



Agenda Item No. (3)

To: Building and Operating Committee/Committee of the Whole
Meeting of January 25, 2024

From: John R. Eberle, Deputy District Engineer
Ewa Z. Bauer-Furbush, District Engineer
Denis J. Mulligan, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO PROFESSIONAL SERVICES AGREEMENT (PSA) NO. 2014-FT-13, WETLAND RESTORATION DESIGN AND PERMITTING SUPPORT SERVICES PROJECT, WITH WRA, INC.**

Recommendation

The Building and Operating Committee recommends that the Board of Directors approve actions relative to removing any possible use of herbicides from Professional Services Agreement (PSA) No. 2014-FT-13, *Wetland Restoration Design and Permitting Support Services Project*, with WRA, Inc. (WRA), as follows:

1. Authorize the execution of the First Addendum to the Sixth Amendment to PSA No. 2014-FT-13, in an amount not-to-exceed \$167,000, for invasive weed control associated with the Corte Madera Marsh Restoration Construction Project (Project #2041);
2. Authorize a contingency for this amendment in the amount of \$16,700, equal to 10% of the amendment amount; and,
3. Authorize an increase in the amount of \$183,700 in the FY 2023/24 Ferry Division Capital Budget for Project #2041, for a revised total project budget of \$3,389,185, to be financed from the District reserves.

This matter will be presented to the Finance Committee at its January 25, 2024, meeting for concurrence, and to the Board of Directors at the January 26, 2024, meeting for appropriate action.

Summary

The Golden Gate Bridge, Highway and Transportation District (District) owns a 72-acre parcel located adjacent to the Corte Madera Ecological Reserve (CMER) at the former Muzzi Marsh in Corte Madera, Marin County.

As a condition of a U.S. Army Corps of Engineers (USACE) permit associated with the periodic maintenance dredging of the Larkspur Ferry Terminal berths and navigation channel, and a negotiated settlement associated with the District's ferry operations at Larkspur, in 2021, the

District restored 4 acres at the northwest corner of the 72-acre parcel into tidal marsh habitat suitable for an endangered species of bird, the California Ridgeway's rail.

Under Professional Services Agreement (PSA) No. 2014-FT-13, *Wetland Restoration Design and Permitting Support Services Project*, the District retained WRA, to develop marsh restoration design alternatives, to prepare design plans and specifications and construction documents and to assist the District with securing all necessary permits for the marsh construction, and to provide engineering support services during the construction and five years of post-construction monitoring of the restored marsh. WRA commenced the post-construction monitoring in June 2021.

As was previously reported to this Committee, WRA informed the District that there are large populations of invasive non-native plants, particularly *Cortaderia* spp (pampas grass) and Harding grass, on the portion of the 72-acre parcel outside of the restored marsh that, if not removed, may spread onto the restored marsh. Engineering staff reviewed the site and concurred with WRA's assessment.

On August 25, 2023, by Resolution No. 2023-055, the Board of Directors authorized the execution of the Sixth Amendment to PSA No. 2014-FT-13 with WRA for invasive species removal and treatments, re-vegetation, and monitoring, over the approximately 9-12 acres outside and adjacent to the marsh restoration area. The scope of work included dividing the site into three (3) weed management areas and performing the following scope of work at each of these areas:

- Treatment of the pampas grass and Harding grass in the fall of 2023 through spring 2025 by cutting all the tall plant fronds in all three areas with hedge trimmers to reduce seed disbursement.
- In weed management area 1 in 2023, in weed management area 2 in 2024, and in weed management area 3 in 2025, removing, with a mid-sized excavator, the cut plants and root balls and turning the plants upside down to allow the sun to kill the roots, stockpiling the vegetation to decompose on site, and performing grading and cleanup within the disturbed area.
- Performing biological monitoring during work involving heavy equipment to ensure protection of any special status species that may be present in the area, including the salt marsh harvest mouse and Ridgeway rail bird.
- Harding grass control, in the spring of each year beginning in 2024 through 2026, with mowing of any dense patches and then covering the grass areas with thick black plastic sheeting. During the subsequent warm summer months, the black plastic sheeting heats up and solarizes the plants, killing them. The Harding grass treatment will occur in the weed management area previously treated for pampas grass removal in order to prevent the Harding grass from spreading into the treated area.
- Treatment of pampas grass removal areas for resprouting between 2025 and 2027. Resprouts of pampas grass generally occur within two years following initial removal. The follow up treatment will include manual removal of smaller plants and herbicide application for larger resprouts within each management area.

- Revegetation of the management areas with native species over a period of three years beginning in 2024 through 2026. In the fall, after an area has been treated for both the pampas grass and Harding grass, the area will be replanted with a mix of small plugs of native plants including creeping wild rye in combination with a direct seeding of meadow barley. These are native perennial grasses that will serve to both re-establish ground cover and help to suppress the establishment of future infestations.
- Site monitoring and maintenance during 2027 and 2028. After removal of the invasive plants in each management area, follow up re-treatment and completion of revegetation in each area, the restored areas will be monitored and inspected to determine the success of the work and to determine if any additional treatment and cleanup of remnant invasive vegetation is necessary. This task will also include a written summary of the inspections and recommendations for any additional follow up monitoring and vegetation management, if necessary.

The Board of Directors expressed concerns with using an herbicide to manage the invasive weeds at this location and requested staff to work with WRA to develop an alternative method for managing the weeds that does not include the use of herbicides. Engineering staff discussed options with WRA and determined that weed management results may be achieved at the site without the use of herbicides by performing additional manual weed removal and using an excavator in subsequent years after the initial work in order to uproot any large resprouts. The revised scope of work would include the following:

- Eliminate the scope of work associated with the use and application of any herbicides in each of the three management areas.
- Commence with the manual pampas grass sprout removal in each area one year after the initial uprooting of the plants instead of commencing two years after the initial uprooting and continuing for three years at each management area.
- Provide for using an excavator for uprooting larger resprouts in each management area commencing one year after the initial uprooting of the plants and continuing for three years at each management area.
- Provide additional biological monitoring during the additional periods when using the excavator.

Engineering staff reviewed WRA's previous cost proposal and determined that, if resprouting occurs, it is estimated that the revised scope of work will require an additional \$167,000, for eliminating the use of herbicide and providing additional manual and mechanical methods as described above to control the invasive pampas grass at the site. Staff has determined that amount is reasonable based on the scope of work, cost data for similar work and cost comparison with previous treatments at the site.

Staff recommends that the Building and Operating Committee recommend that the Board of Directors authorize the execution of the First Addendum to the Sixth Amendment to PSA No. 2014-FT-13 with WRA in the not-to-exceed amount of \$167,000 for the revised scope of work to treat the pampas grass located over the approximately 9-12 acres outside and adjacent to the marsh restoration area, as presented in this report. WRA will be compensated for actual time expended and expenses incurred plus a fixed fee, up to the authorized not-to-exceed amount. Staff also

recommends that a contingency for this PSA Amendment in the amount of \$16,700, or 10% of the amendment amount, be established to provide a budget for any additional or changed work scope that may develop while work progresses.

The District’s Disadvantaged Business Enterprise (DBE) Program Administrator has determined Small Business Enterprise (SBE) participation is expected for this First Addendum to the Sixth Amendment. WRA, Inc., is certified as an SBE by the California Department of General Services.

Fiscal Impact

Project #2041, *Corte Madera Marsh Restoration Construction*, is included in the FY 23/24 Ferry Division Capital Budget in the amount of \$3,205,485 and is 100% District-funded.

The proposed \$167,000 cost of the First Addendum to the Sixth Amendment to PSA No. 2014-B-13 and the \$16,700 contingency, for a total amount of \$183,700, is proposed to be financed from the District reserves.

The revised total Project #2041 budget of \$3,389,185 would be 100% District-funded.

TABLE 1: PROJECT BUDGET – #2041, Corte Madera Marsh Restoration Construction

DESCRIPTION	CURRENT PROJECT BUDGET	PROPOSED BUDGET REALLOCATIONS	PROPOSED BUDGET INCREASE	PROPOSED PROJECT BUDGET
District Staff Labor/Fringe	\$490,000	-		\$490,000
Indirect Costs	\$313,000	-		\$313,000
General Project Expenditures (District furnished plants and materials) (Completed)	\$143,374			\$143,374
Printing & Advertising	\$5,000	-		\$5,000
Construction Contract (Completed)	\$986,482			\$986,482
Construction Contract Contingency (Completed)	\$27,144			\$27,144
Construction Engineering and Post-Construction Monitoring	\$550,000			\$550,000

(WRA)				
Construction Engineering Contingency (Completed)	\$22,500			\$22,500
Environmental Compliance (Water Board, Regulatory Permits) (Ongoing)	\$30,000			\$30,000
Material Testing Services (Completed)	\$0			\$0
Sixth Amendment to PSA No. 2014-FT-13 , Resolution No. 2023-055	\$579,985			\$579,985
Contingency of Sixth Amendment, Resolution No. 2023-055	\$58,000			\$58,000
<i>Proposed First Addendum to Sixth Amendment to PSA No. 2014-FT-13</i>			\$167,000	\$167,000
<i>Proposed Contingency of First Addendum to Sixth Amendment</i>			\$16,700	\$16,700
TOTAL	\$3,205,485	\$0	\$183,700	\$3,389,185

The history of PSA No. 2014-FT-13 is as follows:

ACTION	AMOUNT	FINANCING SOURCE
Award PSA No. 2014-FT-03, Wetland Restoration Design and Permitting Support Services; Resolution No. 2014-025	\$1,096,395.30	100% District
First Amendment Soil sampling and characterization, no cost, and time extension	\$0	

Second Amendment no cost time extension	\$0	
Third Amendment Additional design and permitting services	\$72,579.69 (from contingency)	100% District
Fourth Amendment engineering support services during construction Resolution No. 2020-075	\$150,000.00	100% District
1 st Addendum to Fourth Amendment Additional engineering support services during construction	\$22,499.83 (from contingency)	
Fifth Amendment Post-construction biological and restoration monitoring services Resolution No. 2020-075	\$395,390.12	100% District
Sixth Amendment Invasive Weed Control, Resolution No. 2023-055	\$579,985.00	100% District
<i>Proposed First Addendum to Sixth Amendment Invasive Weed Control</i>	<i>\$167,000.00</i>	100% District
<i>PROPOSED TOTAL PSA AMOUNT</i>	<i>\$2,483,849.94</i>	100% District