



Napa County

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Legislation Text

File #: 23-0125, **Version:** 1

TO: Napa County Flood Control and Water Conservation District
FROM: Andrew Butler - District Engineer
REPORT BY: Andrew Butler - District Engineer
SUBJECT: Approval of Amendment No. 1 to Agreement No. 220223B with HDR Engineering, Inc.

RECOMMENDATION

District Engineer requests approval of the following:

1. Authorization for the Chair to sign Amendment 1 to Agreement No. 220223B with HDR Engineering, Inc. (HDR), increasing the maximum amount by \$4,289,501 to a new total of \$5,472,461 to complete design of the Floodwalls North of the Bypass Project and start preliminary design on the Imola to Hatt Floodwalls Project; and
2. A budget adjustment increasing appropriations by \$3,251,461 in Org 8001000 Object 52310 - Consulting Services, offset by the reduction in appropriations in Org 8001000 Object 55100 - Land (4/5 Vote Required).

EXECUTIVE SUMMARY

The original contract with HDR included design of the Floodwalls North of the Bypass Project to a 35% completion level. Napa County Flood Control and Water Conservation District (District) has signed a Memorandum of Understanding (MOU) with the US Army Corps of Engineers (USACE) to allow the District to complete the design of this project. This Amendment 1 to the Agreement expands the scope to complete the Design and provide the District with a set of 100% plans and specifications that can then be put out for bid. The amendment also allows for the District to direct HDR to start preliminary design work on the Imola to Hatt Floodwalls Project.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Org 8001000 Object 52310

Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Without assistance from HDR, the District is unlikely to be able to complete a design satisfactory to the US Army Corps of Engineers which will prevent construction of the next phases of the flood project from advancing.
Is the general fund affected?	No
Future fiscal impact:	None.
Consequences if not approved:	The District will be unable to continue development of the project design.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The Napa River/Napa Creek Flood Protection Project was included in the Final Environmental Impact Report/Statement (FEIR/EIS). The FEIR was circulated twice for public comment, from December 19, 1997 to February 13, 1998, and again in October and November 1998 (although not required), then certified by the Board of Directors of the Napa County Flood Control and Water Conservation District on May 4, 1999. The U.S. Army Corps of Engineers certified the Final Supplemental Environmental Impact Statement (FSEIS) on June 9, 1999.

BACKGROUND AND DISCUSSION

\$48.3 million was appropriated in the USACE budget for Federal FY 2021 in the USACE annual Work Plan for the Napa River/Napa Creek Flood Protection Project (Flood Project) to complete the federal responsibilities on the Floodwalls North of the Bypass Project and the Imola to Hatt Floodwalls Project elements. These two elements are the remaining elements of the Project that were found to have Federal interest according to the Federal Interest Determination that was produced by USACE in 2020. Staff have been working with the USACE since 2021 on a process to move forward to use the appropriated funds to complete these two elements.

Section 204(b) of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2232), authorizes non-Federal interests to undertake construction of certain water resources development projects, with potential credit or reimbursement of the Federal share of that construction pursuant to 204(d), subject to several requirements including that the Assistant Secretary of the Army, before initiation of construction, makes certain determinations, approves the plans for construction, and enters into a written agreement with the non-Federal interest for construction.

In alignment with this process, District staff are proposing to use HDR to bring the project to final design. Since HDR has already begun the design process and is very familiar with the Flood Project elements and the current status of project coordination, having them complete this effort is the most efficient option. This amendment increases the maximum compensation of the contract by \$4,289,501 to a new total of \$5,472,461. However, this amount includes several items that are considered optional under the scope and the final cost of design for the project may end up being substantially less. Regarding one optional item, the environmental documentation and permitting support, District staff are planning to put out a separate Request for Proposals to see if this support can be obtained through a separate consultant while saving cost. Other items, such as Economics and the Risk Assessment are still being discussed with USACE staff regarding whether they will be required for approval of the final design package. In the event that these are not required, they will be removed

from the HDR scope. The maximum compensation also includes starting preliminary design tasks on the Imola to Hatt Floodwalls Project. This will enable District staff to transition into formal design of that project once the Floodwalls North of the Bypass Project design is complete and put out for bid and construction.