



Topic: **Reservoir Committee Agenda Item 4-3.5**      **2020 February 21**

Subject: **Contract Amendment for Professional Services (ICF Jones and Stokes, Inc.)**

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**Requested Action:**

Consider approval of a recommendation to the Sites Project Authority to approve an amendment to ICF Jones and Stokes, Inc.'s Permitting and Agreements (ICF F) contract and task order scope of work, budget and period of performance (Attachment A).

**Detailed Description/Background:**

ICF F's contract and task order were approved on December 19, 2019 through June 30, 2020 which was the anticipated end date for Phase 2 (2019). The Reservoir Committee approved Amendment 1B Work Plan on January 17, 2020 (refer to the below Prior Action) that included deliverables with target budgets for ICF F. The ICF F scope of work and budget remains the same as in the approved "Amendment 1B" Work Plan.

The proposed budget for the task order amendment is \$708,300 for the period of January 1, 2020 through August 31, 2020.

The proposed amendment would also extend the task order period of performance from June 30, 2020 through August 31, 2020.

**Prior Action:**

January 17, 2020: Approved Amendment 1B Work Plan for the period of January 1, 2020 through August 31, 2020 as part of a no cost time extension to the then current Participation Agreement. The Amendment included summary-level descriptions of the deliverables with estimated Reservoir Committee budgets. Each deliverable budget was further defined in the document by the level of effort required to complete each deliverable by consultant for use in developing amended consultant task orders intended to be submitted for approval to the Reservoir Committee and Authority Board in February 2020.

December 19, 2019: Approved a recommendation to the Sites Project Authority to approve an amendment to ICF Jones and Stokes, Inc.'s (ICF) (Permitting and Agreements) contract period of performance by extending their task order from December 31, 2019 through June 30, 2020 with no change in their cost.

March 22, 2019: Approved a recommendation to the Sites Project Authority to approve both the consulting agreement with ICF Jones and Stokes, Inc. (ICF) for

Service Area F – Permitting and Agreements and the Phase 2 (2019) task order and budget for services March 26, 2019 through December 31, 2019.

November 16, 2018: Approved a recommendation to the Sites Project Authority to accept the evaluation panel's selection of ICF for Service Area F – Permitting and Agreements.

August 16, 2018: Approved a recommendation to the Sites Project Authority the release of the Project Development Support Services RFQ-18-04.

**Fiscal Impact/Funding Source:**

No change to the approved Amendment 1B Work Plan total budget.

**Staff Contact:**

Joe Trapasso

**Attachments:**

Attachment A: Task Order Amendment.



## Sites Reservoir Project

### Sites Project Authority Permitting and Agreements Task Order Amendment

**Consultant: ICF Jones & Stokes, Inc.**

#### **Task Order No. 1.3**

Task Order No. 1.3 supports the scope of services, budget, and schedule outlined in the Sites Project Authority's (Authority's) approved Amendment 1B to the Work Plan.

Task Order No. 1.3 amends the Consultant's Task Order scope of work, budget, and schedule as presented below. Reconciliation of the scope of work, budget, and schedule for the previous task order amendment (Task Order 1.2) will be conducted through another process. Thus, Task Order 1.3 is intended to be a "standalone" document for scope, budget, and schedule through the subject January 1, 2020 through August 31, 2020 performance period.

#### **Scope of Services**

This task order amendment scope of services, which includes tasks, deliverables and assumptions needed to support the Authority from January 1, 2020 through August 31, 2020 is provided in Attachment 1.

#### **Budget**

The budget for the scope of work in Attachment 1 is \$708,300. Budget details are provided in Attachment 2. Budgets for each individual task within the scope of services may be further refined in the early stages of the task order amendment as the priorities for each task are further defined by the Authority. All changes must be approved by the Authority in writing prior to proceeding with any changes.

The total budget for the task order is decreased to \$1,977,931. The accounting for the task order budget change is provided in the below table.

Budget Component	Amount (\$)
Prior Approved Task Order Budget	\$3,192,705
Task Order Actual Spend through December 31, 2019	\$1,269,631
Task Order Budget January 1, 2020 through August 31, 2020 (Attachment 2)	\$708,300
Task Order Total Budget	\$1,977,931
Amendment Budget Change (total budget – prior approved)	-\$1,214,774

**Schedule**

The period of performance for this task is extended from June 30, 2020 through August 31, 2020. A detailed schedule will be developed at a later time and will be included as Attachment 3 once finalized.

This Task Order, incorporating the above Attachments and Additional Contract Documents, is hereby executed by duly authorized representatives of the parties.

**CONSULTANT**

**SITES PROJECT AUTHORITY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# **Attachment 1**

## **Scope of Services for Task Order B001 – Initial Services for Service Area F Permitting and Agreements**

This scope of services involves initial Service Area F efforts needed to support the Sites Project Authority (Authority) through the completion of work through August 31, 2020. In general, this scope includes activities in support of the scope outlined in the Authority’s Request for Qualifications (RFQ) No. 18-04 and the Statement of Qualifications (SOQ) prepared by ICF.

### **Task F02 Provide Geotechnical Support**

#### **F02.1 Geotechnical Monitoring Support for Reclamation Feasibility Study**

ICF will provide archeology and biological monitors as required by the USFWS Geotech Biological Opinion and the project environmental commitments for the remaining geotechnical field investigations at Fletcher 1 and 2 (Shifts 7-9). It is assumed that a full-time biologist will need to provide training of drilling personnel; maintain field logs to be submitted to Reclamation; conduct pre-construction surveys, including checking of exclusion fencing; and be present for all work occurring in potential California red-legged frog habitat. An archeologist will provide training of drilling personnel, maintain field logs to be submitted to Reclamation, and provide monitoring until bedrock is hit. In addition, ICF staff will write the summary reports of the field monitoring to be submitted to Reclamation.

For this scope, ICF has assumed biological and archeological monitoring will be needed on all days listed below. If the actual work window required for the geotechnical field work is different than this assumption, the scope and cost will be modified.

- Shift 7 - Feb 5-12; no archeological monitoring required
- Shift 8 - Feb 18-26; need archeological monitoring on Feb. 19-20
- Shift 9 - March 4-11; possibly need archeological monitoring
- Shift 10 March 18-25; only if Shift 9 is delayed for downhole geophysics

#### **F02.2 Geotechnical Permitting and Planning**

ICF will provide permitting and planning support for an additional five to ten borings to complete the feasibility level design of the preferred project.

ICF will coordinate with Sites, integration team, and engineers to identify the CEQA/NEPA and permitting coverage that will be needed to support the five to ten borings. It is assumed that boring locations, survey methodology, equipment needs, and overall project description details and schedule for the geotechnical investigations will be provided to the ICF team and only minimal effort to finalize the project description will be required for completion.

ICF will perform the following task:

- Consistent with direction from Sites, attend meetings and teleconferences
- Prepare draft and final BA amendment addressing the effects of the geotechnical surveys on ESA-listed species and address agency comments and questions during early consultation period.
- Prepare draft and final Section 106 documents for use by Reclamation in consultation with SHPO under the NHPA to implement the Sites Project geotechnical survey activities, including conducting and analyzing a records search of the project area and assessing archaeological sensitivity of the boring locations.
- Update the previously prepared environmental documents
- Prepare the following draft and final permit and agreement applications and respond to questions from the regulatory agencies during the permitting process.
  - USACE: 404 NWP 6
  - CDFW: LSAA Standard Agreement
  - USFWS: Amend the Biological Assessment (BA)/Opinion

**Assumptions:**

- The geotechnical engineer will provide the boring locations in GIS geodatabase files format
- The geotechnical engineer will provide descriptions of the methods that will be used will be sufficient for the permit and agreement requirements
- One round of comments will be submitted by Sites and the geotechnical engineer before submittal of the permit to the regulatory agency
- Boring work will not be conducted on the Delevan NWR and no special use permit or coordination would be required.
- No protocol level or reconnaissance surveys for the preparation of the BA will be conducted for federally-listed species due to the time constraint and lack of access for verifying site conditions.
- USACE's Nationwide Permit Program will be suitable for Section 404, and a pre-certified Water Quality Certification can be used for Section 401.
- If an EA/IS is needed, the previously prepared document will require minimal updates for the new boring sites.
- The analysis will be based on species models derived from a mix of existing mapping and photo interpretation of habitat suitability.
  - This assumption will likely result in some overestimation of suitable habitat for species.
- No more than one new species will be added to the BA and minimal comments will be received from Reclamation.
- Geotech locations will avoid state-defined take of potential species and an incidental take permit would not be needed from CDFW.
- Geotechnical survey locations can be moved to avoid direct effects to listed species, previously identified location of high-density cultural resources, and other highly sensitive environmental resources.

- All historic built resources that may be affected by the geotechnical borings have been previously evaluated, including the Sacramento River levee.
- Due to extremely limited access, no archaeological surveys will be conducted.
- Eligible built resources, archaeological sites, and tribal cultural resources are not present in the immediate vicinity of any of the geotechnical survey locations and would not need to be addressed in the impact analysis or agency consultation efforts.
- The cost estimate is commensurate with a Section 106 Finding of Effect of “no adverse effect” conclusion. Additional budget would be required to prepare a Memorandum of Agreement if there are adverse effects.
- One round of comments from Sites Authority on each document version

#### Task F2 Deliverables:

- Draft and final NEPA/CEQA document
- Draft and final amended Biological Assessment (for Reclamation to send to USFWS)
- Draft and final Section 106 initiation letter (for Reclamation to send to SHPO)
- Draft and final Section 106 Historic Properties Identification and Assessment of Effects Report
- Draft and final CWA Section 404 and 401 permit documentation
- Draft and final Notification of Lake or Streambed Alteration application

### **Task F07—Early Coordination and Development of Key Permits**

This task incorporates work previously conducted under Tasks 1, 3 and 4, and is to increase permitting certainties for the key permits – joint USFWS and NMFS BA, Section 106 Programmatic Agreement, State Incidental Take Permit, Water Rights, and USACE Section 408/404 – with the regulatory agencies and to conduct early coordination work to facilitate achievement of the permitting milestones in the proposed schedule. The ICF team will work closely with the engineer team, Sites, and integration team to develop the project description of the preferred alternative that can be used for the permit applications.

ICF will work with the engineering team and operations modeling team to refine operations scenarios with enough specificity for analysis of effects and will work with the modeling team to assess the effects of up to three operating scenarios on aquatic resources. These effects assessments will rely on definition of capabilities to the Sites Project to exchange water with Reclamation for the purpose of protecting or enhancing cold water pool and flow stability measures to benefit juvenile salmon productions (using Salmod) and to assist in life cycle modeling (using OBAN, IOS, and other available models) to assess the net effect of operations on aquatic resources. ICF will also assist in effects analysis of additions/changes in the footprint of the project that would result out of the Value Planning process.

ICF will work with the engineering team to make sure the project description provides the level of information and clarity needed to assess project effects on listed species. The ICF team will rely on the engineering team to revise and update appropriate sections of the existing BA project description for the construction and inundation area, and to fill design and engineering information gaps identified by the ICF team and wildlife agencies during their review of the existing draft.

ICF will provide assistance with satisfying the National Historic Preservation Act Section 106 (Section 106) requirements by developing a focused action plan that defines specific requirements of each Federal agency that is anticipated to have a Section 106 undertaking associated with the Sites project. Lessons learned during the Section 106 consultation with Reclamation, SHPO, and tribes during earlier Phases will be incorporated into a Section 106 Action Plan that clearly frames Sites' expectations for the Section 106 process for the project that results from the Value Planning process. ICF will prepare a preliminary draft Section 106 Action Plan for review by Sites and the integration team during this task order timeframe for presentation to the Sites Ad Hoc Environment & Permitting Work Group. By coordinating with Reclamation and USACE on the Section 106 Action Plan, Sites will gain greater certainty about the critical path for the Section 106 consultation process, including the range of deliverables, participants in the consultation process, and agency-specific timeframes. The Action Plan will position Sites to support Reclamation and USACE with their initiation of formal consultation under Section 106 immediately following Site's approval for the proposed project in August 2020.

The Section 106 Action Plan will include:

- A description of the objectives for the Section 106 review (i.e. project or program level compliance, or a hybrid)
- An annotated list of Consulting Party candidates (tribal and NGO)
- A general overview of the preliminary identification of historic properties (based on technical studies performed prior to December 2019)
- A discussion of the types of effects associated with each of the major elements of the preferred project
- Key milestones in the consultation process
- Preliminary annotated outlines for required documentation (e.g., SHPO initiation package, preliminary finding of effect, programmatic agreement outline refined from previous work)
- Critical path schedule
- Preliminary budget to implement the action plan (by labor hours and ODC)

ICF will perform the following tasks:

- Consistent with direction from Sites and integration team, attend meetings and teleconferences
- Two 2-hour meetings per month with up to 3 ICF staff with the engineering and modeling teams and Sites Authority to refine the project description
- Coordinate with operations modeling team to provide inputs and review outputs to develop an assessment of the effect of up to three operating scenarios on aquatic resources, utilizing available lifecycle models.
- Begin updating the affects analysis assumptions used for the early draft BA, with the revised operation criteria and any additions to the previously analyzed footprint of the project.
- If modeling output is available, work with the operations modeling team to refine mitigation opportunities and potential adaptive management plans to offset negative effects of the chosen operations scenarios.



- Begin developing the mitigation approach and identifying potentially appropriate mitigation needed for the project.
- Participate in Adhoc Environmental Planning and Permitting and Operations Work Group meetings to collaborate on issue resolution and provide status on the permitting approach
- Coordinate with Sites and ROW team on recommended approach for surveys of up to two key species
- Provide strategic advice on collaboration with the regulatory agencies and permitting strategy
- Coordinate with Sites, integration team, and engineer team to develop the detailed project description that will be used for the permit applications
- Begin updating the draft joint Biological Assessment to include the preferred project description and analysis, agreed upon changes from Reclamation and USFWS comments and revised modeling output analysis and effects of the construction and operation on ESA listed species.
- Coordinate with USACE on Section 404/408 and 404(b)(1) and the wetland delineation requirements and approach as well as facilitating an agreement with Reclamation on LEDPA analysis and federal lead for ESA consultation.
- Continue coordination with CDFW, USFWS and NMFS on permit requirements while developing the project description and operations plan.

#### Assumptions:

- Preferred project alternative, including operations scenarios, will be chosen in April 2020 and engineering team will be available to provide details, provide revisions to the existing BA project description, and fill in information gaps identified in the existing BA project descriptions by 8/31/2020.
- Engineering team will define the project footprint, including horizontal and vertical extent of each project element, diversion sites and facilities, as well as release locations and facilities.
- Engineering team will define off-road access and work areas that can be restored to pre-project conditions after construction and will define the length of time each of these areas is expected to be used.
- Engineering team will provide the project footprint and design drawings needed for analysis in GIS geodatabase files format, including differentiation between different facility types as needed for the effects analysis, and differentiation between permanent and temporary impact areas.
- Preliminary modeling results will be shared in agreed to format so that output can be used by technical staff.
- Reclamation will lead the consultation on the potential effects of the entire project for the joint Biological Assessment with USFWS and NMFS
- Results of the Value Planning project development will not significantly modify the project area and minimal updates to the habitat models will be needed for the new project footprint.
- If Stony Creek is included in the preferred alternative project area, it could result in a modification to the scope of work and budget necessary to analyze the new species, including critical habitat effects to spring-run Chinook and steelhead.

- QEDA, who is under contract to Jacobs, is available to collaborate in running OBAN
- Drafts will be subject to one initial round of review by the Authority and Reclamation and will be revised based on comments received.
- No field studies will be conducted under this scope. If field studies are needed it could result in the need for revisions to the scope of work and budget for the project.
- No additional work will be performed on development of the Programmatic Agreement document until a preferred alternative has been identified; work on the preliminary documentation of identification of historic properties and findings of effect will occur following finalization of the Section 106 Action Plan.
- Work on formal documentation of identification and effects for use in Section 106 consultation will only begin after selection of a preferred project; such work may occur prior to or in parallel with development of the Programmatic Agreement.
- No additional fieldwork will be required in order to proceed with any Section 106 tasks.
- All deliverables will be in electronic format.

#### Task F07 Deliverables:

- USACE agreement on approach for the Section 404/8 Permission, wetland delineation, and 404(b)(1). Including meeting agendas, minutes and action items tracking tools.
- Provide updates to up to three Adhoc Environmental Planning and Permitting and Operations Work Group progress reports
- Updated project description in Chapter 2 of the Biological Assessment based on available information from the engineering team
- Preliminary terrestrial impact acreages for new project footprint (temporary and permanent, if available from engineering team)
- Present update on project footprint and operations to Adhoc Environmental Planning and Permitting and Operations Work Group
- Up to six, 2-hour agency meetings with up to four ICF team members
- Up to three, 3-hr Ad Hoc Environmental Planning and Permitting and Operations Work Group meetings with up to three ICF team members
- Up to four, 2-hour topic-driven Section 106 Working Group meetings with up to four ICF team members; these are working meetings to develop consensus with the Sites Integration Team regarding specific action plan topics.
- Up to four 1-hour meetings with Reclamation and/or USACE to solicit input for the *Section 106 Action Plan*; at least one of these meetings will focus on discussing Reclamation's review of the Draft Section 106 Action Plan.
- Preliminary Draft *Section 106 Action Plan*

#### **Task F98—Project Management**

This task involves work associated with project management and quality control in support of project controls for the Sites Project.

### **Task F98.1— Project Management**

This task covers efforts by ICF in managing its contract with the Authority.

- Generate and review invoice, including preparation of cover letter
- Prepare monthly progress report
- Manage subconsultants (contracting, invoice review, etc.)
- Manage staff workload
- Attend meetings as requested by the Authority and integration team
- Attend weekly Permitting and Environmental coordination meetings
- Attend monthly program integration meeting
- Participate on monthly program integration call
- Provide ongoing updates to the Microsoft Project schedule that will be developed by the integration team

### **Task F98.2— Quality Control**

ICF will provide internal quality control reviews for each deliverable provided to the Authority. This task includes time for our reviewers to adequately review and document comments on service area F deliverables.

Task F98 Deliverables:

- Monthly invoice and cover letter, monthly progress report, weekly cost capture report, audit support, approval submittals for new staff, and management of contract requirements

### **Task F99—Expenses**

This task involves all expenses related to travel, meals, proposed field work, field work equipment, and costs for printing materials/documents (mileage, copies, fleet or rental vehicles, etc.).

It is estimated that the Geotech boring field survey expenses will be a total of \$5,440

## Attachment 2 Fee Table

Task ID	Task Name	Fee
F02	Finalize Geotechnical Permits and Fieldwork	\$297,127.66
F04	Begin Preparation of Permits and Agreements	\$25,810.12
F07	Early Coordination and Development of Key Permits	\$333,222.67
<b>98</b>	<b>Project Management</b>	<b>\$35,733.41</b>
<b>99</b>	<b>Expenses</b>	<b>\$16,406.00</b>
	<b>Total Fee</b>	<b>\$708,299.86</b>

Note: Period of performance for tasks listed here is January 1, 2020 through August 31, 2020