

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *Mo.*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE January 24, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval of the Schedule and Cost Change Request #2 between the U.S. Army Corps of Engineers and Stanislaus County for the West Stanislaus Feasibility Study

STAFF RECOMMENDATIONS:

1. Approve the Schedule and Cost Change Request (SACCR) #2 between the United States Army Corps of Engineers and Stanislaus County.
2. Authorize the Public Works Director to sign the SACCR #2 from the U.S. Army Corps of Engineers (USACE) on behalf of Stanislaus County.

FISCAL IMPACT:

Currently, the estimated study costs are \$7,245,100, which includes \$200,000 to conduct an independent external peer review per USACE requirements. The sponsor's (Stanislaus County) share is one-half of the total project cost less the independent review cost, or \$3,522,550. The SACCR #2 increases the County's share of cost by \$114,000. The Central Valley Flood Control Board committed \$445,000 of funding for this project in June 2010. Those funds were received by the U.S. Army Corps of Engineers in December 2010 and are included in Stanislaus County's local match. These funds have not been totally expended and will be used for the local match portion of the requested SACCR #2 of the West Stanislaus Feasibility Study. (Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2012-032

On motion of Supervisor Monteith, Seconded by Supervisor Withdraw
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withdraw, Monteith, De Martini, and Chairman O'Brien
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval of the Schedule and Cost Change Request #2 between the U.S. Army Corps of Engineers and Stanislaus County for the West Stanislaus Feasibility Study

FISCAL IMPACT (Continued):

To date Stanislaus County has made payment to the U.S. Army Corps of Engineers in the amount of \$1,746,550 as follows:

11/05/98	\$132,680	(Public Works)
12/22/99	\$100,000	(Public Works)
09/08/00	\$166,123	(Public Works)
10/05/05	\$402,000	(Public Works)
03/22/07	\$ 88,603	(Public Works)
06/21/07	\$ 12,144	(Public Works)
06/21/07	\$400,000	(County Contingencies)
12/27/10	<u>\$445,000</u>	(Central Valley Flood Control Board)

Additionally, Stanislaus County Public Works has provided in-kind support in the amount of \$1,755,658 for a total contribution of \$3,502,208. The in-kind support included approximately \$1.3 million of various engineering consultants (survey, biological, hydrological) and \$438,000 staff time. The Central Valley Flood Control Board also contributed \$304,453 towards the non-federal support of the project in 2002. These funds were provided to the County to offset costs.

DISCUSSION:

The west side of Stanislaus County has long been subjected to flooding along Orestimba Creek. There have been 13 major floods in the past 50 years and there have been two deaths in Orestimba Creek since 2005.

Associated with these floods is a tremendous amount of property damage, loss of economic development potential, and major threats to public safety. The U.S. Army Corps of Engineers estimates local annualized damages to be more than \$3 million per year.

In order to find solutions to this flooding problem, the U.S. Army Corps of Engineers was authorized by Congress to conduct a study into possible flood control measures. The purpose of this study was to determine if there was a Federal interest in participating in a local flood control project. It was found that this interest existed.

The next step in the Corps process was to prepare a "Feasibility Study". A Feasibility Study is an important part of the entire investigative process. The SACCR #2 is part of the ongoing feasibility study. The West Stanislaus Feasibility Study develops flood control options in detail, assigns costs to those options, and calculates benefits to providing flood control. Based on the feasibility study, if warranted, a flood control project is chosen. Costs are shared between the U.S. Army Corps of Engineers and a non-Federal sponsor on a 50-50 basis.

An agreement was negotiated between the Department of the Army and Stanislaus County for funding the West Stanislaus Feasibility Study into potential flood control projects. In this agreement, dated September 28, 1998, costs are shared between the U.S. Army Corps of Engineers and the non-Federal sponsor (Stanislaus County) on a 50-50 basis. The original budget was \$1,300,826 with the non-Federal sponsor's share being \$650,413.

Approval of the Schedule and Cost Change Request #2 between the U.S. Army Corps of Engineers and Stanislaus County for the West Stanislaus Feasibility Study

In 2001, it became apparent that the estimates prepared by the Corps of Engineers for the preparation of the West Stanislaus County, California Feasibility Study were underestimated. To correct this, the West Stanislaus Feasibility Study was amended (Amendment No. 1) on May 22, 2001, increasing the study costs to \$3,220,000. The local obligation was one-half of that amount or \$1,610,000. On October 9, 2001 the Board of Supervisors approved the Local Feasibility Cost Sharing Agreement (LFCSA) with the State of California Reclamation Board (now Central Valley Flood Control Board [CVFCB]) for funding toward the non-Federal sponsored obligation. On April 15, 2002, the LFCSA was finalized whereby the CVFCB would fund up to \$325,000 for the feasibility. Through this agreement, CVFCB provided \$304,453 toward the non-Federal sponsor commitment.

Additional options were then investigated to determine if a flood control project could be developed that was acceptable to several regulatory agencies, as well as provide acceptable flood control measures to the Newman community. Since the addition of these new options were not in the original scope of work, budgets needed to be increased to allow them to be explored in detail. To provide for these increased costs, Amendment No. 2 to the Agreement between the Department of the Army and Stanislaus County for the West Stanislaus County, California Feasibility Study was created. Amendment No. 2 was signed by Stanislaus County and the U.S. Army Corps of Engineers on October 14, 2005. Project costs increased to a total estimate of \$5,927,100, with the non-Federal sponsor's share being one-half of that amount at \$2,963,550.

On January 28, 2010, the U.S. Army Corps of Engineers passed a major milestone of the Feasibility Study by conducting the F4 Conference. At the conference, after review by the San Francisco South Pacific Division team, representatives of the State Department of Water Resources and others, additional components were required to be performed for the project, which increased the total estimated cost to complete the Feasibility Study to \$6,817,100. The additional \$890,000 would be split 50-50 between the U.S. Army Corps of Engineers and the non-Federal sponsor (\$445,000 from Stanislaus County). The cost increase required a Schedule and Cost Change Request (SACCR) to be signed by Stanislaus County and U.S. Army Corps of Engineers. This SACCR to the West Stanislaus Feasibility Study Agreement was approved by the Board of Supervisors on June 22, 2010.

On May 28, 2010, the Central Valley Flood Control Board approved Amendment No. 1 to the existing Local Feasibility Cost Sharing Agreement (LFCSA) between the Central Valley Flood Control Board and Stanislaus County signed on April 15, 2002. The Amendment No. 1 authorized increased financial contribution from the Flood Board up to \$445,000 to pay for the non-Federal sponsor portion of the \$890,000 study cost increase. Additionally, Stanislaus County and the City of Newman provided in-kind services to be added to the non-federal share of the SACCR approved in June 2010.

The proposed SACCR #2 to the West Stanislaus Feasibility Study Agreement includes a total non-federal cost increase of \$114,000. The CVFCB provided \$445,000 in June 2010 towards this project. Those funds have not been fully expended and are available to cover the proposed amendment. The U.S. Army Corps of Engineers is in receipt of the funds. With approval of this SACCR #2 and of the required \$114,000 Stanislaus County will have a positive remaining balance of approximately \$120,000.

Approval of the Schedule and Cost Change Request #2 between the U.S. Army Corps of Engineers and Stanislaus County for the West Stanislaus Feasibility Study

POLICY ISSUES:

The West Stanislaus Feasibility Study supports the Board's priorities of providing A Safe Community and A Well Planned Infrastructure by developing flood control options for the Orestimba Creek area.

STAFFING IMPACT:

There is no staffing impact associated with this action.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-4130.

MM:lc

H:\MATT MACHADO\BOS\Board Agenda Items\Orestimba Creek\Superceded\BOS Item On Orestimba 1-10-12

WEST STANISLAUS COUNTY, CALIFORNIA FEASIBILITY STUDY

**SCHEDULE AND COST CHANGE REQUEST #2
TO THE
FEASIBILITY COST SHARE AGREEMENT
STATEMENT OF WORK/BUDGET**

West Stanislaus County work/budget for attachment to the Feasibility Cost Share Agreement.

1. Hydraulic Analysis (\$50,000)
2. Civil Design (\$50,000)
3. Real Estate Plan (\$50,000)
4. Environmental Analysis (\$25,000)
5. Economic Analysis (\$25,000)
6. Feasibility Report (\$28,000)
7. *Independent External Peer Review (IEPR) Contract (\$200,000)
 1. Hydraulic Analysis (\$50,000)
 - o Update Floodplains and National Economic Development (NED) Plan
 - o Update Floodplains and Locally Preferred Plan (LPP)
 2. Civil Design (\$50,000)
 - o NED Plan Updated to Feasibility Design Level - \$25,000
 - o LPP Updated to Feasibility Design Level - \$25,000
 3. Real Estate Plan (\$50,000)
 - o Update Cadastral Mapping - \$10,000
 - o Update Appraisal Costs - \$20,000
 - o Update Acquisitions - \$20,000
 4. Environmental Analysis (\$25,000)
 - o Revise NED Environmental Impacts- \$15,000
 - o Revise LPP Environmental Impacts - \$10,000
 5. Economic Analysis (\$25,000)
 - o Update Damages, Costs, Benefits, of the NED - \$15,000
 - o Update Damages, Costs, Benefits, of the LPP - \$10,000
 6. Feasibility Report (\$28,000)
 - o Plan Formulation -\$15,000

- Update Report Appendices - \$13,000

7. (IEPR) Contract (\$200,000)

- Contract Award Estimate - \$200,000
- *100% Federally funded

Schedule and Cost Change Request (SACCR)

Alternate Eng. Form 5040-1-R

Project: West Stanislaus County, California Feasibility Study		SACCR #2
		Date: 16 November 2011
From: Department of the Army U.S. Army Engineer District, Sacramento, 1325 J Street Sacramento, California 95814	To: Stanislaus County Department of Public Works Mr. Matt Machado 1010 10 th Street, Suite 3500 Modesto, CA95354	Project Manager: Michelle R. Williams Phone: 916-577-7098 Signature <i>Michelle Williams</i> Date <i>16 November 2011</i>
Section I - Request		

JAN 6 '12 PM 12:50

Description of Change Request:

Total study cost adjustment is being made in accordance with Engineer Regulation 1105-2-100 to fund new technical analysis required to execute a final feasibility report for project authorization. This SACCR will increase the costs as outlined below:

	<u>SACCR #1</u>	<u>Proposed</u>
Total Fed (appropriated to project)	\$3,408,550	\$3,722,550*
Sponsor Cost Share	\$3,408,550	\$3,522,550
New Total Study Cost	\$6,817,100	\$7,245,100*

The schedule has been impacted seven months to account for the workload required to meet the following engineering and plan formulation requirements: geotechnical analysis and subsequent national economic development (NED) plan and locally preferred plan (LPP) identification and design modifications. Revised milestone dates are as follows:

<u>Milestone</u>	<u>Target</u>
❖ Alternative Formulation Briefing	May 2012
❖ Draft Feasibility Report	July 2012
❖ Final Public Meeting	August 2012
❖ Final Report to HQ USACE	November 2012
❖ Chief's Report	May 2013

Justification for Change:

Results from soils exploration completed in January 2011 revealed deep alluvial soils in the location of the proposed levee alignment. As a result, the NED and LP plans were modified to meet USACE engineering requirements including levee relocation and offset from the Central California Irrigation District (CCID) main canal. This SACCR#2 documents the schedule adjustments associated with these changes and updates the cost estimate in the Federal Cost Share Agreement for the West Stanislaus County, California Feasibility Study, signed in October 2005 and SACCR #1 signed in July 2010.

*This SACCR #2 also defines the revised study cost estimate which includes \$200,000 associated with federal funds only for the cost of the independent external peer review (IEPR) which is 100% federally funded.

Additional Information: The local sponsor has requested that the Corps conduct the necessary analysis to develop a Locally Preferred Plan (LPP) that will meet FEMA and State accreditation requirements for 200 year flood protection for the City of Newman.

Project: West Stanislaus County, California Feasibility Study

SACCR #2

Date: 16 November 2011

Section II - Impact Assessment

Organization	Description
All PDT Members (Federal & Non-Federal)	This adjustment is needed to account for additional technical analysis required to update the NED and LPP according to current USACE engineering and plan formulation guidance and regulations. USACE technical staff has reviewed the new technical analysis and have provided their input on the level of effort cost and schedule requirements. This input was utilized to create the information in this SACCR.

Section III - Project Manager's Evaluation

Category	Resources Required	Duration	Schedule
Hydraulic Analysis	\$50,000	7 months	October 2011
Civil Design	\$50,000	5 months	October 2011
Real Estate Plan	\$50,000	4 months	January 2012
Environmental Analysis	\$25,000	4 months	January 2012
Economic Analysis	\$25,000	2 months	March 2012
Feasibility Report	\$28,000	2 months	March 2012
IEPR Contract	\$200,000	7 months	August 2012
Total Impact	\$428,000	7 months	

Section IV - Coordination with Partner

Partner's Position and Acknowledgement

Signature _____ Date _____

Section V - PRB Action & Resolution

Project: West Stanislaus County, California Feasibility Study		SACCR #2
		Date: 16 November 2011
CESPK-DE-P Recommendation and Signature: Not applicable. *		
District PRB Recommendation: Not applicable.	Reason: Not applicable.	