (116 days of effort). We note here that 9 days of survey effort (of 116 total) will be accomplished in coordination with the performance of Task 1.1B, described later, reducing the number of monitoring events under Task 1.3 after December 15 to 107 days. Note also that preconstruction clearance surveys for GGS on Dad’s Point are only required when there will be project-related activity on Dad’s Point during a given day. As such, our proposed clearance surveys may be curtailed when no work is scheduled. We will discuss an arrangement with KSN to coordinate with the contractor(s) to notify ECORP of daily work schedules and we will proceed accordingly.

MBC will complete and submit to ECORP and KSN periodic monitoring reports summarizing GGS protective measures and processes. ECORP will continue to complete and submit to CDFW monthly compliance reports for activities through June 30, 2024.

Task 1.3 Deliverables:

- *Monthly reports during the GGS Inactive Period (Oct 2023-April 2024) to be submitted by MBC to ECORP and KSN.*
- *Monthly reporting to CDFW for GGS compliance per ITP Amendment #2.*

Task 1.3 Assumptions:

- *Includes October 2023 through April 2024 efforts (7 months).*
- *Daily clearance surveys completed by a qualified biologist.*
- *6-day work-weeks.*
- *GGS monitoring daily rate of \$800/day from December 16, 2023-April 30, 2024. T&M basis for the period October 2-December 15, 2023.*
- *No more than 182 days of monitoring.*

Task 1.3 Fee: \$107,400.

Task 2.0 – Permit Amendments in 2023

ECORP assisted SJAFCA in successfully applying for and receiving Project permit amendments in 2023 to authorize placement of RSP near the gate foundation. No additional or residual Project permitting needs are anticipated in 2024.

Erik Almaas
November 2, 2023
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Amendment 6 to ECORP's contract in September 2022 authorized a fee of \$259,234. to secure permit coverage to place gate RSP near the gate foundation. Due largely to difficult and protracted negotiations with CDFW over the Project ITP amendment, ECORP accrued permitting fee charges of approximately \$357,000. when the last of the permit amendments were issued in September 2023. ECORP also substantially facilitated transactions with mitigation banks resulting from compensatory mitigation obligations from amended permits. We are therefore requesting a budget supplement for Task 1.3 to cover \$98,000. of fee overruns in 2023 (\$357k less \$259k previously authorized with Amendment Six).

It is important to again note that ECORPs permitting efforts did not curtail the contractors schedule or result in permitting-related claims to SJAFCA. Rather, our permitting support efforts allowed the contractor to continue work while ECORP negotiated permits "in the background", which provided value to the Project and its schedule.

Task 2.0 Deliverables:

- *No additional deliverables.*

Task 2.0 Assumptions:

- *None stated.*

Task 2 Fee (2023): \$98,000.

Tasks 7.3, 8.3, and 9.2 – Agency Reporting in 2024

In this amendment request, we are seeking additional budget to cover approximately 200 hours for anticipated reporting efforts in the first half of 2024. This level of effort (400 hours/year) was justified in 2021 Amendment Five request.

Task 7.3, 8.3, and 9.2 Deliverables:

- *Continued Reporting in 2024.*

Task 7.3, 8.3, and 9.2 Assumptions:

- *None stated.*

Task 7.3, 8.3, and 9.2 Fee (2024): \$34,400.

CONTRACT 2 REQUESTED CHANGES

We do not anticipate completion of in-water work in 2024. As such, we are not requesting budget to implement water quality or hydroacoustic monitoring in 2024.

Task 1.1B – General Biological/Environmental Monitoring (Outside of the In-water Work Window)

Smith Canal Gate #9, KSN #8 scope (2019-175/009)

Erik Almaas
November 2, 2023
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Consistent with amended CESA ITP condition 7.3, a qualified biologist shall conduct permit compliance inspections no less than twice per month to document the effects of covered activities on covered species. Our fee request is based on biweekly monitoring events over a 26-week period (December 16, 2023 through June 30, 2024) at a daily rate of \$1500/day. Thirteen (13) such monitoring events will be completed by ECORP using an ECORP vessel.

Compliance with ITP Condition 7.3 from December 16, 2023 through April 30, 2024 will be coordinated with the GGS clearance surveys proposed under Task 1.3. That is, the Qualified Biologist completing the five Condition 7.3 compliance surveys in Dec-April will also complete GGS clearance surveys on Dad's Point. The fee for completion of Task 1.3 surveys has been reduced by nine events accordingly.

Task 1.1B Deliverables:

- *Periodic agency reporting, as required.*

Task 1.1B Assumptions:

- *Budget is based on the LOE noted (13 events anticipated).*
- *Use of ECORP support vessel.*
- *One qualified biologist for each survey.*

Task 1.1B Fee (2024): \$19,500.

Task 3.0 – Project Management/Client and Agency Coordination

This task requests budget to cover 175 hours over 6 months (~30 hours per month) for project management, and for client and agency coordination in the first half of 2024. This level of effort is consistent with our PM task burn rate over the last 4 years of project delivery.

Task 3 Deliverables:

- *Monthly invoices to KSN.*

Task 3 Assumptions:

- *No more than 175 hours total for the ECORP PM and PM-related tasks for other staff.*

Task 3.0 Fee (2024): \$42,000.

Erik Almaas
November 2, 2023
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FEE SUMMARY

The fee changes for the services described above are **\$332,660.** to be provided on a TIME AND MATERIALS NOT TO EXCEED BASIS during 2023 and 2024, as listed in the table below, and described in this proposal.

	Task Description	Task No.	Total
CONTRACT 1	Nesting Bird Compliance in 2024	1.2	\$31,360.
	GGs Compliance in 2023 and 2024	1.3	\$107,400.
	Permit Amendments in 2023	2.0	\$98,000.
	Agency Reporting in 2024	7.3, 8.3, and 9.2	\$34,400.
	CONTRACT 1 TOTAL		\$271,160.
CONTRACT 2	Biweekly Monitoring for ITP in 2023 and 2024	1.1B	\$19,500.
	PM and Client/Agency Coordination	3.0	\$42,000.
	CONTRACT 2 TOTAL		\$61,500.
TOTAL	GRAND TOTAL		\$332,660.

SCHEDULE

Tasks to be delivered under this amendment, when approved, will be completed in in 2023 and in the first half of 2024. We assume the Project will be completed by June 30, 2024. Some reporting tasks authorized in our existing contract will be completed late in calendar year 2024 to summarize early 2024 Project activity. Our current contracts with KSN include completion of environmental DNA (eDNA) sampling to be completed by Cramer Fish Sciences (ECORP subcontractor) for two successive years following project completion. We anticipate these sampling events and their associated reporting to SJAFCA and permitting agencies will occur in calendar years 2024 and 2025. With the completion of these eDNA studies, ECORP's contracted work would be complete in full, unless modified by future contract amendments.

EXPENSE REIMBURSEMENT/OTHER:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Copies (color and black and white), equipment and other direct expenses are reimbursed with a 14% administrative handling charge (excluding per diem).
3. Subcontractor expenses are reimbursed with a 12% administrative handling charge.
4. Mileage is reimbursed at current IRS rate with a 14% administrative handling charge.
5. Per Diem, depending upon location, may be charged where overnight stays are required.
6. Expert Witness Testimony, including Depositions, is billed at time and a half.

ATTACHMENT 1

Erik E. Almaas

From: Greg Shellenbarger <g.shellenbarger@cbecoeng.com>
Sent: Tuesday, October 10, 2023 1:00 PM
To: Erik Almaas; Dave C. Carr
Cc: Chris Bowles
Subject: Sonde/sensor repairs for Smith Canal

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Filed by Newforma

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Dave and Erik,

We have had several sonde and sensor failures with the SJAFCA YSI equipment for Smith Canal (see table below). The sonde requires a new depth sensor and main board due to water ingress, all three DO sensors need new DO membranes (not user replaceable with a typical life of 1-3 years), one DO sensor needs a new wiper motor, and one DO sensor flooded (no corrosion on the pins - the flood was through either the DO membrane or wiper shaft which is only serviceable by YSI). The total cost for the repairs/replacement is about \$7,352.

We have been using space cbec sondes and sensors as replacements during the evaluation at YSI, although I believe we currently have one sonde location without a DO sensor.

Please let me know if you want to proceed with the repairs. They can happen before our next site visit.

Thank you,
 Greg

Model #	SN	owner	Total Repair Cost	Cost if we deny repairs and have item shipped back:	
				Listed cost below, plus shipping	
600OMSBAT	19J101337	SJFCA	\$2,455.54		\$105.00
6150 ROX ODO PROBE	19H102826	SJFCA	\$1,461.35		\$62.50
6150 ROX ODO PROBE	19H102825	SJFCA	\$3,075.00		\$0.00
6150 ROX ODO PROBE	20C200070	SJFCA	\$360.00		\$62.50
			\$7,351.89		\$230.00

Greg Shellenbarger MS, Eng. (he/him)
 Ecohydrologist/Field Services Manager



cbec, inc. eco engineering
 2544 Industrial Blvd | West Sacramento, CA 95691
[916.231.6052](tel:916.231.6052) | main
[916.743.6869](tel:916.743.6869) | mobile

[public dropbox](#)
[cbecoeng.com](#)
g.shellenbarger@cbecoeng.com

Date Prepared:

San Joaquin Area Flood Control Agency
Smith Canal Gate - Constructability Review Services
AMENDMENT REQUEST No. 7
TASK HOURS BREAKDOWN

TASKS AND DESCRIPTIONS	KSN STAFF HOURS					Total Labor Hours	Total Labor Budget	Equipment Budget	OTHER DIRECT COSTS			Other Direct Costs Budget	Total Budget (Rounded)
	Principal Engineer	Associate Engineer	Engineer III	Sr. Project Manager	Project Coordinator III				Direct Expense	Mileage Expense	Sub Consultant		
	CHN	EEA	JDP	DCC	NCL				110%	0.655	110%		
Staff Initials	CHN	EEA	JDP	DCC	NCL								
Rates	\$290	\$265	\$230	\$260	\$130								
PROJECT TASKS													
2.0 Environmental & Regulatory Compliance	2	4	8	20	8	42	\$ 9,720	\$ -	\$ -	\$ -	\$ 298,276	\$ 298,276	\$ 307,996
2.1 Nesting Bird Compliance			2	4	2	8	\$1,760	\$0	\$0	\$0	\$34,496	\$34,496	\$ 36,256
2.2 Giant Garter Snake Compliance			2	4	2	8	\$1,760	\$0	\$0	\$0	\$118,140	\$118,140	\$ 119,900
2.3 USFWS Impact Forecasting			2	4	2	8	\$1,760	\$0	\$0	\$0	\$0	\$0	\$ 1,760
2.4 Agency Reporting	2	2	2	4	2	12	\$2,870	\$0	\$0	\$0	\$37,840	\$37,840	\$ 40,710
2.5 Faciitate Permit Amendments		2		4		6	\$1,570	\$0	\$0	\$0	\$107,800	\$107,800	\$ 109,370
3.0 Smith Canal Water Quality Monitoring	0	0	0	2	0	2	\$ 520	\$ -	\$ -	\$ -	\$ 8,087	\$ 8,087	\$ 8,607
3.1 Sonde Repairs/Replacements				2		2	\$520	\$0	\$0	\$0	\$8,087	\$8,087	\$ 8,607
PROJECT TOTALS	2	4	8	22	8	44	\$ 10,240	\$ -	\$ -	\$ -	\$ 306,363	\$ 306,363	\$ 316,603
OPTIONAL TASKS													
GRAND TOTALS	2	4	8	22	8	44	\$ 10,240	\$ -	\$ -	\$ -	\$ 306,363	\$ 306,363	\$ 316,603

General Note: This costs allocation represents our best estimate at this time and may change subject to future developments during the project. It is possible that some of the estimated manpower requirements for specific task items may increase while others may not require the entire anticipated effort. Charges to this project will be made for actual time spent on the project and will be charged as per the attached Fee Schedule.



Stephen K. Sinnock, P.E.
Christopher H. Neudeck, P.E.
Neal T. Colwell, P.E.
Barry O'Regan, P.E.

2091-0066
02-900

November 2, 2023
Revision No. 1 - November 7, 2023

Juan Neira, PE
San Joaquin Area Flood Control Agency
22 E. Weber Avenue, Room 301
Stockton, CA 95202

Re: Smith Canal Gate Project - Construction Management Services
Request for Contract Amendment No. 4
Construction Management Services for Partial Year 5 (January 2024 – June 2024)

Dear Juan,

The Kjeldsen, Sinnock & Neudeck, Inc. (KSN) construction management team entered into a contract with the San Joaquin Area Flood Control Agency (SJAFCA) on April 30, 2020, for construction management (CM) services for the Smith Canal Gate Project. Since that time, three amendments have been executed for various additional services such as extensions to the construction schedule for 2022 and 2023, review of potential claims and delays, levee monitoring during the winter season, and coordination associated with the miter gate repairs, the gate foundation slab repairs, the permanent stop log storage site, and additional geotechnical explorations.

Recognizing that construction of the project has not been completed this year as planned, the KSN CM team hereby submits this amendment request to provide the following services:

- CM services for an additional 6-month period lasting from January 1, 2024, to June 30, 2024.
- Actual out-of-scope services in 2023 to date.
- Projected out-of-scope services through June 30, 2024.

Construction Management in 2024 (January – June)

1.0 Project Management

This current amendment request includes an additional six months of project management activities including, but not limited to, coordination between SJAFCA, KSN, and its sub-consultants; preparing invoicing; general management oversight; and acting as construction project coordinator and the point of contact for all communications with the contractor, affected public agencies, and design engineer.

2.0 Construction Management

This current amendment request includes an additional six months of construction contract management activities including, but not limited to, weekly construction coordination meetings; routing and processing submittals and RFIs; administration of the construction contract including document control, contractor payment requests, change orders and potential change orders, etc.; construction schedule management; and construction project reporting.

3.0 Inspections

This current amendment request includes an additional six months of inspection activities including, but not limited to, general field inspections and monitoring activities; special inspections and materials testing; inspections specific to the miter gate installation; inspections specific to the sheet pile floodwall inspection; and survey support.



4.0 Environmental / Biological Monitoring

This current amendment request includes an additional six months of general environmental and biological monitoring activities. It is assumed that there will not be an IWWW in 2024. A proposal from ECORP for the additional six months of monitoring is enclosed as Exhibit 1.

Actual Out-of-Scope Services in 2023 to Date

Various out-of-scope services for work that has been performed outside of the KSN team's current scope of work have been captured and invoiced accordingly. The out-of-scope services in 2023 to date (i.e., January 1, 2023, to October 31, 2023) have generally included, but are not limited to, the following:

- General out-of-scope services:
 - Prepare and present project and schedule updates to the SJAFCA Board of Directors.
 - Respond to Freedom of Information Act requests on behalf of SJAFCA.
 - Coordinate and conduct several boat site tours of the construction site with various agencies and entities.
 - Coordinate regarding the proposed design changes at the Stockton Golf and Country Club.
- Review potential claims and delays and discuss with SJAFCA and legal counsel including review by PND.
- Coordinate review and evaluation of gate foundation damage and provide inspection of slab remediation.
- Coordinate extra geotechnical work at Dad's Point including borings and CPTs by Kleinfelder.
- Coordinate with SJAFCA and San Joaquin County regarding transition strategy and future operations and maintenance (O&M) of the facility.
- Coordinate evaluation of permanent stop log storage site.

This current amendment request includes the out-of-scope services that have been performed in 2023 to date as described above.

Projected Out-of-Scope Services through June 2024

The KSN team is assuming that additional out-of-scope services will be performed in 2024. The potential out-of-scope services performed from November 1, 2023, to June 30, 2024, may generally be associated with, but are not limited to, the following:

- General out-of-scope services.
- Potential claims.
- Future O&M planning.
- Stop log storage site including a Phase 1 assessment by Kleinfelder and potential future testing of surface soils.

This current amendment request includes the estimated out-of-scope services that may occur through June 30, 2024, as described above.

Summary

A summary of the current amendment request items as described above is shown below in Table 1. A more detailed fee estimate is enclosed as Exhibit 2. KSN recommends that the term of our contract with SJAFCA be extended to December 31, 2024.



ATTACHMENT 2

Table 1 - Summary of Amendment Request No. 4

Description	Fee Estimate
Construction Management in 2024 (January – June)	\$296,210
1.0 Project Management	\$132,120
2.0 Construction Management	\$105,980
3.0 Inspections	\$36,660
4.0 Environmental / Biological Monitoring	\$21,450
Actual Out-of-Scope Services in 2023 to Date	\$186,423
8.2 General Out-of-Scope Services	\$18,891
8.3 Potential Claims	\$94,510
8.5 Gate Foundation Slab Repairs	\$60,331
8.6 USACE Borings/Testing at Dad's Point	\$4,001
8.7 O&M Planning	\$2,539
8.8 Stop Log Storage	\$6,151
Projected Out-of-Scope Services through June 2024	\$264,980
8.2 General Out-of-Scope Services	\$16,720
8.3 Potential Claims	\$199,480
8.7 O&M Planning	\$5,220
8.8 Stop Log Storage	\$43,560
Total	\$747,613

Please review the enclosed documentation, and don't hesitate to contact me with any questions or comments. Thank you for your consideration.

Sincerely,
KJELDEN, SINNOCK & NEUDECK, INC.

Erik Almaas, PE, CM Resident Engineer

Christopher H. Neudeck, PE, CM Principal in Charge

w/enclosures

- Exhibit 1 - Sub-Consultant Proposal from ECORP Consulting
- Exhibit 2 - Fee Estimate for Amendment Request No. 4



November 2, 2023
(P19-184.01H/2019-175)

Erik Almaas
KSN, Inc.
1550 Harbor Blvd., Suite 212
West Sacramento, CA 95691

Subject: *Amendment Eight to Provide Environmental Support Services for the Smith Canal Gate Project in 2023 and 2024, San Joaquin County, California*

Dear Mr. Almaas:

Attached please find our work proposal to provide additional permit compliance services for the Smith Canal Gate Project. In this amendment we are requesting authorization to implement new and existing tasks over an extended period of performance from January through June 2024. We are also requesting additional budget for out-of-scope construction implementation support services completed in 2023. We understand the project will be completed by June 30, 2024, and do not anticipate any in-water work in 2024.

Thank you for the opportunity to submit our work proposal. If you have questions or would like to discuss our proposal further, please contact me at (916) 782-9100 or jtupen@ecorpconsulting.com.

Sincerely,

Jeff Tupen, Project Manager

Attachment(s)

ATTACHMENT 2

Erik Almaas
November 2, 2023
Page 2 of 8

Amendment Eight

Scope of Work and Cost Estimate for
Environmental Compliance Services in 2023 and 2024
for the
Smith Canal Gate Project
(San Joaquin County, California)
for
Kjeldsen, Sinnock & Neudeck, Inc.

This amendment (Amendment Eight) requests authorization and additional budget for:

1. Out-of-scope tasks completed and to be completed in 2023, and
2. New tasks and existing tasks to be completed in 2024.

Our current contract with KSN extends through December 31, 2023. Our request for Amendment Eight would, when authorized, extend our contracted period of performance through June 30, 2024 and would add new scope and budget to complete necessary permit compliance tasks in 2024. Our request for Amendment Eight would also, when authorized, add budget to cover out of scope tasks completed in 2023.

CONTRACTING BACKGROUND

ECORP has provided environmental services on SJAFCA's Smith Canal Gate Project under contract to KSN, Inc. since 2019. KSN has to date executed eight (8) contracts (initial contract and seven amendments) with ECORP for work on the Smith Canal Gate Project (Gate Project). These are:

Initial Contract:	Authorized review of existing regulatory permits and development of a permit compliance matrix.
Amendment #1:	Authorized professional services in support of Test Pile Project implementation in October 2019.
Amendment #2:	Authorized professional services in support of Gate Project planning and permitting.
Amendment #3:	Authorized additional professional services, and extended contracted professional services from two to three years, in support of Gate Project planning and permitting.
Amendment #4:	Authorized construction monitoring services and related tasks for up to three years of construction.

Smith Canal Gate #9, KSN #8 scope (2019-175/009)

Erik Almaas
November 2, 2023
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- Amendment #5: Authorized an increased LOE for agency reporting and permit amendments (Contract 1 tasks) over three years, and authorized an increased LOE for daily monitoring tasks and PM associated with a longer 2021 in-water work window (Contract 2 tasks).
- Amendment #6: Authorized additional budget to 1) accommodate increased levels of effort (LOE) for amendment the Project's CESA ITP permit with CDFW; 2) permit placement of RSP around the gate foundation; 3) accommodate monitoring and reporting during an extended 2022 in-water work window; 4) accommodate increased LOE in Project Management; and 5) reimburse ECORP for ITP amendment application fees paid by ECORP to CDFW on behalf of SJAFCA.
- Amendment #7: Extended ECORP's period of performance through 2023. Added budget to complete existing permit compliance tasks in 2023, including: 1) survey and reporting efforts for nesting birds, Swainson's hawk, western pond turtles, and giant garter snake; 2) permit-specific reporting tasks; 3) USFWS Year 4 (2023) impact accounting and reporting; 4) daily monitoring during and outside of the approved in-water work season, and; 5) project management and client coordination.

This amendment request, when approved, would represent Amendment #8 to ECORP's initial contract. ECORP's existing contract with KSN, as amended, is separated into two subcontracts: Contract 1 and Contract 2. Contract 1 includes permitting, reporting, and focused terrestrial biological surveys. Contract 2 includes Project Management and water-based monitoring tasks that are implemented during the Project construction period.

RATIONALE FOR THIS AMENDMENT REQUEST

This request proposes to continue to deliver ECORP environmental compliance services from January 1 through June 30, 2024 (6 months). June 30, 2024 is the projected completion date of Project construction. Amended Project permits secured by SJAFCA in 2023 include new or changed permit conditions. Tasks necessary to comply with permit amendment conditions are included in our Amendment Eight request. This amendment request also seeks additional budget for out-of-scope tasks completed in 2023. Similar to our prior amendment requests, we have separated our current amendment request by KSN Contract 1 and KSN Contract 2.

CONTRACT 1 REQUESTED CHANGES

Requested Contract 1 changes include: 1) Nesting bird, including Swainson's hawk, surveying, monitoring, and reporting in 2024, 2) giant garter snake surveying, monitoring, and reporting in 2023 (out-of-scope) and 2024, 3) permit amendments in 2023 (out-of-scope), and: 4) reporting to various agencies as required by existing and recently amended permit conditions in 2024.

Details of proposed Contract 1 changes are provided in the following section.

Erik Almaas
November 2, 2023
Page 4 of 8

Task 1.2 – Nesting Bird Compliance in 2024

This task adds budget to existing Task 1.2 to conduct nesting bird surveys, develop impact mitigations, and complete reporting in 2024, consistent with permit compliance commitments in the CDFW ITP and LSAA. ECORP will team in 2024 once again with Moore Biological Consultants (MBC) to provide these services.

MBC will complete pre-construction surveys in and near Project terrestrial work areas (laydown yards, Dad's Point, golf course) to identify active bird nests and to recommend the need for and size of no-work buffers. MBC will assist the contractor in establishing no-work buffers, as needed. MBC will monitor active bird nests to determine if installed buffers are effective at prohibiting injury or mortality of nesting birds. MBC will complete and submit to ECORP and KSN monthly monitoring reports summarizing the previous month's activities.

Task 1.2 Deliverables:

- *Monthly reports during the nesting bird season to be submitted by MBC to ECORP and KSN.*

Task 1.2 Assumptions:

- *Includes January-June 2024 efforts (6 months).*
- *LOE and fee based on no more than 4 surveys per month.*
- *MBC Monitoring daily rate of \$1,120/day for no more than 20 days from February through June 2024.*
- *MBC Reporting budget of \$1,792/month for no more than 5 months.*

Task 1.2 Fee (Jan-June 2024): \$31,360.

Task 1.3 – Giant Garter Snake Compliance in 2023 and 2024

This task adds budget to existing Task 1.3 to continue implementation of giant garter snake (GGS) impact avoidance measures in late 2023 and the first half of 2024, and to report results of these efforts to CDFW. MBC will subcontract to ECORP to help provide these services in late 2023 and the first half of 2024. ECORP will work with MBC to complete GGS surveys and reporting in late 2023 and early 2024. Our current contract with KSN for GGS mitigation efforts extended through April 30, 2023, which corresponds to the last day of the GGS "inactive season", which is the period of greatest GGS concern to CDFW. The "active season" for GGS extended from May 1 through Oct 1, 2023, and the following "inactive season" started on October 2, 2023. ECORP (with MBC) provided out-of-scope GGS compliance services from October 2 through Oct 31, 2023. ECORP and MBC are proposing to continue to provide GGS compliance services from November 1, 2023 through April 30, 2024, as described in the following task description.

The Project's CESA Incidental Take Permit (ITP) was amended a second time in September 2023. Among other things, this ITP amendment requires daily GGS clearance surveys by a qualified biologist in advance of each day's work on Dad's Point. All activities that could result in take of GGS,

Smith Canal Gate #9, KSN #8 scope (2019-175/009)

Erik Almaas
November 2, 2023
Page 5 of 8

including vehicle operation, are considered “work”. A GGS exclusion zone was identified and re-installed in early October 2023 on Dad’s Point near suitable GGS habitat. This exclusion area, which includes fencing and exit funnels, will be maintained by Shimmick through at least April 2024.

ECORP currently has a contracted presence at the Project site through December 15, 2023, and MBC and ECORP will continue to share the responsibility for daily GGS clearance surveys on Dad’s Point from Oct 2 through December 15, 2023 (64 days of effort). ECORP (and MBC) will complete daily GGS clearance surveys on Dad’s Point from December 16, 2023 through April 30, 2024 for 6 days each week (116 days of effort). We note here that 9 days of survey effort (of 116 total) will be accomplished in coordination with the performance of Task 1.1B, described later, reducing the number of monitoring events under Task 1.3 after December 15 to 107 days. Note also that preconstruction clearance surveys for GGS on Dad’s Point are only required when there will be project-related activity on Dad’s Point during a given day. As such, our proposed clearance surveys may be curtailed when no work is scheduled. We will discuss an arrangement with KSN to coordinate with the contractor(s) to notify ECORP of daily work schedules and we will proceed accordingly.

MBC will complete and submit to ECORP and KSN periodic monitoring reports summarizing GGS protective measures and processes. ECORP will continue to complete and submit to CDFW monthly compliance reports for activities through June 30, 2024.

Task 1.3 Deliverables:

- *Monthly reports during the GGS Inactive Period (Oct 2023-April 2024) to be submitted by MBC to ECORP and KSN.*
- *Monthly reporting to CDFW for GGS compliance per ITP Amendment #2.*

Task 1.3 Assumptions:

- *Includes October 2023 through April 2024 efforts (7 months).*
- *Daily clearance surveys completed by a qualified biologist.*
- *6-day work-weeks.*
- *GGS monitoring daily rate of \$800/day from December 16, 2023-April 30, 2024. T&M basis for the period October 2-December 15, 2023.*
- *No more than 182 days of monitoring.*

Task 1.3 Fee: \$107,400.

Task 2.0 – Permit Amendments in 2023

ECORP assisted SJAFCA in successfully applying for and receiving Project permit amendments in 2023 to authorize placement of RSP near the gate foundation. No additional or residual Project permitting needs are anticipated in 2024.

Erik Almaas
November 2, 2023
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Amendment 6 to ECORP's contract in September 2022 authorized a fee of \$259,234. to secure permit coverage to place gate RSP near the gate foundation. Due largely to difficult and protracted negotiations with CDFW over the Project ITP amendment, ECORP accrued permitting fee charges of approximately \$357,000. when the last of the permit amendments were issued in September 2023. ECORP also substantially facilitated transactions with mitigation banks resulting from compensatory mitigation obligations from amended permits. We are therefore requesting a budget supplement for Task 1.3 to cover \$98,000. of fee overruns in 2023 (\$357k less \$259k previously authorized with Amendment Six).

It is important to again note that ECORP's permitting efforts did not curtail the contractors schedule or result in permitting-related claims to SJAFCA. Rather, our permitting support efforts allowed the contractor to continue work while ECORP negotiated permits "in the background", which provided value to the Project and its schedule.

Task 2.0 Deliverables:

- *No additional deliverables.*

Task 2.0 Assumptions:

- *None stated.*

Task 2 Fee (2023): \$98,000.

Tasks 7.3, 8.3, and 9.2 – Agency Reporting in 2024

In this amendment request, we are seeking additional budget to cover approximately 200 hours for anticipated reporting efforts in the first half of 2024. This level of effort (400 hours/year) was justified in 2021 Amendment Five request.

Task 7.3, 8.3, and 9.2 Deliverables:

- *Continued Reporting in 2024.*

Task 7.3, 8.3, and 9.2 Assumptions:

- *None stated.*

Task 7.3, 8.3, and 9.2 Fee (2024): \$34,400.

CONTRACT 2 REQUESTED CHANGES

We do not anticipate completion of in-water work in 2024. As such, we are not requesting budget to implement water quality or hydroacoustic monitoring in 2024.

Task 1.1B – General Biological/Environmental Monitoring (Outside of the In-water Work Window)

Smith Canal Gate #9, KSN #8 scope (2019-175/009)

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Consistent with amended CESA ITP condition 7.3, a qualified biologist shall conduct permit compliance inspections no less than twice per month to document the effects of covered activities on covered species. Our fee request is based on biweekly monitoring events over a 26-week period (December 16, 2023 through June 30, 2024) at a daily rate of \$1500/day. Thirteen (13) such monitoring events will be completed by ECORP using an ECORP vessel.

Compliance with ITP Condition 7.3 from December 16, 2023 through April 30, 2024 will be coordinated with the GGS clearance surveys proposed under Task 1.3. That is, the Qualified Biologist completing the five Condition 7.3 compliance surveys in Dec-April will also complete GGS clearance surveys on Dad's Point. The fee for completion of Task 1.3 surveys has been reduced by nine events accordingly.

Task 1.1B Deliverables:

- *Periodic agency reporting, as required.*

Task 1.1B Assumptions:

- *Budget is based on the LOE noted (13 events anticipated).*
- *Use of ECORP support vessel.*
- *One qualified biologist for each survey.*

Task 1.1B Fee (2024): \$19,500.

Task 3.0 – Project Management/Client and Agency Coordination

This task requests budget to cover 175 hours over 6 months (~30 hours per month) for project management, and for client and agency coordination in the first half of 2024. This level of effort is consistent with our PM task burn rate over the last 4 years of project delivery.

Task 3 Deliverables:

- *Monthly invoices to KSN.*

Task 3 Assumptions:

- *No more than 175 hours total for the ECORP PM and PM-related tasks for other staff.*

Task 3.0 Fee (2024): \$42,000.

ATTACHMENT 2

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FEE SUMMARY

The fee changes for the services described above are **\$332,660.** to be provided on a TIME AND MATERIALS NOT TO EXCEED BASIS during 2023 and 2024, as listed in the table below, and described in this proposal.

	Task Description	Task No.	Total
CONTRACT 1	Nesting Bird Compliance in 2024	1.2	\$31,360.
	GGs Compliance in 2023 and 2024	1.3	\$107,400.
	Permit Amendments in 2023	2.0	\$98,000.
	Agency Reporting in 2024	7.3, 8.3, and 9.2	\$34,400.
	CONTRACT 1 TOTAL		\$271,160.
CONTRACT 2	Biweekly Monitoring for ITP in 2023 and 2024	1.1B	\$19,500.
	PM and Client/Agency Coordination	3.0	\$42,000.
	CONTRACT 2 TOTAL		\$61,500.
TOTAL	GRAND TOTAL		\$332,660.

SCHEDULE

Tasks to be delivered under this amendment, when approved, will be completed in in 2023 and in the first half of 2024. We assume the Project will be completed by June 30, 2024. Some reporting tasks authorized in our existing contract will be completed late in calendar year 2024 to summarize early 2024 Project activity. Our current contracts with KSN include completion of environmental DNA (eDNA) sampling to be completed by Cramer Fish Sciences (ECORP subcontractor) for two successive years following project completion. We anticipate these sampling events and their associated reporting to SJAFCA and permitting agencies will occur in calendar years 2024 and 2025. With the completion of these eDNA studies, ECORP's contracted work would be complete in full, unless modified by future contract amendments.

EXPENSE REIMBURSEMENT/OTHER:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Copies (color and black and white), equipment and other direct expenses are reimbursed with a 14% administrative handling charge (excluding per diem).
3. Subcontractor expenses are reimbursed with a 12% administrative handling charge.
4. Mileage is reimbursed at current IRS rate with a 14% administrative handling charge.
5. Per Diem, depending upon location, may be charged where overnight stays are required.
6. Expert Witness Testimony, including Depositions, is billed at time and a half.

Date Prepared:

San Joaquin Area Flood Control Agency
Smith Canal Gate - Construction Management
AMENDMENT REQUEST No. 4
TASK HOURS BREAKDOWN

TASKS AND DESCRIPTIONS	KJELDTSEN, SINNOCK & NEUDECK, INC. STAFF HOURS														Total Labor Hours	Total Labor Budget	EQUIPMENT		Equipment Budget	OTHER DIRECT COSTS			Other Direct Costs Budget	Total Budget (Rounded)
	Principal Engineer	Associate Engineer	Engineer III	Senior Surveyor	Surveyor	Assistant Surveyor	1 Man PW Field Crew	2 Man PW Field Crew	Inspector (Office)	Inspector PW (Field)	Sr. Project Manager	Tech/GIS/CAD I	Project Coordinator IV	Project Coordinator III			GPS Equip (1-rec)	Robotic Total Station		Direct Expense	Mileage Expense	Sub Consultant		
	CHN	EEA	JDP								DCC		PLF	NCL										
	Rates	\$290	\$265	\$230	\$255	\$225	\$190	\$250	\$365	\$190	\$235	\$260	\$120	\$160			\$130	\$25		\$35	110%	0.655		
PROJECT TASKS																								
1.0 Project Management	24	80	72	0	0	0	0	0	0	0	144	0	4	24	348	\$ 85,920	0	0	\$ -	\$ -	\$ -	\$ 46,200	\$ 46,200	\$ 132,120
1.1 Project Management / Administration	24	80	72								144		4	24	348	\$85,920			\$0	\$0	\$0	\$46,200	\$46,200	\$ 132,120
2.0 Construction Management	4	148	104	0	0	0	0	0	8	0	136	40	0	0	440	\$ 105,980	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 105,980
2.1 Meetings		24	24						8		24				80	\$19,640			\$0	\$0	\$0	\$0	\$0	\$ 19,640
2.2 Submittal and RFI Processing		16	64								16	40			136	\$27,920			\$0	\$0	\$0	\$0	\$0	\$ 27,920
2.3 Construction Contract Administration	4	104	16								80				204	\$53,200			\$0	\$0	\$0	\$0	\$0	\$ 53,200
2.4 Schedule Management		4									16				20	\$5,220			\$0	\$0	\$0	\$0	\$0	\$ 5,220
3.0 Inspections	0	4	0	8	0	8	16	8	0	104	0	0	0	0	148	\$ 35,980	16	8	\$ 680.00	\$ -	\$ -	\$ -	\$ -	\$ 36,660
3.1 General Inspection										104					104	\$24,440			\$0	\$0	\$0	\$0	\$0	\$ 24,440
3.6 Survey Support		4		8		8	16	8							44	\$11,540	16	8	\$680	\$0	\$0	\$0	\$0	\$ 12,220
4.0 Environmental / Biological Monitoring	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ -	0	0	\$ -	\$ -	\$ -	\$ 21,450	\$ 21,450	\$ 21,450
4.3 General Biological / Environmental Monitoring															0	\$0			\$0	\$0	\$0	\$21,450	\$21,450	\$ 21,450
PROJECT TOTALS	28	232	176	8	0	8	16	8	8	104	280	40	4	24	936	\$ 227,880	16	8	\$ 680.00	\$ -	\$ -	\$ 67,650	\$ 67,650	\$ 296,210
OPTIONAL TASKS																								
8.0a Out of Scope Services (Actual: Jan 2023 to Oct 2023)	63.5	130.5	55.75	1	0.75	0	3	0	8	90.5	214.25	0	0	0	567.25	\$ 145,486	0	0	\$ -	\$ -	\$ -	\$ 40,937	\$ 40,937	\$ 186,423
8.2 Future Out of Scope Services	19.5	19.75	6.25								25.25				70.75	\$18,891			\$0	\$0	\$0	\$0	\$0	\$ 18,891
8.3 Potential Claims	39.75	77	33.5						8		47.75				206	\$53,573			\$0	\$0	\$0	\$40,937	\$40,937	\$ 94,510
8.5 Gate Foundation Slab Repairs	4.25	32.25	10				3				78.5	111.75			239.75	\$60,331			\$0	\$0	\$0	\$0	\$0	\$ 60,331
8.6 USACE Borings/Testing at Dad's Point			0.75	1	0.75						12	2.25			16.75	\$4,001			\$0	\$0	\$0	\$0	\$0	\$ 4,001
8.7 O&M Planning		0.75									9				9.75	\$2,539			\$0	\$0	\$0	\$0	\$0	\$ 2,539
8.8 Stop Log Storage		0.75	5.25								18.25				24.25	\$6,151			\$0	\$0	\$0	\$0	\$0	\$ 6,151
8.0b Out of Scope Services (Projected: Nov 2023 to Jun 2024)	52	188	160	0	0	0	0	0	64	0	192	0	0	0	656	\$ 163,780	0	0	\$ -	\$ -	\$ -	\$ 101,200	\$ 101,200	\$ 264,980
8.2 Future Out of Scope Services	8	16	8								32				64	\$16,720			\$0	\$0	\$0	\$0	\$0	\$ 16,720
8.3 Potential Claims	44	160	152						64		120				540	\$133,480			\$0	\$0	\$0	\$66,000	\$66,000	\$ 199,480
8.7 O&M Planning		4									16				20	\$5,220			\$0	\$0	\$0	\$0	\$0	\$ 5,220
8.8 Stop Log Storage		8									24				32	\$8,360			\$0	\$0	\$0	\$35,200	\$35,200	\$ 43,560
OPTIONAL TASKS TOTALS	115.5	318.5	215.75	1	0.75	0	3	0	72	90.5	406.25	0	0	0	1223.25	\$ 309,266	0	0	\$ -	\$ -	\$ -	\$ 142,137	\$ 142,137	\$ 451,403
GRAND TOTALS	143.5	550.5	391.75	9	0.75	8	19	8	80	194.5	686.25	40	4	24	2159.25	\$ 537,146	16	8	\$ 680	\$ -	\$ -	\$ 209,787	\$ 209,787	\$ 747,613

General Note: This costs allocation represents our best estimate at this time and may change subject to future developments during the project. It is possible that some of the estimated manpower requirements for specific task items may increase while others may not require the entire anticipated effort. Charges to this project will be made for actual time spent on the project and will be charged as per the attached Fee Schedule.

RESOLUTION NO. SJAFCA 23-33

SAN JOAQUIN AREA
FLOOD CONTROL AGENCY

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**AUTHORIZATION TO EXECUTE AMENDMENTS No. 7 TO THE
CONSTRUCTABILITY REVIEW CONTRACT AND AMENDMENT No. 4 TO
THE CONSTRUCTION MANAGEMENT CONTRACT WITH KJELDSSEN,
SINNOCK, NEUDECK INC., FOR ADDITIONAL CONSTRUCTION
MANAGEMENT SERVICES TO COMPLETE THE CONSTRUCTION OF
THE SMITH CANAL GATE PROJECT, AND AUTHORIZATION FOR
INTERNAL TRANSFER AND APPROPRIATION OF FUNDS TO COVER
PROPOSED AMENDMENTS**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JOAQUIN
AREA FLOOD CONTROL AGENCY, AS FOLLOWS:

The Board of Directors adopt this resolution to:

1. Authorized Amendment No. 7 to the Constructability Review Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$316,603 for additional Construction Management support services and schedule extension during the continued construction of the Smith Canal Gate Project.
2. Authorize Amendment No. 4 to the Construction Management Contract with Kjeldsen, Sinnock, Neudeck, Inc., in the amount of \$747,613 for additional Construction Management support services and schedule extension during the continued construction of the Smith Canal Gate Project.
3. Authorize the Executive Director to execute an internal transfer within the Smith Canal Gate Project budget in the amount of \$1,064,216 (\$316,603 Amendment No.7 + \$747,613 Amendment No. 4)
4. Appropriate \$1,064,216 to fund the tasks covered in Amendment No. 7 of the Constructability Review Contract and Amendment No. 4 of the Construction Manager Contract with Kjeldsen, Sinnock, Neudeck, Inc.

It is further recommended that the Executive Director be authorized to take appropriate and necessary actions to carry out the intent of the resolution.

PASSED, APPROVED AND ADOPTED this 16th day of November 2023.

GARY SINGH, Chair
of the San Joaquin Area
Flood Control Agency

ATTEST:

CHRIS ELIAS, Secretary
of the San Joaquin Area
Flood Control Agency.

APPROVED AS TO FORM:

SCOTT L. SHAPIRO, Legal Counsel
for the San Joaquin Area
Flood Control Agency

**End of
Agenda Packet**