

**EAST BAY REGIONAL PARK DISTRICT  
BOARD OF DIRECTORS MEETING  
AGENDA STAFF REPORT**

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<b>DATE</b>	Tuesday, May 7, 2024
<b>TITLE</b>	Authorization to Increase the Construction Contract Contingency by \$95,456 with Teichert Construction, for Restore McCosker Creek Project: Robert Sibley Volcanic Regional Preserve
<b>DIVISION</b>	Acquisition, Stewardship, and Development
<b>FROM</b>	Ren Bates, Chief of Design & Construction Ken Wysocki, Assistant General Manager of Acquisition, Stewardship and Development Division
<b>APPROVED</b>	Sabrina Landreth, General Manager

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**RECOMMENDATION**

The General Manager recommends that the Board of Directors take the following actions for the Restore McCosker Creek Project (Project No. 150800) at Sibley Volcanic Regional Preserve:

- I. Authorize an increase to the contract contingency in the amount of \$95,456 with Teichert Construction of Pleasanton, California, for additional construction scope.

**BACKGROUND**

The Restore McCosker Creek Project at Robert Sibley Volcanic Regional Preserve is identified as a major component of the 2018 Sibley Volcanic Preserve Land Use Plan Amendment. It has restored over 3,000 linear feet of Alder and Leatherwood creeks. These creeks were largely culverted and filled as part of former quarrying and ranching operations on the McCosker Ranch property before it was donated to the Park District in 2010. The Project has daylighted the creeks and restored and revegetated their banks. This creek restoration project is the largest the Park District has undertaken to date. With the help of significant outside funding, the Project has expanded riparian habitat by over four acres, providing new aquatic habitat opportunities for native rainbow trout and California red-legged frog in an area previously altered by former ranching and industrial activities. It has also enhanced the preserve's utility infrastructure and public safety by removing numerous sink holes and repairing eroded embankments that existed due to the failing culverted creek system.

On May 5, 2020, by Board Resolution No. 2020-05-088, the Board of Directors authorized the award of a construction contract for \$7,643,943 with a 20% construction contingency in the amount of \$1,528,790 to Teichert Construction, Inc. for a multiple year construction project for the creek restoration. Construction commenced in July of 2020, and three seasons of construction have been completed.

On June 7, 2022, by Board Resolution No. 2022-06-143, the Board of Directors authorized an increased construction contract contingency of \$800,000 with Teichert Construction, Inc. of

Pleasanton California to cover an additional construction season. The additional season was necessary because of unanticipated delays caused by the global COVID-19 pandemic, reduced workdays because of fire danger, and complexities caused by the large storm event of October 24, 2021. The Board Resolution also authorized the transfer and appropriation of funds in the amount of \$965,000 to Restore McCosker Creek Project: Robert Sibley Volcanic Regional Preserve.

The current \$95,456 request to increase the construction contract contingency is required to complete the project. This funding is necessary for the new construction scope required by PG&E for final electrical permit approval that was not provided to the contractor at the time of bidding. The costs will be incurred by relocating the transformer pad, tree branch removal for PG&E access, and repairing a damaged water line.

## ANALYSIS

The recommended action for the Board to authorize the amendment to the contract contingency is necessary to proceed with the proposed contract change order to relocate the transformer pad and repair the water line. Without approval, the work required by PG&E will not be completed. This work needs to be completed to finalize the PG&E work of undergrounding the electrical lines on site.

## FISCAL IMPACT

Funding for this action will come from the project budget (Project No. 150800).

SOURCE OF FUNDS	
Restore McCosker Creek (Project No. 150800)	\$ 16,145,268
Encumbrances and Expenditures to Date	(15,795,682)
<b>Available Balance</b>	<b>\$ 349,586</b>
USE OF FUNDS	
Increase Construction Contingency with Teichert Construction, Inc.	\$ 95,456
<b>Total Current Project Cost</b>	<b>\$ 15,871,138</b>
<b>Balance Remaining</b>	<b>\$ 254,130</b>

## ATTACHMENTS

1. McCosker Creek Project Location Map



**EAST BAY REGIONAL PARK DISTRICT  
RESOLUTION NO. 2024 – 05 -  
MAY 7, 2024**

**AUTHORIZATION TO INCREASE THE CONSTRUCTION CONTRACT  
CONTINGENCY BY \$95,456 WITH TEICHERT CONSTRUCTION, INC., FOR THE  
RESTORE MCCOSKER CREEK PROJECT: ROBERT SIBLEY VOLCANIC REGIONAL  
PRESERVE**

**WHEREAS**, on November 20, 2018, the East Bay Regional Park District (Park District) authorized the adoption of the Land Use Plan Amendment (LUPA) for Robert Sibley Volcanic Regional Preserve Land Use Plan by Board Resolution No. 2018-11-288; and

**WHEREAS**, the Board of Directors certified the Environmental Impact Report and adopted the Mitigation Monitoring and Reporting Program and adopted the Findings Report for the Robert Sibley Volcanic Regional Preserve Land Use Plan Amendment by Board Resolution 2018-11-287 on November 20, 2018; and

**WHEREAS**, a major component of the LUPA was the restoration of McCosker Creek; and

**WHEREAS**, the Park District authorized the execution of a construction contract with Teichert Construction in the amount of \$7,643,943 and a contingency amount of \$1,528,790 by Board Resolution No. 2020-05-088; and

**WHEREAS**, due to delays in two consecutive years, 2020 and 2021, caused by the COVID-19 pandemic and unprecedented fire restrictions in conjunction with tight construction windows mandated by regulatory permits, and a major storm event on October 24, 2021, an additional construction season was required; and

**WHEREAS**, On June 7, 2022, by Board Resolution No. 2022-06-143, the construction contract contingency was amended in the amount of \$800,000; and

**WHEREAS**, additional work is required to gain access to and relocate an existing transformer pad to complete PG&E requirements for installation of a new underground electrical service; and

**WHEREAS**, the Park District has been successful in securing over \$10 million from Federal, State, and local agencies to supplement Park District funds allocated to the project, and funds are available in Measure WW Redwood Hills Allocation Area Development Fund (WP53) to cover the increase in construction contingency in the Restore McCosker Creek Project (No. 150800);

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Directors of the East Bay Regional Park District hereby authorizes an increase to the construction contract contingency with Teichert Construction, Inc. in the amount of \$95,456 to be funded out of the Restore McCosker

Creek Project (No. 150800) as presented to the Board on May 7, 2024; and

**BE IT FURTHER RESOLVED**, that the General Manager, or his designee, is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director \_\_\_\_\_, and seconded by Director \_\_\_\_\_, and adopted May 7, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: