CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

I ROLL CALL – Directors Atwal, Brown, Crippen, Griego, Nicoletti

II PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern within the jurisdiction of TRLIA which is not on today’s agenda. The total amount of time allotted shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time, speakers are requested to fill out a “Request to Speak” card and submit it to the secretary.

III ACTION ITEMS

A. Reject nonresponsive low bid from Modern Building Inc.; award contract to responsive bid in the amount of $611,000 to Four M Contracting Inc. and delegate authority to Executive Director to execute contract, issue Notice to Proceed for construction of Yuba Goldfields 100-year Interim Project.

B. Approve Amendment No. 9 to the agreement with AECOM in the amount of $109,760 for additional environmental services and authorize the Executive Director to negotiate, and execute final amendment upon review of Counsel.

V BOARD AND STAFF MEMBER REPORTS

VI CLOSED SESSION

Conference with legal counsel anticipated litigation / Significant exposure to litigation pursuant to Government Code §54956.9(2)(d) – One potential Case (Receipt of notice of commencement of CEQA proceeding)

VII ADJOURN

The complete agenda is available at the Yuba County Government Center, 915 8th Street, Suite 109 Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available at Suite 109 during normal business hours. In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.
October 20, 2015

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
       Doug Handen, Construction Manager
       Larry Dacus, Design Manager
SUBJECT: Contract No. PH4 2015-04 - Yuba Goldfields 100-Year Interim Project,
         Authorization to Award Contract and Issue Notice to Proceed to Four M
         Contracting Inc.

Recommended Action:

Reject nonresponsive low bid from Modern Building Inc., and approve the recommended
responsive bid of Four M Contracting Inc. in the amount of $611,000 and delegate
authority to the Executive Director to award, sign, execute Contract, and issue Notice to
Proceed (NTP) to Four M Contracting Inc. for construction of the Yuba Goldfields 100-
Year Interim Project.

Background:

Construction and bid documents (Attachment 1) for the Project were issued to bidders
following the prior TRLIA Board approval as discussed at the May 19, 2015 meeting.
The project was advertised for bid beginning on September 14, 2015 and the bidding of
the project followed the public bidding requirements. The bid documents included a bid
opening date of October 14, 2015.

Discussion:

The bids were opened on October 14, 2015. Attached is a summary list of the bidders
with their bids including the Engineer’s Estimate (Attachment 2).

➤ Determination of Lowest Responsive Bidder: The apparent responsive low
   bidder is Four M Contracting Inc. The contract is not ready to sign on October
   20th, as there are items that need to be worked out concerning another low bid.

One bidder, Modern Building Inc., submitted a bid ($567,000) that is lower than
Four M Contracting Inc. However, this bid is not responsive and it is
recommended that this bid be rejected and Four M Contracting, Inc. be awarded
the contract.
Section 4 of the General Provisions of the specifications reads:

**Rejection of Proposals Containing Alterations, Erasures, or Irregularities**
Proposals may be rejected if they show any alterations of form, additions not called for, conditional or alternative bids, incomplete bids, erasures, or irregularities of any kind. TRLIA has the right, in its sole discretion, to reject any proposals. TRLIA also has the right, in its sole discretion, to waive any variances in any proposals and accept any proposals.

The recommendation to reject the bid of Modern Building, Inc. is based on several reasons:

First - Section 7.1 of the technical provisions states:

7.1 Mobilization/Demobilization
The contract lump sum price paid for mobilization shall not exceed ten percent (10%) of the total bid and shall include obtaining all bonds, permits, and licenses and full compensation for furnishing labor, materials, tools, equipment, and incidentals, and for doing all work involved in mobilization as specified herein.

Modern Building Inc.'s mobilization bid is above 26% of the total bid amount. Consequently, the bid is irregular and nonresponsive.

In addition, the bid is unbalanced in several items. Four items are bid at the same unit cost ($100,000) including earthwork for the main embankment and earthwork for Crossing 21. Estimated earthwork quantity for the main embankment is 190,700 CY while Crossing 21 earthwork is estimated at 23,300 CY. Estimating these two efforts at the same cost is very irregular and creates a materially unbalanced bid, thereby generating a reasonable doubt that the bid will result in the lowest ultimate cost to TRLIA.

▶ **Anticipated schedule:**

The following are projected milestone dates and schedule for the construction of the Project:

- **Issuance of Contract**  
  October 26, 2015
- **Notice to Proceed - submittals**  
  October 26, 2015
- **Notice to Proceed - construction**  
  November 6, 2015
- **Construction Period**  
  November 16, 2015 to March 15, 2016

▶ **Permits:** Environmental permits for this work have been completed. A CVFPB encroachment permit was issued on September 4, 2015. No other permits are required.

▶ **Real Estate Acquisition and Relocations:** No real estate acquisition is required for the main embankment of this project. Agreements for construction and maintenance of the Goldfields 100-Year Project main embankment were signed on August 4, 2015 with Western Aggregates and Cal-Sierra Development.
license from the United States Army Corps of Engineers (USACE) is required for the work at Crossing 21. The contractor has been notified that work on this small piece cannot occur until the license is obtained and a separate Notice to Proceed is issued for the Crossing 21 work. It is not known when this license will be obtained.

➢ **Timing of Contract/Award:**

The bid documents state that TRLIA reserves the right to award a contract within 90 days of the bid date, based on the availability of funding and TRLIA Board approval.

**Fiscal Impact/Funding:**
Funding for this project is from TRLIA local funds.

The Engineer’s Estimate for the construction cost of this project is $650,000. The apparent responsive low bid is $611,000.

**Attachment:**

- Form of Contract/Construction Agreement
- Bid Summary and Engineer’s Estimate
## BID SCHEDULE #1

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Item Description</th>
<th>Estimated Quantity</th>
<th>Units</th>
<th>Engineer's Estimate</th>
<th>Modern Building Inc.</th>
<th>Four M Contracting Inc.</th>
<th>R&amp;B Horn, Inc.</th>
<th>Franklin Construction Inc.</th>
<th>Ford Construction</th>
<th>Nordic Industries</th>
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## BID SCHEDULE #1

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Attachment 2
October 20, 2015

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
        Larry Dacus, Design Manager
        Andrea Clark, Legal Counsel
SUBJECT: Approve 9th Contract Amendment with AECOM Technical Services, Inc. for Additional Environmental Services

Recommended Action:
Approve a 9th contract amendment not to exceed $109,760 with AECOM Technical Services, Inc. for additional effort to provide continuing coordination and negotiations with the Auburn United Indian Community (UAIC) regarding TRLIA Projects in the Goldfields, along the Feather East Levee, and along the Western Pacific Interceptor Canal (WPIC) and authorize the Executive Director to negotiate, sign and execute the final amendment upon review by General Counsel.

Background:
In January 2012, the TRLIA Board approved a contract award to AECOM Technical Services, Inc. for environmental services in the Yuba Goldfields and along the Bear and Feather Rivers. This contract has been amended several times for various tasks in the Goldfields, along the Feather East Levee, and along the WPIC. CEQA Documents have been prepared for all of these projects and are under public review. Recently the UAIC has taken an increased interest in the TRLIA Projects and potential impacts to Native American cultural resources. A new State law requires more through coordination with Native American Tribes that may be impacted by construction projects. TRLIA has agreed to revised monitoring and mitigation measures at several TRLIA Projects and TRLIA Staff and Consultants continue coordination with the UAIC to address their concerns.

Discussion:
Native American consultations are becoming a more important aspect for all construction projects in California including the ongoing TRLIA projects. AECOM is leading the environmental permitting for these TRLIA projects and has had to expend and continues to expend additional effort to address the UAIC requests for more stringent monitoring and mitigation measures and to perform additional cultural resource field investigations. Mr. Barry Scott, RPA and Senior Archaeologist, recently with AECOM but now with GEI, has been providing tribal consultation services on several ongoing proposed TRLIA projects and has established a rapport with the UAIC. AECOM has agreed to subcontract with GEI through November 28, 2015 to continue Mr. Scott’s services because continuity in these ongoing discussions with Native American Tribes is critically important at this time on these projects. This subcontract will last from October 6 through November 28, 2015. GEI will provide support in Tribal consultations during this period on the Feather River Setback Mitigation Project, the
WPIC Standard 200-Year Project, the Yuba Goldfields 200-Year Flood Risk Reduction Project, and the Yuba Goldfields 100-Year Interim Flood Protection Project. If Tribal consultation services are needed past November, TRLIA may choose to contract directly with GEI for Mr. Scott’s services.

In addition to Mr. Scott’s efforts AECOM has had to expend other staff resources during increased coordination with the UAIC on the Goldfields. This additional effort requires an increase of $77,000 in the Goldfields environmental budget. This increase is due to additional effort for meetings, conference calls, and preparation of responses and revisions to mitigation measures regarding cultural resources ($52,000) and additional consultation and coordination needs ($25,000).

**Fiscal Impact:**
This amendment would increase the AECOM contract by an amount not to exceed $109,760 for services on a time and expenses basis, to a maximum amount not to exceed $1,534,541 (previous contract amount of $1,424,781). The work proposed for WPIC (i.e., $12,600) under Amendment 9 would be accomplished using 70% State funds. The work proposed for the Feather River Setback Mitigation Bank (i.e., $8,400) would be accomplished using 100% State funds. The work proposed for the Goldfields Projects (i.e., $88,760) would be accomplished using 100% Local funds.

**Attachments**
1. Amendment 9 to AECOM Contract
AMENDMENT NO. 9

AGREEMENT FOR PROFESSIONAL SERVICES
FOR
ENVIRONMENTAL SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
AECOM TECHNICAL SERVICES, INC.

THIS NINTH AMENDATORY AGREEMENT is made effective ____________,
2015, by and between Three Rivers Levee Improvement Authority ("TRLIA") and
AECOM Technical Services, Inc. ("the Consultant"), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background recitals:

   1.1. Effective February 2, 2012 the parties entered into an Agreement for Professional Services relating to Environmental Services for TRLIA’s Construction Program.

   1.2. Effective August 7, 2012 the parties entered into the first Amendatory Agreement to increase the budget by $25,000 to a total of $125,000.

   1.3. Effective December 18, 2012 the parties entered into a second Amendatory Agreement to increase the budget by $44,955 to a total of $169,955.

   1.4. Effective April 9, 2013 the parties entered into a third Amendatory Agreement to increase the budget by $74,000 to a total of $243,955.

   1.5. Effective May 7, 2013 the parties entered into a fourth Amendatory Agreement to increase the budget by $29,705 to a total of $273,660.

   1.6. Effective October 1, 2013 the parties entered into a fifth Amendatory Agreement to increase the budget by $475,000 to a total of $748,660; and extend the Termination Date of the contract to December 31, 2015.

   1.7. Effective May 6, 2014 the parties entered into a sixth Amendatory Agreement to increase the budget by $35,000 to a total of $783,660.

   1.8. Effective September 16, 2014 the parties entered into a seventh Amendatory Agreement to increase the budget by $209,735 to a total of $993,395.

   1.9. Effective March 3, 2015 the parties entered into an eighth Amendatory Agreement to increase the budget by $382,386 to a total of $1,375,781; and extend the Termination Date of the contract to December 31, 2016.
1.10. Article C.23 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties;

1.11. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows.

2. **Ninth Amendment to Agreement.** The Professional Services Agreement is hereby amended as follows:

2.1. The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc.) is amended by the addition of effort to the original tasks to cover the continuing services of Barry Scott as a sub-consultant to AECOM for the period of October 6 through November 28, 2015 and additional effort for cultural resource coordination with the United Auburn Indian Community on the Goldfields.

2.2. The payment, budget, and not-to-exceed amounts, Condition B.1 in Attachment B to the Agreement for Professional Services between TRLIA and AECOM Technical Services, Inc. are amended to include the additional amount of $109,760 for a total contract amount of $1,534,541.

3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on __________, 2015.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

AECOM TECHNICAL SERVICES, INC.

Paul G. Brunner
Executive Director

Phil Dunn
Vice President

ATTEST:
DONNA STOTTMNEYER
CLERK OF THE BOARD OF DIRECTORS

APPROVED AS TO FORM:
GENERAL COUNSEL

[Signature]

[Signature]